



05 September 2023

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Dungannon and by virtual means Council Offices, Circular Road, Dungannon, BT71 6DT on Tuesday, 05 September 2023 at 17:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

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

Matters for Decision

Development Management Decisions

5. Receive Planning Applications 7 - 220

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2018/1504/F	Free range hen house (layers) Max 16000 birds with 2 meal bins and litter shed at lands 95m SW	APPROVE

		of 50 Loughans Road, Goland, Ballygawley for Mr Finbarr Boyle & Ms Roisin MC Clean	
5.2.	LA09/2021/1511/F	Windrow composting facility (recycling of specified green waste for the purpose of producing saleable compost) at 650m NE of 51 Creagh Road, Toomebridge for John Kealey	APPROVE
5.3.	LA09/2022/0257/F	Retrospective extension to farm yard & change of use and extension to farm pen structures to provide storage of construction and decorative stone for sale and distribution at 100m SW of 170 Orritor Road, Cookstown for Thomas Gourley	APPROVE
5.4.	LA09/2022/1098/O	Dwelling & detached double garage at Aneeter Beg, 50m S of 90 Aneeter Road, Moortown, Coagh, for Miss Rachael Devlin	REFUSE
5.5.	LA09/2022/1099/O	Infill dwelling at lands between 29 and 31, Moneysallin Road, Kilrea, for Donal Madden	APPROVE
5.6.	LA09/2022/1131/F	Farm diversification scheme to include farm shop, milk vending machine and associated ancillary works at 85m SE of Knockaconny House, 37 Sandholes Road, Cookstown, for IT RS Mayne	REFUSE
5.7.	LA09/2022/1290/F	Change of use from milk processing plant to indoor play area with associated car parking at Unit E1, Fivemiletown Creamery, 14 Ballylurgan Road, Fivemiletown, for Barrie McWhinney	APPROVE
5.8.	LA09/2022/1458/F	Farm Dwelling & Garage at approx 30m S of 4 Killyneese Road, Castledawson for Mr B McKenna	REFUSE
5.9.	LA09/2022/1776/F	Replacement dwelling and associated site works at lands 70m SW of 54 Sixtowns Road, Draperstown for Mr & Mrs Michael & Maria McAlister	APPROVE
5.10.	LA09/2023/0118/O	Site for dwelling and domestic garage at lands approx 60m NW of 61 Sherrigrim Road,	REFUSE

		Stewartstown, Dungannon for Mr Miller Glendinning	
5.11.	LA09/2023/0206/O	Dwelling and Garage at 30m S of 15 Craigs Road, Cookstown for Mrs Marissa McTeague	REFUSE
5.12.	LA09/2023/0268/O	Dwelling and Garage at lands 40m N of 182 Brackaville Road, Coalisland for Mr James Girvin	REFUSE
5.13.	LA09/2023/0405/O	Farm dwelling & domestic garage at lands 170m S of 82 Bancran Road, Drapersown for Aidan Coyle	REFUSE
5.14.	LA09/2023/0478/RM	Dwelling and garage at 60m NW of 55 Annaghmore Road, Castledawson for Alvin McMullan Esq	APPROVE
5.15.	LA09/2023/0573/F	Retention of existing playing field with proposed spectator's stand and floodlighting at Mullaghmoyle Park, Mullaghmoyle Road, Stewartstown for Mr Paddy Parks	APPROVE
5.16.	LA09/2023/0580/F	Removal of Conditions 7 & 8 of approved LA09/2023/0022/O at 25m NW of 56 Cavey Road, Ballygawley for Mr Niall McCartan	REFUSE
5.17.	LA09/2023/0592/F	Off-site replacement dwelling and garage at Adjacent and South of No 5 Legane Road, Aughnacloy for Mr & Mrs Chris Potter	REFUSE
5.18.	LA09/2023/0618/RM	Dwelling and garage at land at Tullaghmore Road, Roughan Road Cross Roads opposite and 30m S of 57 Tullaghmore Road, Dungannon for Mr and Mrs Jamie Allen	APPROVE
5.19.	LA09/2023/0661/F	Replacement dwelling and garage at 10 Drummond Road, Cookstown for Mr Jonathan Buchanan	APPROVE

6. Receive Deferred Applications

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	Planning Reference	Proposal	Recommendation
6.1.	LA09/2021/0934/O	Dwelling & garage at approx 130m W of 16 Carncoise Road, Moneymore. for Gregory McGovern	REFUSE
6.2.	LA09/2021/1531/O	Dwelling & domestic garage at lands 60m SW of 105 Ruskey	REFUSE

		Road, The Loup, Coagh for Columbo McVey	
6.3.	LA09/2021/1568/F	Retention of shed and yard for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products (farm diversification development) (amended description) at 95m SE of 133 Bush Road, Coalisland for Adrian McCann	APPROVE
6.4.	LA09/2021/1651/O	Dwelling (revised land ownership certificate) at lands to the W of 69 Derrylaughan Road, Coalisland, Dungannon for Pamela Quinn	APPROVE
6.5.	LA09/2022/0230/O	Site for dwelling and garage at lands approx. 30m SE of 99 Mullaghboy Road, Bellaghy for Mr Hugh Glackin	REFUSE
6.6.	LA09/2022/0651/F	Change of house type and garage with all associated landscaping and site works (substitution for M/2013/0341/F & LA09/2015/0595/F at lands approx. 70m SW of 6 Goland Road, Ballygawley, for Darragh McAnenly & Caoimhe Glass	APPROVE
6.7.	LA09/2022/0689/O	Dwelling on a farm at Proposed site 350m W of 5 Corick Road, Clogher, for Mr Edwin Boyd	APPROVE
6.8.	LA09/2022/1697/O	Dwelling and garage at 60m NE of 11 Creagh Hill, Castledawson for Mrs Anne McGrogan	REFUSE
6.9.	LA09/2022/1761/F	Sites for 2 dwellings and domestic garages at 90m NW of 28 Mawillian Road, Moneymore for Mr Paddy Campbell	REFUSE
6.10.	LA09/2023/0076/O	Infill dwelling and garage at land between 6 and 15 Dungororan Road, Dungannon for Miss Jessica Brown	APPROVE
6.11.	LA09/2023/0232/O	Site for dwelling between 139 and 143 Drumagarner Road, Kilrea, for Mr Brian Mc Closkey	APPROVE

7. Receive Report on DAERA Ammonia Call for Evidence

369 - 430

Matters for Information

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

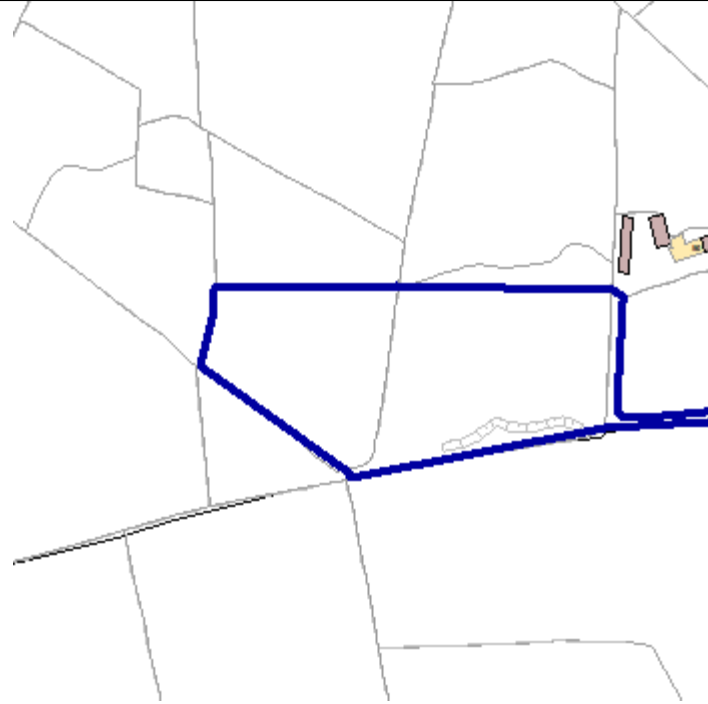
Matters for Information

9. Planning Committee Confidential Minutes of meeting held on 1 August 2023
10. Enforcement Live Case List
11. Enforcement Cases Opened
12. Enforcement Cases Closed



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.1
Application ID: LA09/2018/1504/F	Target Date: 7 January 2019
Proposal: Construction of 1No. Free range hen house (layers) Max 16000 birds with 2 meal bins and litter shed	Location: Lands 95M South West Of 50 Loughans Road Goland Ballygawley
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Finbarr Boyle & Ms Roisin MC Clean 50 Loughans Road Goland Ballygawley	Agent Name and Address: Mr Barry O' Donnell 33 Tullybryan Road Ballygawley BT70 2LY
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

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

	Shared Environmental Services	Substantive: TBCResponseType: PR
	NIEA	Substantive: YResponseType: FR
Representations:		
Letters of Support	0	
Letters of Objection	0	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
None		
Characteristics of the Site and Area		
<p>The site is located in the open countryside just a short distance to the North of Aughnacloy and to the East of Ballygawley settlements, and outside all other areas of constraint as depicted by the DSTAP 2010.</p> <p>The red line of the site includes a long straight laneway (approx.500m) which serves the applicants dwelling and number 50 and one other holding at number 48 Loughan Road. At the end of the lane is the farm dwelling and existing farm holding which lie just north of the red line of the site. The site itself includes a rectangular shaped portion at the south of two large agricultural fields. The south east and west boundaries are defined by a mix of mature hedging and trees and the norther boundary remains undefined on the ground. There is also a hedgerow dividing the middle of the site.</p> <p>As the site lies in the open countryside it is surrounded on all sides by agricultural fields, the nearest none connected dwelling is approx. 200 metres from the proposed poultry house siting.</p>		
Description of Proposal		
The proposal seeks full planning permission for a free range hen house (layers), 2 meal bins and litter shed.		
Planning Assessment of Policy and Other Material Considerations		
<u>Policy Consideration</u>		
The regional Development Strategy (RDS) Dungannon and South Tyrone Area Plan 2010- unzoned land in the open countryside.		

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 - Access to Public Roads

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

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.

Consultation responses

DfI Road no objection subject to a condition to ensure the visibility splays are completed in accordance with the drawings, 2.4m by 80m in both directions onto the public road.

Environmental Health - no objection. They state that as the shed is to be used for free range purposes only, an odour impact assessment is not required. They have offered informatives.

NIEA - no objections subject to conditions. NIEA also advise that no N2K sites will be adversely impacted by the proposal and that it is in line with DAERAs protocol on nitrogen emissions. Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided, is content with the proposal subject to Conditions.

DAERA - no objection. Farm business ID has been in existence for more than 6 years and business claims subsidies therefore is established and currently active. The land was farmed by uncle up until his death in 2012 and subsequently farmed by the applicant since. SFP were also claimed by the uncle until his death in 2012, and then by the applicant 2017-2021, the land was farmed and maintained by family members in the interim. Hedges were cut, and land grazed continuously. It is also clear the poultry house is sought as an extension to the existing farm adjacent.

Shared Environmental Services response concluded; having considered the nature, scale, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect

on the features of any European site.

3rd Party Objections

At the time of writing no objections have been received.

Relevant planning history

None

Key Policy Consideration

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

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 Policy CTY12 which allows agricultural development on active and established farm holdings subject to certain policy criteria being met.

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.
The applicant has an existing farm which includes the site and adjoining lands. Details of this farm business accompany the application and DAERA have confirmed that the farm has been in existence for more than 6 years and that the farm business claims subsidies. Therefore there is an active and established farm business. This poultry house is an investment and expansion opportunity for the applicants existing farm holding. I am of the opinion that this proposal supports the needs of the existing business.
- b) It is appropriate to the location in terms of character and scale.
The surrounding area is rural in character. Although hen houses in general are large scale, these are agricultural buildings which are typical of the rural area. Given the nature of this proposal, and its purpose to house poultry, it is considered appropriate to the location. The materials and finishes are typical of this type of building and are acceptable in the rural area.
- c) It visually integrates into the local landscape and additional landscaping is provided as necessary.
The proposed poultry shed will benefit from cover of native species hedgerow on two sides. It also has the benefit of the existing farm holdings to the North East to aid its integration. It has a low ridge height and is set back approx. 500m from the public road.

Access will follow an existing tree lined hedge/boundary and will not have a detrimental impact to this area of countryside. It is my view this shed will satisfactorily integrate into the landscape.

d) It will not have an adverse impact on the natural or built heritage.

There are no built heritage features on the site or adjacent to the site.

NIEA, Shared Environmental Services and environmental health were consulted on this proposal. Various additional environmental reports were requested by these consultees in order to assess the full impact of this proposal on the natural environment, to ensure no significant impact would result. These reports include a Drainage Assessment, Nutrient management Plan and Air Quality Impact Assessment. As stated above all have no objections with this proposal with the proviso that birds are limited to 16000 free range layers.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

Relevant neighbours have been consulted, the proposal advertised in the local press and no 3rd party objections have been received. Environmental Health have been consulted and have no objections as odour levels fall below maximum acceptable level at the nearest sensitive receptor. This proposal is unlikely to result in a detrimental impact on the amenity of nearby residents if operated in accordance with best practice farm management.

In the case where a new building is proposed the following points should be met:

-There are no suitable existing buildings;

No suitable buildings exist on the applicants holding. These types of buildings need to be of a particular size, shape and internal environmental standard to create optimum conditions for laying.

-The design and materials are sympathetic to the locality;

The poultry house is of a simple design and buildings of this style are characteristic of the rural area.

-It is sited beside existing farm buildings.

The Ministers Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the agri-food sector. This statement does not provide any policy guidance but it does clearly recognise this industry is a key economic driver for the rural economy which I consider is supportive of this type of development. In many examples throughout Northern Ireland similar proposal have been approved where the proposed hen house is sited slightly away from the main grouping. This is sometimes required for bio security reasons so that cross contamination does not occur, and may be to protect surrounding residential amenity from noise and/or smell. For these reasons I find this siting acceptable in this instance and it will integrate into the landscape.

Policy CTY 13 allows 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 poultry shed will benefit from cover of native species hedgerow on two sides. It also has the benefit of three large existing farm holdings to the south to aid its integration. It has a low ridge height and is set back approx. 500m from the public road. Access will follow an existing tree lined hedge/boundary and will not have a detrimental impact to this area of countryside. It is my view this shed will satisfactorily integrate into the landscape.

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.

The poultry house is agricultural in nature and will benefit from a back drop of mature native species hedgerow and also the existing farm holdings to the south. The character of this area will still remain rural and the proposal will not cause a detrimental change to the rural character of this area.

PPS2 Natural Heritage

I am satisfied that this proposal will not have a detrimental impact on Natural heritage interests and does not offend any policy considerations contained within this planning policy statement.

Having weighted up the above policy and material considerations I am of the opinion that this application should be recommended for approval subject to the following conditions.

It is worth noting that an EIA screening exercise was also carried out and given that the proposal is unlikely to have a significant environmental impact, the need for an ES was screened out.

Having weighed up the above policy and material considerations I am of the opinion that this application should be recommended for approval subject to conditions.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Informative 1
No Data

Informative 2

No Data

Informative 3

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Regional Development for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Provision shall be made to the satisfaction of Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

Informative 4

The applicant is advised to ensure that all plant and equipment associated with the proposed is so situated operated and maintained as to prevent the transmissions of noise, in addition the applicant is also advised that in order to protect nuisance conditions arising from flies, that adequate systems are in place to manage and control flying insects.

Informative 5

The applicants attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke

Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built;

or

- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1;

or

- obstruct or prevent any wild bird from using its nest;
- take or destroy an egg of any wild bird;
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young;
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).

Case Officer: Peter Hughes

Date: 14 August 2023

ANNEX	
Date Valid	12 November 2018
Date First Advertised	29 November 2018
Date Last Advertised	28 November 2018
Details of Neighbour Notification (all addresses) The Owner / Occupier 50 Loughans Road, Ballygawley, Tyrone, BT70 2LD The Owner / Occupier 48 Loughans Road, Ballygawley, Tyrone, BT70 2LD	
Date of Last Neighbour Notification	21 November 2018
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DAERA - Omagh-Substantive: TBCResponseType: FR DAERA - Omagh-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR Shared Environmental Services-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: PR NIEA-Substantive: YResponseType: FR	

Drawing Numbers and Title

Elevations and Floor Plans Plan Ref: 05
Elevations and Floor Plans Plan Ref: 04
Road Access Plan Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.2
Application ID: LA09/2021/1511/F	Target Date: 9 December 2021
Proposal: Windrow composting facility (recycling of specified green waste for the purpose of producing saleable compost).	Location: 650M Ne Of No.51 Creagh Road Toomebridge Co Antrim BT41 3SE.
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: John Kealey 24 Ballymaguigan Road Magherafelt BT45 6LE	Agent Name and Address: Mba Planning 4 College House Citylink Business Park Belfast BT12 4HQ
Executive Summary: <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Cookstown Area Plan 2010, PPS3, PPS11 and PPS21. It is my opinion that the proposal is not at conflict with any of the relevant policy tests.</p> <p>Consultations have been carried out with both statutory and non-statutory consultees, which include DFI Roads, EH and NIEA Water Management Unit and Regulation Unit. The proposal has been screened out from needing an Environmental Statement.</p> <p>No objections have been received to date. Issues raised include the potential for leachate from the composting facility to impact ground water. NIEA consequently requested the submission of contingency plans in case such an incident arises. However PPS 11 - Planning and Waste Management is clear that planning control should not be used to achieve objectives relating to other legislation. As the Licencing process would require such contingency plans to be provided as part of such an application, it is not necessary for such plans to be submitted as part of the planning process. Appropriate conditions are recommended.</p>	



Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
Statutory Consultee	NIEA	PRT LA09-2021-1511-F.PDF
Statutory Consultee	NIEA	PRT LA09-2021-1511-F.PDF

Representations:

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

Summary of Issues

No representations were received in respect of this proposed development.

Should the submission of contingency plans be required as part of the planning application or can they be dealt with by NIEA as part of the Licencing application.

Characteristics of the Site and Area

The site is located in a rural area approximately 2.8Km west of Toome and within an area which is a mixture of farmland with a large area of industrial development to the north and west. The surrounding area is heavily industrialised. The area is generally flat and overlooks the shores of Lough Neagh which is around 500m due south. Creagh Business Park is part built on the north-western end of the runway of the old airfield. There is zoned industrial land to the north-east and south-east of the site , which is also located outside any settlement limits.

The site comprises an existing recycling facility accessed via an existing laneway off the Creagh Road. There are two large sheds both measuring approximately 35m x 20m and which are currently used for the storage of soil and other wastes which are awaiting processing.

The site is bounded to the north west by a 4-5m high bund of earth and concrete.

A concrete base has recently been laid to the north west of the existing sheds and the 4-5m high bund.

Due to the distance the site is set back from the public road, the intervening buildings and the flat nature of the surrounding land, there are only limited views of the site.

Description of Proposal

The proposal is for full planning approval for the construction of 'Windrow composting facility (recycling of specified green waste for the purpose of producing saleable compost)'.

The proposal involves the provision of a new concrete base on which the green waste will be piled before being moved from one pile to the next. This process is repeated with the waste being transferred from one stockpile to another in order to enhance the composting process. This process may take around 6-7 weeks.

The concrete base measures approximately 80m x 19m and is laid to a fall towards a perimeter drain. The drain extends along the north-western edge of the base and is designed to collect the leachate run-off and connect this to an underground leachate storage tank at the north-eastern end of the site.

The detailed design of the leachate tank will be undertaken by a suitably qualified engineer to ensure their structural integrity. All leachate or spillages on site would be directed to the sump or captured by the perimeter drainage system.

The proposal does not seek to increase the amount of waste that can be accepted at the site, rather is simply seeks to add an additional recovery process for green wastes within the overall tonnage that the site is permitted to handle so that a greater range of materials can be recycled, thereby reducing the amount of waste that needs to be landfilled.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning History

There is the following planning history on this site:-

H/2006/0940/F - Retention of Material Recovery Facility for Construction and Demolition waste. Approved 24.09.2008

H/2007/0448 - Proposed erection of covered structure for material recovery facility to store manufactured top soil from inert soils and sand and green waste compost. Approved 25.01.2008

H/2010/0103/F - Extension to existing material recovery facility to include area for processing builders waste and the erection of a storage shed. Approved 25.01.2011

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.

The SPSS provides regional policy on waste management and refers to the 5 step waste management hierarchy, which is laid down in Article 5 of the Waste Framework Directive, is a core principle of the Northern Ireland Waste Management Strategy and is also referenced in the Regional Development Strategy 2035. This waste hierarchy aims to encourage the management of waste materials in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced. It encourages the prevention of waste, followed by the reuse and refurbishment of goods, then value recovery through recycling and composting. Waste disposal should only be used when no option further up the hierarchy is possible.

The proposal falls to be considered against the Magherafelt Area Plan 2015 in so far as it lies outside any defined settlement limits and is open countryside. No other constraints have been identified. The site is not zoned for any particular use and there are no policies within the Area Plan which are relevant to the specific use of the proposed site.

Planning Policy Statement 11 - Planning and Waste Management

The proposal falls to be assessed under Policy WM1 Environmental Impact of a Waste

Management Facility. Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

- o the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;

The proposal does not involve the use of hazardous waste and will not impact on human health due to the small amounts of waste involved) c. 10,000 tonnes of green waste within the wider c. 75,000 tonnes per annum the site is permitted to accept). The management protocols will be formalised in final form and enforced through the licencing process. This will afford the appropriate protection from odours and noise. The impermeable concrete surface which is enclosed by perimeter drains and leachate collection system will ensure that the water environment is protected.

- o the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;

The use of the site is established by previous planning approvals. The proposal does not alter the use - it is an operational improvement to ensure that as little material as possible goes to landfill;

- o the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;

The area is not designated for its landscape quality and there will be minimal visual impact on the surrounding area;

- o the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;

The development does not propose to increase traffic movements either accessing or exiting the site over and above what is permitted under the previous planning approvals and waste management licence. There is a wheel wash on site to ensure that dirt is not carried from the site onto the public road network;

- o the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;

As discussed above, the proposal does not involve any increase in traffic, therefore there will be no impact on the public road network;

- o adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;

Given the size of the overall site within the applicant's control, there is adequate space for parking, servicing and circulation of vehicles;

- o wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;

Due to the nature of the process the only means of transport is via the public road network;

o the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.

There are no features of natural or built heritage on or close to the site which may be adversely affected. Lough Neagh is within 0.5km of the site, but protection is afforded by the closed loop drainage system proposed.

o the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;

No hazardous waste is accepted at this site. The local water environment will be protected by the use of closed loop drainage system (impermeable concrete, perimeter drainage and leachate tank). Storm water will be reused in the washing process. Due to the nature of the waste, dust is not an issue but recycled water could be used should it be deemed necessary.

o the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;

The site is not within a flood plain and the proposal will not increase the risk of flooding;

o the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;

As the proposal is contained within an existing waste recycling site, there will be no loss of agricultural land;

o In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

The proposal does not involve landfilling.

The SPPS also advises that the guiding principle 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 detrimental harm to interests of acknowledged importance. In my opinion the proposal is in keeping with the waste hierarchy in that it will result in the recycling of more waste than would otherwise be the case thereby resulting in less waste being sent to landfill. The proposal does not conflict with the Magherafelt Area Plan 2015 and it also complies with relevant planning policy. It is for a sustainable development proposal which will reduce the amount of waste being sent to landfill thereby resulting in a benefit and which should not cause any environmental harm.

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 (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Transport NI advised that there will be minimal intensification of the use of the existing access onto Creagh Road and on that basis the proposed development was acceptable

subject to conditions.

Environmental Health advised that it was noted from the submitted transport form that the proposal will not give rise to any increase in vehicle traffic from the site. It was also noted that the facility will be licensed under the Waste Management Licensing regime by the Northern Ireland Environment Agency and therefore EHD would suggested that consultation takes place with them in regard to this proposal.

Environmental Health Department also advised that they have considered potential noise and odour issues from the proposal and the closest receptors are considered to be No's 39, 41 & 43 Creagh Road situated approximately 400 metres from the proposal.

NIEA: Regulation Unit advised that there are no significant records of previous potentially

contaminating land uses on this application site or in the adjacent area. The proposed development is considered a low risk to the water environment. Waste Management Licensing advise that if planning permission is granted for the composting process, the operator will be required to submit a modification application to Waste Management within NIEA to address the additional waste streams and processes.

NIEA: Water Management Unit advised that the proposed development has the potential to adversely affect the surface water environment and requested details of stockpile management, drainage channel and leachate tank management and maintenance and contingency plans, should any issues arise from the proposal. However, paragraph 2.4 of PPS 11 states that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. The Department/Council must make its planning decisions on the basis that the pollution control regimes will be properly applied and enforced. The relevant expertise and statutory responsibility for pollution control rests with the relevant pollution control authorities.

It is noted that the applicant has provided information to NIEA about how water will be managed at the site on a daily basis and confirmed the design includes a degree of contingency planning because it allows for extreme rainfall events and comments on what measures will take place should this happen. A full contingency plan is a licencing matter

Therefore, in my opinion, the additional information being sought by Water Management Unit is more applicable to the licencing process and should be provided as part of the any licencing application as opposed to the planning application.

Recommendation

In my opinion, in light of the above planning considerations and consultee responses, the proposal is acceptable and is capable of approval subject to the following conditions:-

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

If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with Council in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with Land Contamination: Risk Management (LCRM) guidance, available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> .

Reason: Protection of environmental receptors to ensure the site is suitable for use.

Condition 3

After completing the remediation works under Condition 3 and prior to the development hereby approved becoming operational, a Verification Report shall be submitted in writing and agreed with Council in consultation with NIEA: Regulation Unit. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

Condition 4

No operation, including the acceptance and dispatch of deliveries and the operation of plant and equipment, shall take place outside the hours of 07:00 - 19:00 Monday to Friday, 07:00 - 13:00 on Saturdays and there shall be no operations at any time on Sundays.

Reason: To protect residential amenity.

Case Officer: Malachy McCrystal

Date: 22 August 2023

ANNEX	
Date Valid	14 October 2021
Date First Advertised	30 November 2021
Date Last Advertised	26 October 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 51A , Creagh Road, Toome, Londonderry, BT41 3SE The Owner / Occupier 49 Creagh Road, Toome, Londonderry, BT41 3SE The Owner / Occupier 51 Creagh Road, Toome, Londonderry, BT41 3SE	
Date of Last Neighbour Notification	22 November 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR NIEA-PRT LA09-2021-1511-F.PDF NIEA-PRT LA09-2021-1511-F.PDF	

Drawing Numbers and Title

Site Layout or Block Plan

Site Location Plan

Proposed Plans Plan Ref: 03/1

Site Layout or Block Plan Plan Ref: 02/1

Proposed Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.3
Application ID: LA09/2022/0257/F	Target Date: 25 April 2022
Proposal: Retrospective extension to farm yard plus change of use and extension to farm pen structures to provide storage of construction and decorative stone for sale and distribution	Location: 100M South West Of 170 Orritor Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Thomas Gourley 170 Orritor Road Cookstown	Agent Name and Address: Collins Design 7 Dublin Road Omagh BT78 1ES
Executive Summary: <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Cookstown Area Plan 2010, PPS3, and PPS21. It is the applicants intention to run the proposed development alongside his calf rearing business. It is my opinion that the proposal is not at conflict with any of the relevant policy tests. Consultations have been carried out with both statutory and non statutory consultees, which include DFI Roads, EHD and DAERA. The proposal has been screened out from needing an Environmental Statement.</p> <p>One objection has been received to date. Issues raised include noise; the visual impact of the proposed development; the area being used for parking machinery, lorries and storage of materials; Located within a residential area; the site being located within a Greenbelt area; and Extending beyond the red line of the application site.</p>	

Members are advised that all material planning issues raised in these objections have been fully considered and consultee advice sought if necessary. The objections do not merit the refusal of this application and appropriate conditions are recommended.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type		Consultee	Response
		DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
		Environmental Health Mid Ulster Council	Substantive: TBC
		DAERA - Coleraine	Substantive: TBCResponseType: PR
Non Consultee	Statutory	Environmental Health Mid Ulster Council	Planning response (2).pdf
Non Consultee	Statutory	Environmental Health Mid Ulster Council	Planning response.pdf
Non Consultee	Statutory	Environmental Health Mid Ulster Council	Planning response.pdf
Non Consultee	Statutory	Environmental Health Mid Ulster Council	Planning response (3).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	
<p>Summary of Issues</p> <p>One representations have been received in respect of this application and relates to the following issues:-</p> <p>O Noise nuisance;</p> <p>Environmental Health considered the issue of noise raised in the objection and subsequently requested the provision of an acoustic barrier. The barrier is now proposed and EHD have advised they have no further concerns subject to the suggested conditions.</p> <p>O Visual Impact;</p> <p>As discussed in the report below, the proposed development will have little impact on visual amenity due to the surrounding built form and boundary vegetation. Therefore the proposal is acceptable in this respect.</p> <p>O Area being used for parking machinery, lorries and storage of materials;</p> <p>As the description clearly states the proposal is for the storage of construction and decorative stone for sale and distribution, it is accepted that machinery and vehicles associated with the proposal will enter, manoeuvre and park within the site. As the site is well screened from public view and EHD have not raised any issues regarding potential noise from such activities, this is not anticipated to be a concern.</p> <p>O Located within a residential area;</p> <p>Although the site is located to the rear of a farmyard, which in turn is sited to the rear of an existing dwelling which sits within a row of 12 dwellings fronting directly on the Orritor Road, the site is located within the rural area as defined in the Cookstown Area Plan 2010. The area is approximately 250m west of Cookstown settlement limits and as stated although there are 12 dwellings at this stretch of the Orritor Road, the character of the area is clearly rural as it is surrounded by agricultural fields on the southern, eastern and western sides.</p> <p>O This is a Greenbelt area;</p> <p>Since its introduction, the policy provisions of PPS 21 take precedence over all Green Belt policies within 'A Planning Strategy for Rural Northern Ireland'. Consequently the Green Belt policies are not applicable to this proposal.</p> <p>O Extending beyond the red line of the application site.</p> <p>I am content that the proposed development is contained within the red line as indicated on the site location map submitted.</p>	
<p>Characteristics of the Site and Area</p> <p>Planning History</p>	

There is no planning history on this site

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 proposal accords with the Magherafelt Area Plan 2015 insofar as it is for the creation of a business which is linked to a farm business and is part of a diversification project.

Description of Proposal

Retrospective extension to farm yard plus change of use and extension to farm pen structures to provide storage of construction and decorative stone for sale and distribution.

The enlarged site contains a large concrete yard with a number of pens constructed with reinforced concrete. These pens are used to store the different types of decorative stone, some of which is bagged in large bulk bags.

Characteristics of the site and area

The site is located within the rural area around 250m west of the settlement development limits of Cookstown.

The site is set to the rear of an existing dwelling with associated agricultural buildings set on rising ground which continues to rise gently towards the south. The farm buildings are partially used for animal housing with cattle housed at the time of inspection. Other parts of the buildings were being used in connection with cutting, splitting and bagging timber for firewood.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

PPS 3 - Access, Movement and Parking;

Dfi Roads were consulted and advised that the proposed access arrangements were acceptable subject to the suggested conditions.

PPS 21 CTY 11 – Farm Diversification has a presumption in favour of farm or forestry diversification projects where it has been demonstrated that the proposal will be run in conjunction with the agricultural operations on the farm.

The proposal involves the extension of an existing farmyard and access is taken through the farm yard. The farmyard has been extended to facilitate the proposed expansion and includes a turning area for vehicles. The farm business number was allocated to the business on 21st June 2006. The applicant provided a statement advising that the proposed development will be run in

conjunction with his calf rearing business. The applicant rears calves from birth on an automatic calf rearing system and although the system is atomised, the applicant still needs to check the health of the calves on a daily basis. The applicant is currently in discussion with a view to becoming a part of the Wagyu calf rearing opportunity run by Linden Foods. It is accepted that the proposed development will be run in conjunction with the farm business.

The following criteria also needs to be addressed:-

- The farm business is currently active and is established;

DAERA have advised that the farm business is both active and has been established for more than 6 years;

- It is appropriate in terms of character and scale;

The proposed development is acceptable in terms of its character and scale given the existing built development and immediate topography. The proposal does not involve the erection of additional buildings, rather the change of use of existing structures, which amount to retaining walls. Those retaining walls are approximately 3m high and are well screened from the public viewpoint by the existing farm buildings in addition to the mature boundary hedgerows in the area.

- It will not have an adverse impact on the natural or built heritage;

There are no features of natural or built heritage which will be impacted by the proposed development.

- It will not have a detrimental impact on nearby residential properties by way of noise, smell and pollution.

The concrete yard and structures for storing the stone are located in excess of 70m from the nearest third party dwellings. The proposal is not one of a nature that will create smells or pollution. There is the potential for noise nuisance and therefore Environmental Health were consulted. EHD requested that the applicant/agent submits a noise impact assessment which considers the noise impact from the proposed development. Following receipt of a noise assessment and amended plans showing the provision of an acoustic barrier along the northern boundary closest to the objectors property, EHD advise that the proposed development was acceptable subject to conditions.

Exceptionally a new building may be permitted where there are no existing buildings which can be used. As the proposal does not involve the provision of a new building, this is not an issue.

CTY 13 – Integration and design of buildings on the countryside

The proposed development can achieve an acceptable degree of integration into the surrounding countryside without appearing prominent. Although the site extends the farmyard into the adjacent field and on slightly rising ground without mature hedgerows totally enclosing the site, the proposed development is sited to the rear of the existing farmyard and associated buildings. This coupled with the fact that the proposal does not involve the provision of additional buildings, will enable the proposed development to achieve an acceptable degree of visual integration without having a detrimental impact on visual amenity.

CTY 14 – Rural Character

As the proposed development does not involve the erection of a new building, it will not have a detrimental impact of rural character. Likewise, the proposed development will not result in a suburban form of development, nor will it create or add to a ribbon of development. As the proposed development utilises the existing access there will be little if any ancillary access works.

Environmental Health

Raised no issues of concern regarding the proposal.

Roads

Raised no issues of concern regarding the proposal.

Consideration

When taking the above issues into consideration, it is my considered opinion that on balance the proposed development meets the policy requirements of PPS 21 – CTY 11 Farm Diversification and is therefore acceptable.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

Reason: This is a retrospective application.

Condition 2

The development hereby approved shall be used only for Use Class B4, for the storage of construction and decorative stone for sale and distribution and no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 and shall be run in conjunction with the applicant's farm business.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order and to prevent the creation of a single planning unit.

Condition 3

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 uploaded at the planning portal on 9th March 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 business hereby permitted shall not operate outside 07:00 - 18:00hrs Monday to Friday, 08:00 - 13:00 Saturday and no operation on Sundays, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 5

There shall be no deliveries or despatch from the business hereby permitted outside 07:00 - 18:00hrs Monday to Friday, 08:00 - 13:00 Saturday and no deliveries or despatch on Sundays, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 6

Within 4 weeks of the date of this decision, the 2m high acoustic barrier with a surface weight of at least 30kg/m² or greater, shall be erected, maintained and permanently retained, as indicated on drawing no:- 03/2 uploaded to the planning portal on 27th June 2023.

Reason: To protect nearby residential amenity from noise.

Condition 7

Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels stated within Table 7 of the KRM Noise Assessment uploaded to the planning portal on 26th January 2023. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity from noise.

Signature(s): Malachy McCrystal

Date: 23 August 2023

ANNEX	
Date Valid	28 February 2022
Date First Advertised	15 March 2022
Date Last Advertised	15 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 172A Orritor Road Cookstown BT80 9RB The Owner / Occupier 172 Orritor Road Cookstown Tyrone BT80 9RB The Owner / Occupier 170 Orritor Road, Cookstown, Tyrone, BT80 9RB The Owner / Occupier 168A Orritor Road Cookstown Tyrone BT80 9RB	
Date of Last Neighbour Notification	22 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR Environmental Health Mid Ulster Council-Substantive: TBC DAERA - Coleraine-Substantive: TBCResponseType: PR Environmental Health Mid Ulster Council-Planning response (2).pdf Environmental Health Mid Ulster Council-Planning response.pdf Environmental Health Mid Ulster Council-Planning response.pdf Environmental Health Mid Ulster Council-Planning response (3).pdf	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

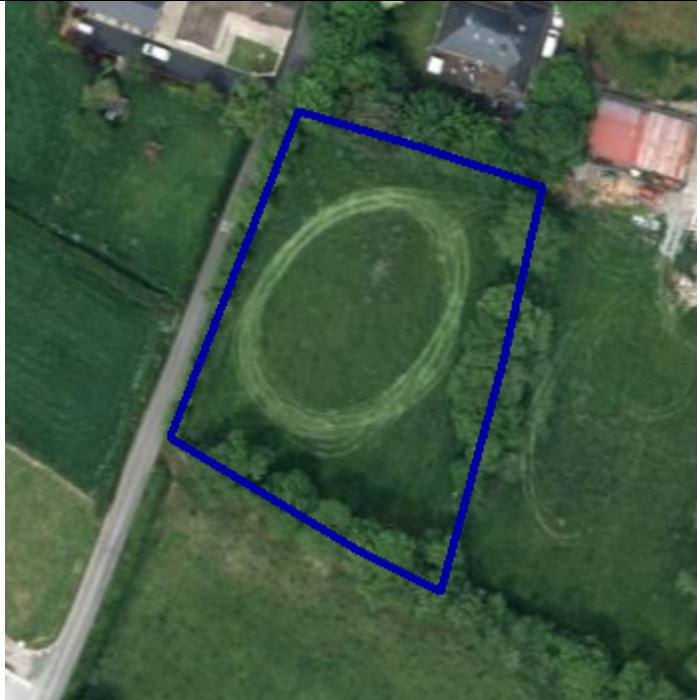
Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.4
Application ID: LA09/2022/1098/O	Target Date: 14 October 2022
Proposal: OUTLINE APPLICATION FOR ERECTION OF A SINGLE DWELLING HOUSE & DETACHED DOUBLE GARAGE.	Location: PLOT OF GROUND SITUATED IN THE TOWNLAND OF ANEETER BEG, 50M SOUTH OF 90 ANEETER ROAD, MOORTOWN, COAGH,
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Miss RACHAEL DEVLIN 90 Aneeter Road Cookstown BT800HZ	Agent Name and Address: No Agent
Executive Summary: <p>The current application for a proposed dwelling and garage is presented as a refusal as it fails to meet Policy CTY1, CTY 2a, 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 2a – This proposal fails to meet Policy CTY2a of PPS 21 as the site is not bound on at least two sides with other development in the cluster; the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation will significantly alter the existing character, and visually intrude into the open countryside.</p> <p>CTY 8 – This proposal fails to meet Policy CTY 8 of PPS 21 as the site cannot be considered a small gap site, and could potentially accommodate up to a maximum of three houses; and there is no continuously built up frontage. Development of this site would be considered as ribbon development and would be detrimental to the character, appearance and amenity of the countryside.</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.

Please note, planning approval was granted on this site on 21/01/08 and has long since expired. There is no evidence of any commencement. It is important to note that since this approval was granted, planning policy has since changed and PPS 21: Sustainable Development in the Countryside was introduced, therefore this application is now subject to provisions off PPS 21.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1098-O.pdf
Non Statutory Consultee	DFI Roads - Enniskillen Office	RS1 Form a (1).doc Roads Consultation outline approval.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 located within the open countryside, outside any defined

settlement limits as per the Cookstown Area Plan 2010. The site is identified as 50m South of No. 90 Aneeter Road, Moortown, Coagh. The application site comprises an agricultural field located along the roadside. Tall, established hedging and trees define the western, southern and eastern boundaries, and a small wooden and wire fence defines the northern boundary with No. 90 Anneeter Road. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered single dwellings and their associated outbuildings.

The application site is within the Lough Neagh Shore Countryside Policy Area.

Description of Proposal

This is an outline application for the erection of a single dwelling house and detached double garage. The site is identified as 50m South of No. 90 Aneeter Road, Moortown, Coagh.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. The Neighbour Notification period expires 31/08/23. At the time of writing, no third party objections were received.

Relevant Planning History

I/2007/0261/RM – Proposed dwelling, 50M South East Of 56 Annaghmore Road, Aneeter. Permission granted – 21.01.2008.

I/2004/0487/O – Proposed site for dwelling, 50M South East Of No. 56 Annaghmore Road, Anneeter. Permission granted – 11.11.2004.

Planning approval was granted on this site on 21/01/08 and has long since expired. History of this site was checked with MUDC Building Control. Building Control confirmed an application was submitted on 21/10/09 under reference: FP/2009/0452. However, this application was cancelled, and Building Control confirmed there is no record of commencement on this site. Historic orthographic images were also checked of the site since the approval of the planning application, and there is no evidence of any commencement.

It is important to note that since this approval was granted, planning policy has since changed and PPS 21: Sustainable Development in the Countryside was introduced,

therefore this application is now subject to provisions off PPS 21.

Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Cookstown Area Plan 2010

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 site is within the Lough Shore Countryside Policy Area and as such should comply with Area Plan Policy CTY 2. This policy states development proposals will be determined in accordance with the provisions of prevailing regional planning policy; it is considered necessary to protect the primarily rural landscapes of the Lough Neagh shoreline and its environs. I am content that the proposal will be assessed against all prevailing regional planning policy below.

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.

It is important to note that no Statement of Case was submitted with this application to provide justification for which cases under policy CTY 1 this application should be considered for, therefore I will review the policies which I believe are relevant to this application.

The application will be assessed 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.

Upon review I am content that the cluster lies outside a farm and consists of four or more buildings, wherein three of which are dwellings. In terms of a focal point, I am content that Coyle’s Cottage (Grabe B Listed thatched cottage) which lies approximately 45m North of the application site can be constituted as a focal point in its own right. In terms of enclosure, the application site is not bound on at least two sides with other development. No. 90 Anneeter Road lies northeast of the application site, however there is no other development surrounding the site therefore this application has failed to meet this criteria. I do not hold the view that development of the site can be absorbed into the existing cluster through rounding off and consolidation. I believe development of this site will result in urban sprawl to the detriment of the rural area. Finally, I am content that a dwelling in this location is unlikely to have an adverse impact on residential amenity.

Given the issues with the lack of enclosure with the site not being bound on at least two

sides, and the development unable to be absorbed into the existing cluster through rounding off and consolidation, I believe this development will result in urban sprawl to the detriment of the rural area and visually intrude in the open countryside, and for these reasons I hold the view that the application fails under CTY 2a.

The application will now be assessed 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.

Having assessed the site and surrounding area I do not consider the site meets with the requirements of Policy CTY 8. No. 57 Annaghmore Road lies north of the application site, No. 90 Anneeter Road lies northeast, while south of the site there is a large agricultural field, and further south is No. 53 Annaghmore. There is a large gap between No. 90 Anneeter Road and No. 53 Annaghmore Road, I do not believe this can be considered a small gap, and I believe it could potentially accommodate up to a maximum of three houses. It is my opinion there is no substantial and built up frontage along Annaghmore Road, where the application site lies. It is clear from visiting the site there is no continuously built up frontage along Annaghmore Road, the two large agricultural fields provide a strong visual break between the cottage at No. 57 and the dwelling at No. 53 Annaghmore Road. It is important to note that No. 90 Anneeter Road does not front on to Annaghmore Road. For these reasons outlined above, I am of the opinion, this proposal fails to meet Policy CTY 8 of PPS 21.

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

Policy CTY 14 states 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 of the opinion that a new building will result in a suburban

style build-up of development when viewed with existing and approved buildings, and it creates or adds to a ribbon of development (Policy CTY 8). The criteria in this policy cannot be met, therefore I hold the view that the application fails under CTY 14.

Summary of Recommendation:

Refuse is recommended

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

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 2a of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal is not bound on at least two sides with other development, and the development cannot be absorbed into the existing cluster through rounding off and consolidation and will significantly alter the existing character and visually intrude into the open countryside.

Reason 3

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the application site does not constitute a small gap site within a substantial and continuously built up frontage.

Reason 4

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal would cause a detrimental change to and further erode the rural character of the area.

Signature(s): Seáinín Mhic Íomhair

Date: 23 August 2023

ANNEX	
Date Valid	1 July 2022
Date First Advertised	9 August 2022
Date Last Advertised	9 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 56 Annaghmore Road Ardboe Cookstown Tyrone BT80 0JA The Owner / Occupier 90 Anneeter Road Cookstown Tyrone BT80 0HZ	
Date of Last Neighbour Notification	17 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/1976/0426 Proposals: ERECTION OF FARM BUNGALOW Decision: PG Decision Date:</p> <p>Ref: I/1976/042601 Proposals: ERECTION OF FARM SUBSIDY BUNGALOW Decision: PG Decision Date:</p> <p>Ref: I/2006/0168/F Proposals: Proposed dwelling & domestic garage Decision: PG Decision Date: 04-AUG-06</p> <p>Ref: I/2005/0586/O Proposals: Proposed dwelling & garage Decision: PG Decision Date: 21-JAN-06</p> <p>Ref: I/2003/0351/F Proposals: Dwelling and Garage</p>	

Decision: PG
Decision Date: 17-JUN-03

Ref: I/1992/0332
Proposals: Erection of dwelling
Decision: PG
Decision Date:

Ref: I/1999/0620/O
Proposals: Site for dwelling
Decision: PG
Decision Date: 29-JUN-00

Ref: I/1999/0621/O
Proposals: Site for dwelling
Decision:
Decision Date:

Ref: I/2001/0384/F
Proposals: Proposed New Dwelling with Semi-Detached Garage
Decision: PG
Decision Date: 22-NOV-01

Ref: LA09/2022/1098/O
Proposals: OUTLINE APPLICATION FOR ERECTION OF A SINGLE DWELLING HOUSE & DETACHED DOUBLE GARAGE.
Decision:
Decision Date:

Ref: I/2014/0168/RM
Proposals: Pre-fabricated timber framed single storey dwelling
Decision: PG
Decision Date: 05-SEP-14

Ref: I/2013/0344/O
Proposals: Site of single storey dwelling on agricultural land (amended Certificate of Ownership received).
Decision: PG
Decision Date: 14-MAR-14

Ref: LA09/2016/1385/F
Proposals: Proposed change of house type for site approved under planning application
ref: I/2014/0168/RM

Decision: PG
Decision Date: 19-JAN-17

Ref: LA09/2019/0529/O

Proposals: Proposed dwelling and garage in a gap site

Decision: PG

Decision Date: 23-JUL-19

Ref: LA09/2022/1141/RM

Proposals: Proposed Dwelling and Garage

Decision: PG

Decision Date: 25-NOV-22

Ref: I/2001/0752/F

Proposals: Proposed dwelling

Decision: PG

Decision Date: 09-APR-02

Ref: I/2000/0063/O

Proposals: Site for new dwelling

Decision: PG

Decision Date: 19-OCT-00

Ref: I/1976/0485

Proposals: SITE OF SUPERMARKET AND RESTAURANT

Decision: PR

Decision Date:

Ref: LA09/2018/0802/F

Proposals: Proposed 2 Storey dwelling and detached garage to infill site (amended drawings received)

Decision: PG

Decision Date: 10-SEP-18

Ref: I/2013/0095/F

Proposals: Proposed 2 Storey dwelling and detached garage to infill site

Decision: PG

Decision Date: 23-SEP-13

Ref: I/1974/0295

Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: I/2010/0084/O

Proposals: Proposed 2 storey dwelling and detached garage to infill site

Decision: PG

Decision Date: 18-MAY-10

Ref: I/2008/0388/F
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 18-NOV-08

Ref: I/2004/0717/O
Proposals: Proposed Site for Dwelling
Decision: PG
Decision Date: 18-JAN-05

Ref: I/2003/0111/A41
Proposals: Proposed improvements and disabled adaptations to existing dwelling
Decision: 205
Decision Date: 28-FEB-03

Ref: I/1981/021401
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: I/1981/0214
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: I/2002/0482/O
Proposals: Proposed Site for New Dwelling
Decision: PG
Decision Date: 04-MAR-03

Ref: I/1999/0284
Proposals: Erection of Dwelling
Decision: PG
Decision Date:

Ref: I/1995/0390
Proposals: Proposed site for dwelling
Decision: PG
Decision Date:

Ref: I/2002/0189/F
Proposals: Mobile Home
Decision: PG
Decision Date: 16-JAN-03

Ref: LA09/2018/1216/O
Proposals: Proposed site for dwelling and garage
Decision: PG
Decision Date: 07-DEC-18

Ref: LA09/2019/0330/RM
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 01-MAY-19

Ref: I/2002/0451/O
Proposals: Site for a dwelling
Decision: PG
Decision Date: 28-AUG-02

Ref: I/1993/0358B
Proposals: Dwelling
Decision: PG
Decision Date:

Ref: I/1993/0358
Proposals: Bungalow
Decision: PG
Decision Date:

Ref: I/1993/0357
Proposals: Dwelling
Decision: PG
Decision Date:

Ref: I/1993/0099
Proposals: Dwelling
Decision: WITHDR
Decision Date:

Ref: I/1990/0211
Proposals: Site for Kinturk Band Hall
Decision: PG
Decision Date:

Ref: I/1978/0239
Proposals: REPLACEMENT DWELLING
Decision: PR
Decision Date:

Ref: I/1978/0512

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: I/1978/051201

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: I/1984/022602

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

Ref: I/1984/0226

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/1984/022601

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/1996/0025

Proposals: Extension to dwelling

Decision: PG

Decision Date:

Ref: LA09/2018/1601/O

Proposals: Proposed dwelling and garage in a cluster

Decision: PG

Decision Date: 03-MAY-19

Ref: LA09/2022/0528/RM

Proposals: Proposed dwelling & garage.

Decision:

Decision Date:

Ref: I/1987/0505

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: I/2007/0261/RM

Proposals: Proposed dwelling

Decision: PG
Decision Date: 21-JAN-08

Ref: I/2004/0487/O
Proposals: Proposed site for dwelling
Decision: PG
Decision Date: 11-NOV-04

Ref: I/1989/0295
Proposals: Bungalow
Decision: PG
Decision Date:

Ref: I/1978/0167
Proposals: FARM HOUSE/GUEST HOUSE
Decision: PG
Decision Date:

Summary of Consultee Responses

NI Water - Single Units West-LA09-2022-1098-O.pdf
DFI Roads - Enniskillen Office-RS1 Form a (1).docRoads Consultation outline approval.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

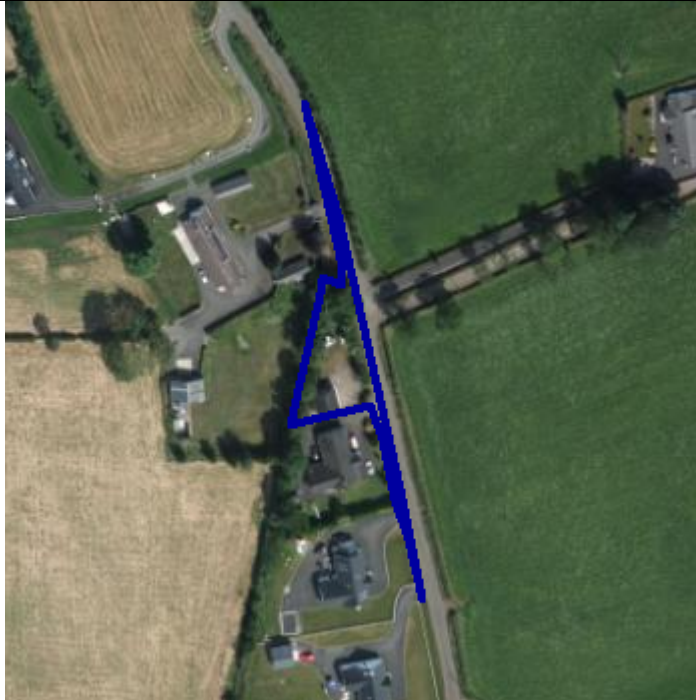
Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.5
Application ID: LA09/2022/1099/O	Target Date: 14 October 2022
Proposal: Proposed new infill dwelling.	Location: Lands Between 29 And 31 Moneysallin Road Kilrea BT51 5TQ
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Donal Madden 31 Moneysallin Road, Kilrea, BT51 5YQ.	Agent Name and Address: Healy McKewon Architects 11-13 Maghera Street Kilrea BT51 5QL
Executive Summary: <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Magherafelt Area Plan 2015, PPS2, PPS3, PPS15 and PPS21. It is my opinion that the proposal is not at conflict with any of the relevant policy tests. Consultations, have been carried out with both statutory and non-statutory consultees, which include DFI Roads, NIEA and DfI Rivers. The proposal has been screened out from needing an Environmental Statement.</p> <p>Two letters were received from a neighbouring property at No.19 Moneysallin Road stating that their land was to be used to provide Visibility Splays. This was queried with the agent and having reviewed the land registry maps it was clear third party lands are required for visibility splays. The agent amended the certificate and provided a copy of the notice served on the third party. From this I am content this issue has been rectified for the planning process and any concerns regarding land ownership is a civil matter and outside the control of the planning department.</p> <p>An anonymous letter was received objecting to the proposal. The main points raised were:</p> <ul style="list-style-type: none">- A biodiversity checklist was not completed- This has now been completed and NIEA were consulted and offered no objection.	

- The objector states a Flood Risk Assessment was requested by Dfl Rivers and that this has not been done. They then further state that Dfl Rivers when reconsulted on the indicative block plan did not request a FRA. - The agent has shown the dwelling to be sited outside the area of flood risk, so as no development is taking place within a flood plain a FRA is not required.
- The objector stated the 5m maintenance strip requested by Dfl Rivers was practicably impossible due to the mature trees in place- Dfl Rivers only requests that the maintenance strip is protected from any new development, including trees, hedges, permanent fencing and sheds etc. Any existing vegetation or trees do not need to be removed.
- The proposal does not comply with CTY 8 of PPS 21 in that the site is s much smaller and restrictive in comparison to adjacent properties. CTY 8 is considered fully within the body of this report.
- Contrary to CTY 13 & 14- These points are considered fully within the body of the report.

The objectors points raised have been fully considered and addressed within this report but do not merit the refusal of this application. Appropriate conditions and informatives are recommended.

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	Rivers Agency	576533 - Final Response.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1099-O.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Rivers Agency	431813 - Final Response.pdf
Statutory Consultee	Rivers Agency	
Statutory Consultee	Rivers Agency	158043 - Final Response.pdf

Representations:

Letters of Support	0
Letters Non Committal	2
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Committee report- Objection received.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or any other designations as per the Magherafelt Area Plan. The red line of the application site is to the north of No.31 Moneysallin Road with No.29 bounding the site to the north west. The site sits at a level below the adjacent road and is a hardcored area with a garage on site which appears to be used with the applicants dwelling at No. 29. The site is well screened from the existing public road with strong mature boundaries on all sides apart from the southern boundary which is defined by a wooden fence. There is an existing gated access in place at the site entrance. The surrounding area, although within the countryside has a number of dwellings in the immediate vicinity, with a row of 4 dwellings to the immediate south of the site and two further in the northern direction.

Description of Proposal

This is an outlie planning permission for a Proposed new infill dwelling.

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 2: Natural Heritage
PPS 3: Access, Movement and Parking
PPS 15 (Revised): Planning and Flood Risk

The application is for a dwelling to be considered under CTY 8. 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's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the

area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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. I am content that there is a substantial and continuously built- built up frontage present as to the south of the site there is a row of 4 dwellings and a dwelling to the north (No.29) which also has a road frontage.

I am content that the proposed site is of a sufficient size in that it could only reasonable accommodate one house at this location. Policy CTY 8 also requires that the existing pattern of development be respected in terms of size, scale, siting and plot size. The agent submitted a concept plan giving a general indication of the siting of a dwelling and how it would sit within the site. The objector raised concerns with the size of the plot as it is much smaller and restrictive in comparison with adjacent properties and would result in a dwelling with a reduced footprint. Whilst it is noted the proposed plot is smaller when compared to the adjacent properties, further group discussions were had, and it was deemed a dwelling at this location would respect the existing pattern of development in terms of size and scale of the plot and it could accommodate a modest sized dwelling with sufficient space for parking and private amenity space. Therefore, I am content that the proposal complies with the exception identified in policy CTY 8.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that this is an outline application in which the exact design details have not been submitted; however, I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. A condition to restrict the ridge height to being 6m above finished floor levels is required to ensure the dwelling is not prominent. The site has established boundaries and it will blend with the landform and existing trees and buildings. The objector raised concerns that the mature vegetation to the rear would need to be removed to provide a maintenance strip but Dfl Rivers confirmed this is not the case, and a condition will be applied to ensure existing vegetation is retained.

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. The objector contends that due to the size of the site, it will harm the character of the area and would be incongruous. As stated, an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when

viewed with existing and approved buildings. From all of this I am satisfied that the application is able to comply with CTY 14.

There is ample space within this site to provide septic tank provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view the proposal does not offend policy CTY16 of PPS21.

PPS 2: Natural Heritage

A biodiversity checklist was completed with an ecological statement which summarised that no protected sites are present, the stream almost certainly eventually connects to Lough Neagh. No impact on protected sites is predicted as long as the precautionary mitigation is followed. Priority native species hedgerows are present, which are to remain in situ. A small amount of hedgerow may be removed for the entrance, but the hedge in that area is non-native Cherry Laurel and Portuguese Laurel so there will be no impact. A stream is present. No impact on priority habitats is predicted as long as the precautionary mitigation is followed. No priority species are present other than widespread birds. No impact on priority species is predicted as long as the mitigation is followed.

NIEA were consulted on the biodiversity checklist and ecological statement and had no objection or any further comment. From such I am content the proposal does not offend any policy within PPS 2.

PPS 3: Access, Movement and Parking

DfI Roads were consulted twice on the application, once as a standard consultation in which they provided no objection subject to the 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 attached form RS1. A further consultation was issued following the letter of objection and the letter received relating to visibility splays and provided further comment with no objection;

“The Moneysallin Road Kilrea adjacent to dwelling 31 was assessed by DfI Roads and detailed requirements forwarded on our response dated 18/08/2022 which indicated visibility splays of 2.4 x 80m in each direction for the access to this infill dwelling. The agent has submitted a revised drawing (02 Rev A) detailing the road access with visibility splays of 2.4 x 90m in both directions. The proposed visibility splays can be achieved within the applicants-controlled lands (land registry map) and within the existing road verge along the frontage of house 29.”

I am content that the proposal complies with PPS 3.

PPS 15 (Revised): Planning and Flood Risk

DfI Rivers were consulted as part of the site was shown to be within an area of flood risk. Initially they advised the applicant should carry out a FRA to verify a more accurate extent of the floodplain and stated development would not be permitted within the 1% AEP fluvial flood plain. As a single dwelling does not constitute development the planning department would not request a FRA in this instance, rather it is up to the applicant/agent. In this case the agent submitted a concept plan showing that no development would be taking place within the 1% AEP as demonstrated by the Strategic

Flood Map (NI), so therefore would not be contrary to policy. A consultation was then sent to DfI Rivers showing the concept plan and they acknowledged that the built development is taking place on higher ground outside the flood plain and that the portion of the site affected by the floodplain is within the 5m maintenance strip required by FLD 2.

The objector raised concerns with this response so for further clarification a third consultation was issued to DfI Rivers who confirmed the applicant has accepted the DfI Rivers strategic floodplain and decided not to challenge it. They have moved the built development outside DfI Rivers 1 in 100 year strategic flood plain and as no development is taking place within the floodplain, a Flood Risk Assessment is now not required. From this I am content that Policy FLD 1 of PPS 15 has not been offended.

FLD 2 is also a material consideration as there is a watercourse within flows along the western boundary. DfI Rivers require a working strip of 5m is retained and shown on the site layout and should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. The objection letter, dated 5th April has suggested that is practically impossible to deliver the requirement for a 5m maintenance strip without the removal of existing vegetation including mature trees. DfI Rivers only requests that the maintenance strip is protected from any new development, including trees, hedges, permanent fencing and sheds etc. Any existing vegetation or trees do not need to be removed. From this I am content that the proposal complies with FLD 2 and a condition will be attached to any approved requiring the maintenance strip be shown on the proposed site layout and that no development should take place here.

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:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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 Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

Condition 4

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

Condition 5

A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved.

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

Condition 6

The proposed dwelling shall be sited in general conformity with drawing 02 Rev A and the extent of the floodplain is identified on the submitted block plan.

Reason: To ensure that no built development takes place in the floodplain.

Condition 7

The dwelling hereby permitted shall have a ridge height not exceeding 6 metres above finished floor level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area.

Condition 8

A 5m maintenance strip shall be retained at its existing ground level and shown on the site layout and should be protected from impediments including new tree planting, hedges, permanent fencing and sheds, land raising or future unapproved development.

Reason: To ensure the development does not impede the operational effectiveness of the watercourse or hinder access to enable its maintenance.

Signature(s): Ciaran Devlin

Date: 16 August 2023

ANNEX	
Date Valid	1 July 2022
Date First Advertised	12 July 2022
Date Last Advertised	12 July 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 31A Moneysallin Road Kilrea Londonderry BT51 5TQ The Owner / Occupier 31 Moneysallin Road Kilrea Londonderry BT51 5TQ The Owner / Occupier 41 Moneysallin Road Kilrea Londonderry BT51 5TQ The Owner / Occupier 29 Moneysallin Road Kilrea Londonderry BT51 5TQ</p>	
Date of Last Neighbour Notification	24 May 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2005/0809/F Proposals: New domestic garage Decision: PG Decision Date: 22-MAY-06</p> <p>Ref: H/1979/0454 Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW Decision: PG Decision Date:</p> <p>Ref: H/1975/0289 Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW Decision: PG Decision Date:</p>	

Ref: H/2008/0653/RM
Proposals: Proposed dwelling and garage.
Decision: PG
Decision Date: 17-FEB-09

Ref: H/2003/1287/F
Proposals: Dwelling and garage.
Decision: PG
Decision Date: 15-JUN-04

Ref: H/2003/0347/O
Proposals: Site of dwelling and garage.
Decision: PG
Decision Date: 29-MAY-03

Ref: LA09/2022/1099/O
Proposals: Proposed new infill dwelling.
Decision:
Decision Date:

Ref: H/2009/0718/F
Proposals: Proposed farm dwelling and garage
Decision: PG
Decision Date: 15-OCT-10

Ref: H/2005/0407/RM
Proposals: Dwelling & Garage
Decision: PG
Decision Date: 20-OCT-05

Ref: H/2011/0322/F
Proposals: Proposed infill dwelling and garage
Decision: PG
Decision Date: 17-OCT-11

Ref: H/2005/0894/O
Proposals: Site of dwelling and garage.
Decision: PG
Decision Date: 20-NOV-05

Ref: H/2000/0184/O
Proposals: Site of Dwelling
Decision: PG
Decision Date: 18-SEP-00

Ref: H/2001/0604/F

Proposals: Dwelling And Detached Garage

Decision: PG

Decision Date: 22-NOV-01

Ref: H/1996/0410

Proposals: SUN LOUNGE

Decision: PG

Decision Date:

Ref: H/2014/0158/O

Proposals: Proposed site for farm dwelling

Decision:

Decision Date:

Ref: H/1979/0517

Proposals: HV O/H LINE (BM 3290)

Decision: PG

Decision Date:

Ref: LA09/2020/0236/F

Proposals: Change of access from previously approved H/2009/0718/F

Decision: PG

Decision Date: 03-JUL-20

Ref: H/2003/1421/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: H/2003/1423/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Rivers Agency-576533 - Final Response.pdf

NIEA-PRT LA09-2022-1099-O.PDF

DFI Roads - Enniskillen Office-Outline resp.docx

Rivers Agency-431813 - Final Response.pdf

Rivers Agency-

Rivers Agency-158043 - Final Response.pdf

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

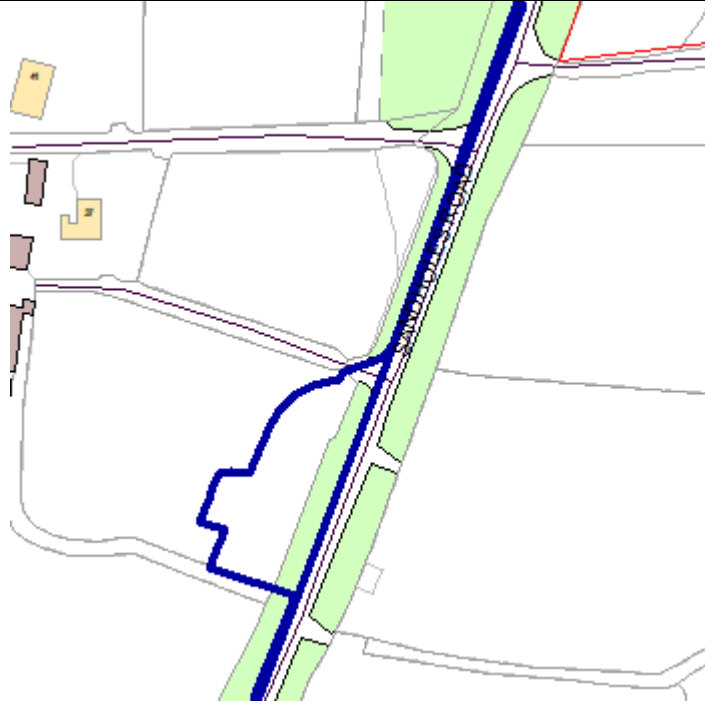


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.6
Application ID: LA09/2022/1131/F	Target Date: 20 October 2022
Proposal: Proposed farm diversification scheme to include farm shop, milk vending machine and associated ancillary works.	Location: 85M South East Of Knockaconny House, 37 Sandholes Road Cookstown BT80 9AR
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: IT RS Mayne 15 Gorticar Road Sandholes BT80 9HD	Agent Name and Address: Hayley Dallas - Les Ross Planning 14 King Street Magherafelt BT45 6AR
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2022-1131-F.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	

Representations:

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

Summary of Issues

No issues. No representations received.

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The site is approx. 1km SW of the settlement limits of Cookstown. Ballyreigh Business Park and Lafarge Cement are located in close proximity to the north. The site comprises of a roadside rectangular portion of lands which have a current hot food sales business in operation, approved under LA09/2021/0006/F. Located to the NW of the application site is a large farm holding comprising of a number of farm sheds as well as existing detached dwellings. The land inclines gently from east to west from the public road. There is an existing one way access and exit system in place at the site. The surrounding area is rural in nature with the predominant land use in the immediate area being agricultural fields and dispersed dwellings, with industrial uses also in proximity to the North.

Description of Proposal

Full planning permission is sought for a proposed farm diversification scheme to include farm shop, milk vending machine and associated ancillary works.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Policy

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

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

LA09/2021/0006/F - Proposed roadside hot food sales and ancillary development (farm diversification Scheme) - 100M S.S.E. Of Knockaconny House 37 Sandholes Road Cookstown – PERMISSION GRANTED

Key Policy Considerations/Assessment

Cookstown 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 – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. 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. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PS21 is the overarching policy for development in the countryside. Policy CTY 11 of PPS21 provides an opportunity for farm diversification projects subject to criteria. Policy CTY 11 states “Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- a) the farm or forestry business is currently active and established;
- b) in terms of character and scale it is appropriate to its location;
- c) it will not have an adverse impact on the natural or built heritage; and
- d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

The planning application was accompanied by a Supporting Statement detailing justification for the proposal and arguing the proposal complies with Policy CTY11 Farm Diversification. It details the demand for good quality produce directly from the farm to the consumer and how their experience with the existing hot food outlet has encouraged this current application to be submitted. The supporting document details the current farming activity and provides justification for the overall scheme which will be considered throughout this report.

DAERA were consulted and have responded confirming the farm business has been in existence for more than 6 years and payments are currently being claimed on the land subject to this application. Therefore, it is accepted the farm business is currently active and established and I am content that criterion (a) is met.

The proposed building is a modified shipping container and is similar in design, size and scale to the existing containers on site. Although the nature and design of the proposal would be more appropriate to an urban context, given the history of the site and the existing units which are currently on site, I am content in this instance that an exception can be made, similar to what was agreed previously and thus criterion (b) is covered.

The closest residential unit is No.37 which is located over 100metres northwest of the proposed unit and belongs to a member of the applicant’s family. Environmental Health were not consulted as they offered no objections or concerns to the previous application which I deem would have had more of an impact than what is being proposed under this application in terms of noise, smell and fumes which would be

produced as a result. It is considered adequate separation distance exists between the proposed units and residential dwellings to give rise to detrimental impacts on residential amenity and I am content that the application would not have an adverse impact on the natural or built heritage, thus complying with criterion (c) and (d) of CTY 11.

CTY 11 goes on to state that proposals will only be acceptable where they involve the re-use or adaption of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaption and reuse. The proposal seeks to erect a new building on the proposal site, approximately 85 metres from the nearest farm building. It is noted that there are a number of existing buildings located on the farm complex as can be seen in the site location plan. A meeting was held with the applicant, agent, Principal Planner and a local Councillor where this issue was discussed.

Given the history of the site and noting that the existing shipping containers were already agreed at this location, it was agreed that if they could demonstrate that each of the existing buildings were currently being used for activities relating to the existing farm business, a new building would be deemed acceptable. The applicant/agent has provided this information and I am content that each of the buildings on the farm are currently being used for activities relating to the farm business. However, concern remains that the last point within CTY 11 is not met in that the new building does not satisfactorily integrate with an existing group of buildings on the farm and as such the proposal fails on this criterion.

Policy CTY 13 - Integration and Design of Buildings in the Countryside and Policy CTY 14 – Rural Character states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. It is noted that the proposal site is sited at the lowest level of the field with land rising to the rear which provides a backdrop which will assist with integration to some degree, however as already noted, there is some concern about the overall integration with the existing farm buildings. The design of the building would also normally be considered inappropriate to the rural context, however as discussed already, given the history of the site, and noting that Planning Committee have granted the existing buildings at this site which are similar in design, this should be taken into account if approval were to be forthcoming.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The application seeks to utilise the existing access in what appears to be a one way system. DfI Roads have been consulted and have no objection to the proposal. I am content the proposal meets DfI Roads requirements and therefore does not offend PPS3 Policy AMP2.

Additional considerations

In addition to checks on the planning portal, the Historic Environment map viewer available online have been checked and identified no built heritage assets interests of significance on site. NIEA were consulted on the previous application and offered no objection, however they advised that applicant should be aware that they may be subject to occasion loss of amenity due to either dust and odour emissions due to the close proximity to the regulated facility. I would reiterate this advice for the application under this current application. The presence of a watercourse was also noted in proximity to the existing access under the previous application and SES were informally consulted at this time. They had advised that

there is no viable hydrological connection to downstream European sites therefore no conceivable impact to any European sites and formal consultation was not required.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that although the new building is deemed to be justified, it does not satisfactorily integrate with an existing group of buildings.

Signature(s): Sarah Duggan

Date: 16 August 2023

ANNEX	
Date Valid	7 July 2022
Date First Advertised	19 July 2022
Date Last Advertised	19 July 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/1988/0419 Proposals: Erection of Gypsum Storage Building and Associated Conveyor Decision: PG Decision Date:</p> <p>Ref: I/1987/0264 Proposals: WINNING AND WORKING OF LIMESTONE, SANDSTONE, MUDSTONE AND DRIFT OVERBURD Decision: PG Decision Date:</p> <p>Ref: I/2002/0629/F Proposals: Installation of mobile stone crushing plant Decision: PG Decision Date: 16-JAN-03</p> <p>Ref: I/2000/0674/F Proposals: Erection of 2 no. Control Buildings, Heat exchanger and de-dusting plant installation Decision: PG Decision Date: 29-DEC-00</p>	

Ref: I/2013/0296/F

Proposals: Proposed extension and re-roofing to existing premises

Decision: PG

Decision Date: 29-NOV-13

Ref: I/1988/0179

Proposals: PALLETISER BUILDING

Decision: PG

Decision Date:

Ref: I/1994/0057

Proposals: New Store and 2 No. Silos

Decision: PG

Decision Date:

Ref: I/2002/0265/A

Proposals: Projecting Sign

Decision: CG

Decision Date: 31-JUL-02

Ref: I/2003/0754/F

Proposals: Construction of a new free standing access platform and stair around the existing kiln stack. The platform will be located approx 150' above the existing ground level

Decision: PG

Decision Date: 08-NOV-03

Ref: I/2014/0108/PREAPP

Proposals: Proposed Centralised Anaerobic Digestion

Decision: EOLI

Decision Date: 19-MAY-15

Ref: LA09/2018/0227/F

Proposals: New underground gas transmission pipeline (intermediate pressure) approximately 3.5 Km in length both in road and in verge with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation

Decision:

Decision Date:

Ref: LA09/2016/1593/F

Proposals: Proposed single storey extension to side and rear of dwelling.

Decision: PG

Decision Date: 06-FEB-17

Ref: LA09/2021/0006/F

Proposals: Proposed roadside hot food sales and ancillary development (farm diversification Scheme)

Decision: PG

Decision Date: 10-JUN-21

Ref: I/2002/0834/F

Proposals: Construction of a bund enclosure for the future installation of 2 No. 150 tonne re-cycled liquid fuel (RLF) storage tanks with associated pump house and control room buildings, concrete discharge area and nitrogen storage tank. Initially a temporary 90 tonne tank will be installed for the trial fuel burn.

Decision: PG

Decision Date: 19-JUN-03

Ref: LA09/2022/1131/F

Proposals: Proposed farm diversification scheme to include farm shop, milk vending machine and associated ancillary works.

Decision:

Decision Date:

Summary of Consultee Responses

DAERA - Omagh-LA09-2022-1131-F.docx

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

DFI Roads - Enniskillen Office-

Drawing Numbers and Title

Proposed Plans Plan Ref: 01

Proposed Plans Plan Ref: 01A

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.7
Application ID: LA09/2022/1290/F	Target Date: 2 December 2022
Proposal: Change of use from Milk Processing Plant to Indoor Play Area and Associated Car Parking	Location: Unit E1, Fivemiletown Creamery, 14 Ballylurgan Road Fivemiletown BT75 0RX
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Barrie McWhinney Unit E1 Fivemiletown Creamery 14 Ballylurgan Road Fivemiletown BT75 0RX	Agent Name and Address: Neil Irvine Design Limited Unit 5, The Buttermarket 132 Main Street Fivemiletown BT75 0PW
Executive Summary: Application is before Planning Committee as one no. objection was initially received with concerns over amenity issues.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	06-12-2022.docx
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1290-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Check List.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	06-03-2023 Conditions.docx
Statutory Consultee	DFI Roads - Enniskillen Office	02-06-2023.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	09-03-2023.docx
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response (2).pdf

Non Consultee	Statutory	Environmental Health Mid Ulster Council	
Non Consultee	Statutory	Environmental Health Mid Ulster Council	
Non Consultee	Statutory	Environmental Health Mid Ulster Council	

Representations:

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

Summary of Issues

One objection has been received and fully considered within the main body of this report

Characteristics of the Site and Area

The site is located at Unit E1 of the now non-operational Fivemiletown Creamery which has a number of industrial units at No. 24 Colebrook Road within the development limits of Fivemiletown, as identified in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red comprises a derelict unit which was previously a milk processing plant as well as two access points to the public road. The site is also located within the curtilage of two listed assets namely HB13/01/011 A the Old Station House and HB13/1/011 B the Water Tower at Railway Station. The surrounding area has a mixture of uses including residential, ecclesiastical, educational and commercial given its location within the development limits of Fivemiletown.

Description of Proposal

Change of use from Milk Processing Plant to Indoor Play Area and Associated Car Parking

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

considerations indicate otherwise.

Planning History

Ref: LA09/2022/1162/A

Proposals: Free standing 'Totem Pole' type sign.

Decision: CG

Decision Date: 01-NOV-22

There are a number of historical applications relating to other buildings within the larger site but none within the site outlined in red.

Representations

Five (5) no. neighbour notifications have been identified to carry out as well as press advertisement in line with the Council's statutory duty. To date one objection has been received citing concerns regarding the possible closing times of the proposed development.

The reason behind the objection was that 26 Colebrooke Road is occupied by 2 elderly residents who feel that if the business hours go beyond 6pm it will adversely impact on them as one of the residents retires to bed early due to ill health. Following discussions between the agent and the gentleman acting on behalf of the occupiers of No. 26, agreement has been reached that a closing time of 9pm would be considered acceptable, subject to the proposed security fencing and gates being kept closed whilst the facility is closed. The agent has indicated that they would introduce operational mitigation measures to ensure there are no activities via the kitchen door after 6pm. They also emphasis that the existing roof to Unit 1 is insulated Kingspan cladding which provides an acoustic barrier and Unit 2 is in between the source of indoor noise and the receptor. The objector has stated that they are now content with this proposal, and I am satisfied the proposal will not have an adverse impact on neighbouring amenity.

Dungannon and South Tyrone Area Plan 2010

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being located within the development limits of Fivemiletown which gives favourable consideration to proposals, subject to criteria outlined within the plan policy. There are no other specific designations or zonings. Policy SETT 1 is relevant.

Plan Policy SETT 1 – Settlement Limits states that favourable consideration will be given to development proposals within settlement limits including zoned sites provided the following criteria are met:

- the proposal is sensitive to the size, character and function of the settlement in terms of scale, form, design and use of materials;
- the proposal respects the opportunities and constraints of the specific site and its surroundings and, where appropriate, considers the potential for the creation of a new

sense of place through sensitive design;

- there is no significant detrimental affect on amenities;
- there is no significant conflict with recognised conservation interests;
- there are satisfactory arrangements for access, parking and sewage disposal;
- where appropriate, any additional infrastructure necessary to accommodate the proposal is provided by the developer; and
- the proposal is in accordance with prevailing regional planning policy and the policies, requirements and guidance contained in Part 3 of the Plan.

The proposal involves an alteration to Unit 1 of the milk processing plant by changing the existing cold store to a kitchen and adding toilets and baby changing facilities, as well as creating a waiting area, serving area, reception desk and three small party rooms. There are no external changes to the building and no additional building works are proposed to facilitate development.



The works are to take place inside the building so I am content that the change of use will not impact upon the character of the area. It is not considered the proposal would adversely impact on neighbouring amenity, particularly given the previous use of the site as a milk processing plant involved milk lorries loading on the platform adjacent to the receptor from 4am every morning. Given the fact the shop to the east is open to 10pm, and the factory and filling station to the west are open 24hrs I do not consider an indoor play area would have an adverse impact on neighbouring amenity when considered with the existing uses of the area.

I consider the proposal is of a nature and scale appropriate to the site and locality and respects the opportunities and constraints of the site. Given the existing established use of the site as a Creamery, the proposal to change the use to that of an indoor play area is compatible with the surrounding land uses. There is no conflict with recognized conservation interests and there are satisfactory arrangements for access, parking and sewage disposal. I feel that the proposal is acceptable in relation to the criteria within SETT1.

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.

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. The existing policy PPS 5 – Retailing and Town Centres has been cancelled by the introduction of the SPPS.

One of the regional strategic objectives for town centres and retailing is to secure a town centres first approach for the location of future retailing and other main town centre uses which are defined as 'cultural and community facilities, retail, leisure, entertainment and business'. This change of use proposal will bring the vacant unit back into use, which can make a significant contribution to the vitality and viability of a town centre because it will attract people who both avail of the services on offer and also those who are employed within. In addition, the SPPS outlines that all applications for retail development or main town centre type uses will be assessed in accordance with normal planning criteria including transportation and access arrangements, design and environmental and amenity impacts.

Para. 6.12 states that Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

I am content the proposal for a change of use from a milk processing plant to an indoor play area and associated car parking meets the criteria in the SPPS in respect of meeting local need and will not have a negative impact on the character of the settlement. Additionally, I do not consider the proposal will have a negative impact on the setting of the listed assets detailed above as confirmed by consultation with HED. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application.

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. As the proposal has now been altered to show the existing access to the eastern side for ingress only, with the access on the western side the primary access to the building for ingress and egress DFI Roads have no concerns with the proposal, subject to condition. It should be noted that the DFI comments relate to drawing 02 rev. 01 however an amended block plan (02 rev. 02) has been received which details security fencing and this has superseded 02 rev. 01. The roads details remain the same on both and therefore I have subsequently amended the proposed conditions to refer to 02 rev. 02 as opposed to 02 rev. 01.

Planning Policy Statement 4 - Planning and Economic Development

Policy PED 9 - General Criteria for Economic Development states that a proposal for economic development use, in addition to other policy provisions of PPS 4, will be required to meet all of the 13 criteria listed under PED 9 which I will address below.

(a) It is compatible with surrounding uses, (b) it does not harm the amenities of nearby residents and (e) it does not create a noise nuisance

The proposal is compatible with the surrounding uses in the area, and I do not feel it will harm the amenities of nearby residents as the proposal is for a use which will have less noise impacts than what was previously on site. The objection that was initially received on the proposal has been addressed and adequately dealt with, resulting in the objector now being satisfied with the proposed plans.

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

Having completed a biodiversity checklist I am content the proposal will not affect any features of the natural heritage. There are no known built heritage features which will be affected by the proposal.

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

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map I have no flooding concerns.

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

There is no issue of concern raised on this matter.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; (h) adequate access arrangements, parking and manoeuvring areas are provided; (i) a movement pattern is provided that, in so far as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport

The proposal will not significantly increase the level of traffic using the existing road network. The applicant has outlined that there will be an expected 53 car journeys to the site per day, with no peak times identified. Carparking can be facilitated within the site

and manoeuvring areas provided. The proposal will utilise the existing access, with the traffic spread evenly through the hours of operation. Due to its location within the village of Fivemiletown there is provision for pedestrian and cycle routes, with public transport stops within approximately 100m.

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

The existing building on site has been utilised as a milk processing plant which has been vacant for a number of years. This proposal will assist the promotion of sustainability, and the design is not being altered.

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

There are no areas of external storage shown and fencing and gates are proposed at the western access, coloured green which provides an acceptable means of enclosure here.

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

I do not have any major concerns with this. As noted above the proposal includes a 1.8m high NK IBEX security fencing and associated double gates which are to be kept closed outside hours of opening. This security feature has been added to the proposal to address the objectors concerns and I consider a condition to this effect should be added to any planning permission.

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

N/A as the application is within the village of Fivemiletown.

PPS 6 - Planning, Archaeology & Built Heritage

As this is an application for a change of use within close proximity to listed assets it will be assessed against the Policy provision contained within PPS 6 and in particular Policy BH11 – Development affecting the Setting of a Listed Building.

Policy BH11 states that development which would adversely affect the setting of a listed building will not normally be permitted. It further states that the nature of the use proposed should respect the character of the setting of the building.

The proposal involves a change of use from a milk processing plant to a soft play area. There are no external alterations proposed to the building as all works are to the internal layout of the building.

Historic Environment Division (HED) were consulted, as the competent authority in assessing the impact of the proposal on the listed assets of the Old Station House and the Water Tower and are content that the proposal, as presented, satisfies policy. They note that the proposed change of use is an extant development and that any proposed

alterations to the building and site are minor.

I consider the nature of the use proposed meets the policy requirements of BH11 of PPS6 and respects the character of the setting of the listed assets with no adverse impact on them.

Other Material Considerations

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.

Consultee Comments

DFI Roads have no objections to the proposal subject to conditions.

Environmental Health Department have determined that the proposal is acceptable subject to conditions. They had originally suggested opening hours until 6pm but have noted that the applicant/agent proposes that the operating hours are extended until 9pm on a daily basis to make the business viable. Given this additional information on the proposed use of this development, Environmental Health are satisfied to amend the previously proposed conditions to the ones below. They also state that to ensure residential amenity is protected, it is imperative that all activities associated with this proposed are contained within the proposed building and that all external doors are closed during the hours of operation except for access and egress. I consider these conditions are acceptable to protect residential amenity.

HED were consulted as the site lies within the listed assets of HB13/01/011 A the Old Station House and HB13/1/011 B the Water Tower at Railway Station and are content that the proposal satisfies policy. However, they have requested conditions to be imposed on any planning permission. One of these conditions relate to proposed signage at the site. I do not consider this condition is reasonable as the directional signage noted on the block plan 02 rev. 02 could be deemed consent under Class 2 of Schedule 3 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. If the signage subsequently exceeds the limits for deemed consent, then an application for consent to display would be required and the details of same would be presented to HED for consultation.

Having considered all the information above I am satisfied the proposed change of use development fulfils the requirements of SETT 1, PPS 4 and PPS 6 and I recommend approval.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular access (es), including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 02, date received 04 May 2023, prior to the commencement of any 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 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 gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

Condition 4

No retailing or other 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 Rev 02 date received 04 May 2023 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 5

The business hereby permitted shall only operate between 09:00 hours - 21:00 hours, Monday until Saturday, and 13:00 hours - 18:00 hours on Sundays, 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 05, 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 activity 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.

Condition 8

The proposed double gates, as shown on Drawing No. 02 Rev 02 date received 04 May 2023, shall be kept closed outside hours of opening unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity.

Condition 9

The proposal shall be strictly in accordance with Drawing No. 03 date received 19 Aug 2022 and Drawing No. 02 Rev 02 date received 04 May 2023

Reason: To ensure the nature of the use proposed respects the character of the setting of the building

Informative 1

This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 2015. Their size, construction, content and siting should be approved by Mid Ulster Council BEFORE any such signs are erected.

Signature(s): Deirdre Laverty

Date: 23 August 2023

ANNEX	
Date Valid	19 August 2022
Date First Advertised	1 September 2022
Date Last Advertised	1 September 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 29 Colebrook Road Fivemiletown Tyrone BT75 0QG The Owner / Occupier 31 Colebrook Road Fivemiletown Tyrone BT75 0QG The Owner / Occupier 24 Colebrook Road Fivemiletown Tyrone BT75 0QG The Owner / Occupier 26 Colebrook Road Fivemiletown Tyrone BT75 0QG The Owner / Occupier 138 Main Street Fivemiletown Tyrone BT75 0PW</p>	
Date of Last Neighbour Notification	21 July 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/2008/0903/F Proposals: Retention of conservatory Decision: PG Decision Date: 21-OCT-08</p> <p>Ref: M/1993/0446 Proposals: New Dwelling Decision: PG Decision Date:</p> <p>Ref: M/1995/0479 Proposals: New Church Hall access & car parking facilities Decision: PG Decision Date:</p>	

Ref: M/1994/6193

Proposals: Proposed church hall - Methodist Church Fivemiletown

Decision: QL

Decision Date:

Ref: M/2005/2335/F

Proposals: Extension to hall to link with adjoining church

Decision: PG

Decision Date: 25-MAY-06

Ref: M/1994/0132

Proposals: Change of use from part of store to provide extension to sales area for supermarket and associated alterations

Decision: PG

Decision Date:

Ref: M/1976/0245

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1978/087601

Proposals: SHELTERED HOUSING FOR THE ELDERLY

Decision: PG

Decision Date:

Ref: M/1978/0876

Proposals: SHELTERED HOUSING SCHEME FOR ELDERLY

Decision: PG

Decision Date:

Ref: M/1994/0535

Proposals: Erection of 3 No. Mobile Homes and associated storage and laundry facilities

Decision: WITHDR

Decision Date:

Ref: M/2009/0656/F

Proposals: Proposed sculpture

Decision: PG

Decision Date: 17-SEP-09

Ref: M/2008/1085/F

Proposals: Retention of industrial building for the manufacture of high density polyethylene land drainage pipe

Decision: PG

Decision Date: 14-OCT-09

Ref: M/2004/0671/F

Proposals: Replacement & alteration of part production area for the manufacture of High Density Polyethylene Land Drainage Pipes.

Decision: PG

Decision Date: 31-AUG-05

Ref: M/1994/0688

Proposals: Re-use of vacant industrial building and extension to provide offices

Decision: PG

Decision Date:

Ref: M/1997/0553

Proposals: Replacement of Shop/Stores and Canopy to Petrol Filling Station

Decision: PG

Decision Date:

Ref: M/2006/0354/F

Proposals: proposed addition of 1no 0.3m DIA BT(NI) transmission dish to existing secured column @ 12.35m AGL

Decision: PG

Decision Date: 19-MAY-06

Ref: M/1979/0725

Proposals: ADDITIONAL STORAGE ACCOMMODATION

Decision: PG

Decision Date:

Ref: M/1988/0127

Proposals: CHANGE OF USE FROM PART OF FACTORY TO SNOOKER HALL

Decision: PG

Decision Date:

Ref: M/1988/0128

Proposals: CHANGE OF USE FROM PART OF FACTORY UNIT TO AMUSEMENT ARCADE, TOILETS AND

Decision: WITHDR

Decision Date:

Ref: M/1987/0714

Proposals: IMPROVEMENTS TO DWELLING

Decision: PR

Decision Date:

Ref: M/1987/0715
Proposals: IMPROVEMENTS TO DWELLING
Decision: PR
Decision Date:

Ref: M/1978/0530
Proposals: PROVISION OF NEW TOILET AND OFFICES TO EXISTING BUILDING
Decision: PG
Decision Date:

Ref: M/2006/1995/F
Proposals: Proposed single storey mono pitched composite clad extension to existing cheese production building to house additional plant and machinery together with erection of one new whey vertical storage tank and two replacement tanks one vertical and one horizontal.
Decision: PG
Decision Date: 22-JUN-07

Ref: M/1977/0746
Proposals: ERECTION OF BOILER HOUSE & CHILLING PLANT
Decision: PG
Decision Date:

Ref: LA09/2022/1290/F
Proposals: Change of use from Milk Processing Plant to Indoor Play Area and Associate Car Parking
Decision:
Decision Date:

Ref: M/1989/0272
Proposals: Improvements to dwelling
Decision: PG
Decision Date:

Ref: M/1984/0613
Proposals: DEMOLITION OF EXISTING CHEESE STORE, CONSTRUCTION OF NEW CHEESE RIPENING
Decision: PG
Decision Date:

Ref: M/2015/0040/F
Proposals: Internal alterations to reduce shop floor and increase back of shop storage including new shop fitout
Decision: PG
Decision Date: 31-MAR-15

Ref: LA09/2016/0821/A

Proposals: 1x internally illuminated logo , sign A 1.4x1.32x0.075m ,1x non illuminated acrylic letters, sign B 0.322x4.92x0.005, 1x non illuminated wall mounted aluminium panel, signs D1, D2,D3,E,F,I,j.0.6x0.6x0.003m. 1x internally illuminated logo ,sign G 0.8x0.755x0.075m, 1x internally illuminated projector sign H,0.852x0.727x0.115m

Decision: CG

Decision Date: 25-OCT-16

Ref: M/2014/0372/A

Proposals: Illuminated Projector, opening hours and car park signs

Decision: CG

Decision Date: 25-SEP-14

Ref: M/2002/0315/A

Proposals: Installation of signage.

Decision: CG

Decision Date: 21-MAY-02

Ref: LA09/2022/1162/A

Proposals: Free standing 'Totem Pole' type sign.

Decision: CG

Decision Date: 01-NOV-22

Ref: M/1989/0032

Proposals: Temporary Classroom

Decision: PG

Decision Date:

Ref: M/1979/0535

Proposals: PROPOSED MOBLE CLASSROOM

Decision: PG

Decision Date:

Ref: M/1989/0265

Proposals: Pitched Over_Roofing To Woodwork Metalwork and Commercial Rooms

Decision: PG

Decision Date:

Ref: M/1984/0193

Proposals: REBUILDING OF EXISTING OFFICE BLOCK AND CHEESE MANUFACTURING ACCOMMODATI

Decision: PG

Decision Date:

Ref: M/2008/0752/A

Proposals: 2 x single sided fascia signs, 1 x double sided projecting sign, 1 x car park sign

Decision: CG

Decision Date: 16-SEP-08

Ref: M/1978/0570

Proposals: ERECTION OF 1 TEMPORARY CLASSROOM

Decision: PG

Decision Date:

Ref: M/1990/0212

Proposals: Workshop

Decision: PG

Decision Date:

Ref: M/1978/0618

Proposals: PROPOSED MUSIC CENTRE, COREER UNIT, 6TH FORM CENTRE AND SWUIMMING POOL

Decision: PG

Decision Date:

Ref: M/1980/0514

Proposals: EXTENSION TO BUNGALOW

Decision: PG

Decision Date:

Ref: M/1989/0342

Proposals: Garage and Carport

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-06-12-2022.docx

NI Water - Strategic Applications-LA09-2022-1290-F.pdf

Environmental Health Mid Ulster Council-Planning response.pdf

DFI Roads - Enniskillen Office-Check List.docx

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-06-03-2023 Conditions.docx

DFI Roads - Enniskillen Office-02-06-2023.docx

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-09-03-2023.docx

Historic Environment Division (HED)-

Environmental Health Mid Ulster Council-Planning response (2).pdf

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
Existing Floor Plans Plan Ref: 05
Existing Elevations Plan Ref: 04
Proposed Floor Plans Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 02 REV 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.8
Application ID: LA09/2022/1458/F	Target Date: 18 January 2023
Proposal: Proposed Farm Dwelling & Garage	Location: Approx 30M South Of 4 Killyneese Road Castledawson
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr B McKenna 11 Carraloan Road Magherafelt BT45 6NW	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Magherafelt Area Plan 2015, PPS3, and PPS21. It is my view that this proposal is contrary to PPS 21 policy CTY 13 in that the proposed dwelling will be a prominent feature in the landscape, the site lacks long established boundaries and it relies primarily on the use of new landscaping for integration. The proposal is also contrary to CTY 14 as it will be unduly prominent in the landscape.</p> <p>Consultation was carried out with DfI Roads who offered no objection subject to conditions.</p> <p>Outline permission was granted on the site 3rd June 202 which restricted the ridge height to 6m- this application has a higher ridge height. The principle of development was accepted at this stage and as the full application was submitted within the time frame for the Reserved Matters application the same principle of development is acceptable- any approval can be time conditioned to link to the outline approval.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	P1 Form not up loaded to the Portal.
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-1458-F.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Full 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 13 and CTY 14 of PPS 21.

Characteristics of the Site and Area

The site is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is situated just outside the settlement limits of Magherafelt. The application site is situated up a private laneway just off the main Killyneese Road. The levels of the site are uneven and the site forms part of a larger agricultural field. The north western boundary of the site is defined by wire and post fencing with some trees located along the north eastern boundary. As the site is part of a larger agricultural field, the southern boundaries remain undefined. The proposed access onto the site is shown as from the existing private laneway. The site shares a boundary with no. 4 Killyneese Road. The immediate surrounding area is largely defined by residential uses as well as some agricultural uses.

Description of Proposal

This is a full planning application for a proposed Farm Dwelling & Garage.

Site History

LA09/2019/1322/O- Proposed site for a dwelling and domestic garage, based on Policy CTY10 (dwelling on a farm). Approx 30M South Of No 4 Killyneese Road, Castledawson. Permission Granted 3rd June 2020.

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

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.

Outline planning permission was granted for a dwelling at this location under planning application LA09/2019/1322/O. The applicant has now submitted a full planning application with farm details provided. Therefore, the application will be assessed again under 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.

A consultation was sent to DAERA who confirmed the farm business ID has been in existence for 6 or more years and that single farm payment has been claimed in each of the last 6 years. However, DAERA did state that the proposed site located on land not claimed by any business in 2022 (claimed by applicant in previous years). From this i am content that criteria A is met.

With regards to criteria b, I have carried out a detailed search on the planning portal and no dwellings or development opportunities appear to have been sold off from the farm holding.

With regards criteria C, the red line of the application is the same as was approved at Outline stage, however, the outline planning approval had a siting condition attached and the proposed dwelling is located within the general vicinity of the approved area.

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. The outline planning granted permission for a dwelling with a ridge height of no greater than 6m above existing ground level. This proposal is for a much larger dwelling with a ridge of approximately 9.4m above finished floor level. Following internal discussions, it was agreed that the proposed dwelling would be a prominent feature and would not integrate and that the ridge height should be reduced. This was put forward to the agent on a number of occasions to explain the planning departments view that a change of design was required, and the ridge height reduced to ensure the dwelling integrates. Emails were sent to the agent on 28/02/23, 31/03/23 and 25/04/23 and no amendments were received. The agent did submit a 3D image showing how the proposed dwelling would look however, this did not resolve the issue and it is felt the

proposed dwelling would be a prominent feature in the landscape. Furthermore, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration given the size of the dwelling.

Policy CTY 14 states 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. As previously mentioned I believe the proposed dwelling would be unduly prominent in the landscape given the scale of the dwelling and as such fails to comply with CTY 14.

There is ample space within this site to provide package treatment provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view the proposal does not offend policy CTY16 of PPS21.

PPS 3 - Access, Movement and Parking:

DFI Roads were consulted and initially requested amendments to be made. Following these amendments, DFI Roads are content subject to a condition 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 Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed building will be a prominent feature in the landscape, lacks established natural boundaries and relies primarily on the use of new landscaping for integration.

Reason 2

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling will be unduly prominent in the landscape.

Signature(s): Ciaran Devlin

Date: 17 August 2023

ANNEX	
Date Valid	5 October 2022
Date First Advertised	18 October 2022
Date Last Advertised	18 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 8 Killyneese Road Castledawson Londonderry BT45 8DS The Owner / Occupier 4 Killyneese Road Castledawson Londonderry BT45 8DS	
Date of Last Neighbour Notification	31 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-P1 Form not up loaded to the Portal. DFI Roads - Enniskillen Office-Full Resp.docx DAERA - Coleraine-Consultee Response LA09-2022-1458-F.DOCX DFI Roads - Enniskillen Office-Full Resp.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02 Proposed Plans Plan Ref: 03 Garage Plans Plan Ref: 04	

Notification to Department (if relevant)

Not Applicable

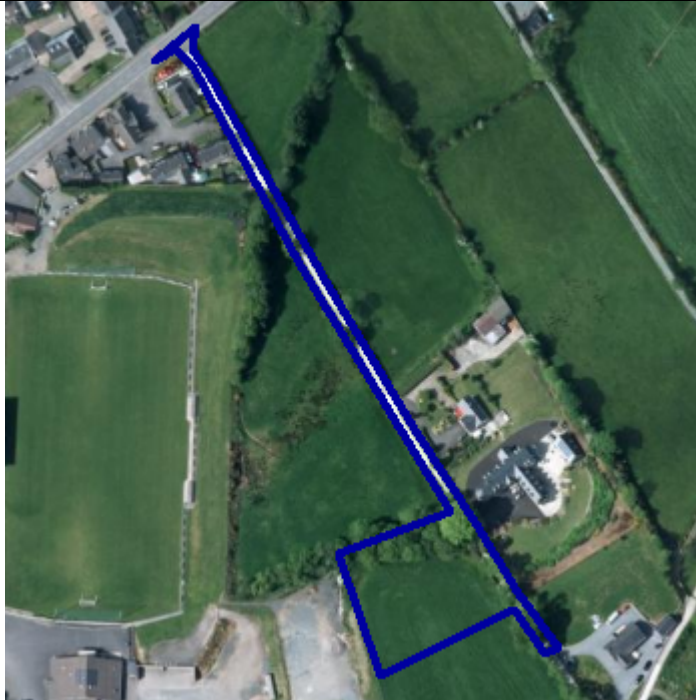


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.9
Application ID: LA09/2022/1776/F	Target Date: 7 April 2023
Proposal: Replacement dwelling and all associated site works	Location: Lands 70M SW of No.54 Sixtowns Road Draperstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr & Mrs Michael & Maria McAlister 54a Sixtowns Road Draperstown Magherafelt BT45 7BB	Agent Name and Address: APD Architects Ltd. Darragh House 112 Craigdarragh Road Helen's Bay BT19 1UB
Executive Summary: <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Magherafelt Area Plan 2015, PPS3, and PPS21. It is my view that this proposal is contrary to PPS 21 policy CTY 3 in that the proposed replacement dwelling will have a significantly greater visual impact than the existing dwelling. The main view point which causes concerns is from Ballinascreen GAC grounds to the west of the site.</p> <p>Concerns were initially raised about the visual impact of the dwelling and the agent submitted photomontages and following further discussions submitted amended plans showing a slight reduction in the scale of the proposal. Following discussions with the Planning Department Service Director this proposal is being presented to members to consider the application as an exception to policy as although it may be deemed contrary to policy, the impacts of this dwelling are limited given the urbanised feel of the immediate surrounding area.</p> <p>No consultations were required as the proposal is using an existing unaltered access.</p>	

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

The proposal is contrary to Policy CTY 3 of PPS 21. The application is being presented as an exception to policy. No third party objections received.

Characteristics of the Site and Area

The site is located within the open countryside, immediately south of the settlement limits of Straw and within a local landscape policy area as defined by the Magherafelt Area

Plan 2015. The red line of the application site includes the northern portion of a larger agricultural field which extends further south. The site is accessed via an existing shared laneway which accesses a number of other dwellings along the laneway. The site includes a small building which is subject to replacement which is currently overgrown with trees and shrubs. The site slopes in a south western direction with the site bounded by mature trees along the northern and eastern boundaries. The southern boundary is currently undefined with the southern boundary of the red line being bound by a post and wire fence that separates the field from the GAA grounds adjacent which sit at a much lower level. The site itself is elevated at a level above the GAA grounds. The surrounding area is a mix of land uses with single dwellings in the countryside nearby, as well as dwellings and businesses within the settlement limits of Straw and Ballinascreen GAA grounds to the west.

Description of Proposal

This is a full planning application for a replacement dwelling and all associated site works.

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

The Magherafelt Area Plan identifies the site as being located in Designation SW 02 Local Landscape Policy Area. Policy for the control of development in Local Landscape Policy Areas is contained in Policy CON 2 in Part 2 of the Plan. Within designated Local Landscape Policy Areas (LLPAs) planning permission will not be granted to development proposals that would adversely affect their intrinsic environmental value and character, which includes those features and areas set out in Part 4 of the Plan. I do not believe the proposal would adversely affect the intrinsic environmental value and character of the LLPA.

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. It notes the importance of sustainable development in the countryside, which promotes high standards in the design, siting and landscaping.

CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy, all references to 'dwellings' will include buildings previously used as dwellings. Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under

this policy. Policy states that 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.

Upon the site visit, I am content that the building to be replaced is a dwelling. The site was very overgrown but it was clear to see the building has windows and door openings and an chimney with a damaged roof.

The policy further states that replacement dwellings 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;

The proposed dwelling appears to be sited outside the established curtilage of the existing building. However, given how overgrown the existing site is, it is unclear to what extent the curtilage exists however I am content that it is to be sited outside the curtilage and it is acceptable to state the existing curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling without the removal of a number of mature trees which also provide landscape benefits to the site.

- 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.

The existing dwelling is a very small cottage style building which is well screened from all public view points due to the overgrown nature of the site. Even if the site was cleared of vegetation, the visual impact of the existing dwelling is limited. In comparison the proposed dwelling is to a split level dwelling, which when viewed from Ballinascreen GAA, the site is very open and the proposed dwelling will have visual impact significantly greater than the existing building. It is noted from other viewpoints the proposed dwelling will not have a significantly greater visual impact, in fact the front elevation of the dwelling facing onto the shared laneway causes no concern. Similarly given the strong boundaries to the north, views of the dwelling from the settlement limits of Straw and the public roads of Sixtowns Road and Corrick Road views of the site will be limited.

However, when viewed from Ballinascreen entrance, it is felt it does not comply with this criteria as it has a significantly greater visual impact. See image below viewed from GAA grounds to the site, note the existing building is not visible. However, it is noted that this view is from the gate and around the pavilion and views from the stand at the main pitch would be limited due to the existing screening. Following discussions with the Service Director it was felt the characteristics of the area are urban given the GAA grounds and the site will be looking onto these grounds. It is also noted that there are two large

dwelling as seen on the image below, one to the left one to the right of the site and will aid integration. From this, it is acknowledged that the proposal will have a visual impact significantly greater than the existing building however, given this is from one specific viewpoint which is an urbanized area, it is felt this proposal could be treated as an exception to this policy as this is the only point it fails to meet.



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

The design of the proposed dwelling is of high quality. The front elevation fronting onto the shared laneway appears as a single story modern style cottage with the rear elevation becoming a split level two storey dwelling facing towards Ballinascreen GAA club. Given the urban feel of the GAA club, I am content that the design of the dwelling is appropriate for the rural setting and has regard to local distinctiveness.

-All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.

I am satisfied that all necessary services can be provided without significant 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.

The proposal is to use an existing unaltered access.

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 the dwelling will not be a prominent feature in

the landscape. There was some concern regarding the need for landscaping on the western boundary where there are no existing boundaries to provide integration, however, given the strong mature boundaries to the north this aids integration and the boundary to the east allows the dwelling to blend. It is acknowledged additional planting is required on the eastern boundary, but I am content it does not rely primarily on the use of new landscaping for integration.

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. I am content the proposal will not be a prominent feature in the wider landscape and will not alter the rural character of the area.

Policy 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. Although the proposal is located adjacent to the settlement limits of Straw, I do not believe it will mar the distinction between the settlement and the countryside as there is currently a dwelling at this site.

Policy CTY 16 states planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. I am content sufficient space is available for the provision of a septic tank however; the onus is on the landowner/developer to ensure there are appropriate consents in place.

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:

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 vegetation on the northern and eastern boundaries of the site as identified on drawing No.02 Rev A shall be permanently retained.

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

Condition 3

If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of 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 by existing trees.

Condition 4

All landscaping comprised in the approved details of landscaping on stamped drawing No.02 Rev A shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

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 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 written consent to any variation.

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

Condition 6

The proposed stonework shall only be locally quarried natural basalt stone only.

Reason: In the interest of visual amenity and to maintain the rural character of the area.

Condition 7

The existing building coloured yellow on the approved 1:1250 scale site location plan, Drawing No.01, is to be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

Signature(s): Ciaran Devlin

Date: 23 August 2023

ANNEX	
Date Valid	23 December 2022
Date First Advertised	10 January 2023
Date Last Advertised	10 January 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 55 Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 57 Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 3 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 2 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 1 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 1 The Orchard Draperstown Londonderry BT45 7GG</p> <p>The Owner / Occupier 12 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 9 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 8 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 54A Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 58A Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 54 Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 54B Sixtowns Road Draperstown Londonderry BT45 7BB</p>	
Date of Last Neighbour Notification	26 July 2023
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: H/1984/0394

Proposals: EXTENSION TO SHOP

Decision: PG

Decision Date:

Ref: H/1975/0166

Proposals: PETROL FILLING STATION

Decision: PG

Decision Date:

Ref: LA09/2020/1348/PAN

Proposals: Proposed alterations and extension to existing club house to provide multi-purpose sports hall , associated changing facilities, community gym and associated parking and site works

Decision:

Decision Date:

Ref: H/2012/0156/F

Proposals: 33kv Overhead Powerline

Decision: PG

Decision Date: 19-NOV-12

Ref: H/1993/0037

Proposals: 2 NO SEMI DETACHED DWELLINGS AND ESTATE ROAD

Decision: PG

Decision Date:

Ref: H/2005/1041/F

Proposals: Amendment to Previously Approved Housing Development - Planning Ref: H/2004/0687

Decision: PG

Decision Date: 23-MAR-06

Ref: H/1999/4005

Proposals: UTILITY AND GARDEN SHED

Decision: PDNOAP

Decision Date:

Ref: H/1992/0251

Proposals: SITE OF RESIDENTIAL DEVELOPMENT

Decision: PG

Decision Date:

Ref: LA09/2022/1776/F

Proposals: Replacement dwelling and all associated site works

Decision:

Decision Date:

Ref: H/1974/0236

Proposals: 11KV AND M/V O/H LINES (C.4489)

Decision: PG

Decision Date:

Ref: H/2007/0344/Q

Proposals: Removal of excess soil from one field to another

Decision: 211

Decision Date:

Ref: H/2006/0159/F

Proposals: Addition Of Floodlights

Decision: PG

Decision Date: 22-MAY-06

Ref: H/2000/0844/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 16-OCT-01

Ref: LA09/2021/0264/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 11-FEB-22

Ref: LA09/2020/1153/O

Proposals: Infill site for dwelling and garage

Decision: PG

Decision Date: 26-APR-21

Ref: H/2005/0709/O

Proposals: Site of domestic dwelling and garage.

Decision: PR

Decision Date: 24-APR-07

Ref: H/2007/0249/RM

Proposals: Dwelling and garage.

Decision: PG

Decision Date: 25-JUN-07

Ref: H/1994/0092

Proposals: ALTS AND ADDS TO DWELLING

Decision: PG
Decision Date:

Ref: H/2004/0467/O
Proposals: Site of Dwelling and Garage.
Decision: PR
Decision Date: 30-JUN-06

Ref: H/2004/0199/O
Proposals: Site of dwelling house and garage.
Decision: PG
Decision Date: 24-FEB-05

Ref: H/2003/0922/O
Proposals: Site of dwelling and garage.
Decision: PG
Decision Date: 20-FEB-04

Ref: H/2004/1053/RM
Proposals: Proposed Dwelling and Garage (outline H/2003/0922/O)
Decision: PG
Decision Date: 04-JAN-05

Ref: H/2005/0146/F
Proposals: Erection of Residential Housing Development
Decision: PG
Decision Date: 18-FEB-09

Ref: H/1996/6067
Proposals: HOUSING DEVELOPMENT STRAW DRAPERSTOWN
Decision: PRENC
Decision Date: 26-SEP-96

Ref: H/2009/0275/F
Proposals: Proposed change of house types to ones previously approved on sites 15-20 and sites 25-29 in H/2005/0146/F and alterations to existing private laneway at Sixtown Road for residential purposes.
Decision: PG
Decision Date: 20-OCT-09

Ref: H/1977/0062
Proposals: SITE OF ALTERATIONS AND EXTENSION TO BUNGALOW
Decision: PG
Decision Date:

Ref: H/1999/0239

Proposals: SITE OF DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/1996/0005

Proposals: SITE OF DWELLING

Decision: WITHDR

Decision Date:

Ref: H/2001/0358/F

Proposals: Dwelling and Double Garage

Decision: PG

Decision Date: 05-JUL-01

Ref: LA09/2022/0027/F

Proposals: Proposed residential development to erect 7 No. dwellings (5 No. detached and 2 No. semi-detached) with associated garden amenities and garages. (Previous planning on lands H/2009/0275/F)

Decision: PG

Decision Date: 20-DEC-22

Ref: H/2004/0291/F

Proposals: Extension to side of existing dwelling house to obtain additional living space.

Decision: PG

Decision Date: 11-OCT-04

Ref: H/2009/0379/F

Proposals: Addition floodlighting to main playing field

Decision: PG

Decision Date: 17-AUG-09

Ref: LA09/2021/0622/F

Proposals: Proposed extension and alterations to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works

Decision: PG

Decision Date: 01-FEB-22

Ref: H/1995/0238

Proposals: ADDITIONAL SEATING AND TERRACING TO FOOTBALL FIELD

Decision: PG

Decision Date:

Ref: H/1982/0292

Proposals: SITE OF DWELLING HOUSE

Decision: PG

Decision Date:

Ref: H/2001/0096/O

Proposals: Revised access to approved residential development lands (H/2001/0096/

Decision: PG

Decision Date: 21-MAY-01

Ref: H/2000/0104/O

Proposals: Site of residential development.

Decision:

Decision Date:

Ref: H/2004/0156/O

Proposals: Site of residential development.

Decision: PG

Decision Date: 12-OCT-04

Ref: H/2006/0022/F

Proposals: Demolition of Existing Dwellings and Construction of 33 No. Dwellings to include Detached, Semi-Detached and Terraced Town Houses with Associated Landscaping And Carparking. (Amended Proposal)

Decision: PG

Decision Date: 13-NOV-06

Ref: H/2002/0478/Q

Proposals: Development of land

Decision: 211

Decision Date: 23-JAN-03

Ref: H/1993/0160

Proposals: TWO SEMI-DETACHED DWELLINGS

Decision: PG

Decision Date:

Ref: H/1989/0147

Proposals: SITE OF HOUSING DEVELOPMENT

Decision: WITHDR

Decision Date:

Ref: H/1992/0019

Proposals: SITE OF RESIDENTIAL DEVELOPMENT

Decision: WITHDR

Decision Date:

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 02
Proposed Elevations Plan Ref: 03
Proposed Floor Plans Plan Ref: 04
Cross Sections Plan Ref: 05
Garage Plans Plan Ref: 06
Proposed Elevations Plan Ref: 07
Existing Plans Plan Ref: 08
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02 Rev A
Proposed Elevations Plan Ref: 03 Rev A
Proposed Floor Plans Plan Ref: 04 Rev A
Cross Sections Plan Ref: 05 Rev A
Site Layout or Block Plan Plan Ref: 09

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.10
Application ID: LA09/2023/0118/O	Target Date: 22 May 2023
Proposal: Proposed site for a new dwelling and domestic garage	Location: Lands Approx 60M North West of 61 Sherrigrim Road Stewartstown, Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Miller Glendinning 49 West Street Stewartstown Dungannon BT71 5HT	Agent Name and Address: Mr Andrew Glendinning 49 West Street Stewartstown Dungannon BT71 5HT
Executive Summary: Contrary to CTY 10 of PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DAERA - Omagh	Response previously submitted on 05/07/23
	DAERA - Omagh	LA09-2023-0118-O.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

No representations received.

Characteristics of the Site and Area

The red line of the site includes a rectangular portion of lands located approx. 60M North

West of 61 Sherrigrim Road, Stewartstown. The site is quite flat throughout and hedging and some mature trees providing the boundary treatment of the site. It is set back from the public road a short distance and is accessed via an existing laneway. The lands surrounding the site to the north are outlined in blue which indicates ownership, include a number of agricultural fields and farm buildings some distance to the North. The surrounding lands are rural in nature the site itself is not far from Stewartstown settlement limits.

Description of Proposal

Outline planning permission is sought for a proposed site for a new dwelling and domestic garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning History

I/2002/0523/O - Proposed Dwelling (Re-Advertisement) – Adjacent To 61 Sherrygrim Road, Stewartstown - PERMISSION GRANTED

I/1996/0345 - Site for Dwelling - Site Adjacent To 61 Sherrigrim Road Stewartstown – PERMISSION GRANTED

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 61 Sherrigrim Road. At the time of writing, no third party representations have been received.

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 identifies the site as being in the rural countryside. 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 for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must 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

(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. 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 groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years however they noted that the applicant has not claimed on the land over the last 6 years and that the lands were claimed on in 2023 by another farm business. They note within their response that the farm business id is Category 1 but has dormant status (5 year not active rule). No further information was sought from the applicant in relation to this given we felt the proposal failed on criterion (c) of CTY 10 anyway.

With respect to (b) 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 this application.

With respect to (c), there is considered to be appreciable distance between the site and buildings on the farm. The agent was asked for justification for the proposed siting and noted a range of reasons why this site was chosen. The justification given includes there is already a water and electricity supply to the adjacent site and the existing landscaping of the site. They add that there is an uncovered effluent tank further up the lane beside the farm buildings which poses health and safety risks and there is also an easement for a neighbouring farmer to access their lands and the farm machinery etc would pose

further health and safety risks. IT should be noted that this proposal intends to use the existing laneway for access purposes as noted on the P1 form so this would still apply if this site were to be granted.

They also refer to a replacement opportunity which was demolished in the 1960s and refer to other history of the site where permissions were granted previously but the applicant chose not to proceed with either of these permissions and they have since lapsed. Other reasons referred to in the justification note the lands within Stewartstown were there are visibility splay issues with 3rd party land owners and thus would not be an option. I am not satisfied that the reasons given would justify a siting away from the farm buildings as there appears to be a number of alternative fields which would be deemed more suitable in terms of siting to visually link with farm buildings. There are no verifiable plans that the farm business is to be expanded and as such the proposal fails on this criterion.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. 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, as we feel that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. If approval were to be forthcoming, the design and size of the dwelling should be carefully considered to ensure that it is not unduly prominent at this site. The site has good boundaries which should be conditioned to be retained if approval were forthcoming as they would help soften the impact of a dwelling at this site.

The applicant has noted that they intend to utilise the existing access onto Sherrigrim Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new building is not visually

linked or sited to cluster with an established group of buildings on the farm.

Signature(s): Sarah Duggan

Date: 22 August 2023

ANNEX	
Date Valid	6 February 2023
Date First Advertised	21 February 2023
Date Last Advertised	21 February 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 61 Sherrigrim Road Stewartstown Dungannon BT71 4DQ	
Date of Last Neighbour Notification	14 February 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Omagh-Response previously submitted on 05/07/23 DAERA - Omagh-LA09-2023-0118-O.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 September 2023	Item Number: 5.11
Application ID: LA09/2023/0206/O	Target Date: 9 June 2023
Proposal: Dwelling and Garage	Location: 30M South of 15 Craigs Road Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs Marissa McTeague 15 Craigs Road Cookstown BT80 9LD	Agent Name and Address: Eamonn Moore Architect Ltd 10 Knockmoyle Cookstown BT80 8XS
Executive Summary: <p>The current application for a proposed dwelling and garage is presented as a refusal.</p> <p>CTY 8 – This proposal fails to meet Policy CTY 8 of PPS 21 as it cannot be deemed a substantial and built-up frontage as the policy requires a line of 3 or more buildings along a road frontage. Both dwellings immediately adjacent on either side of the proposed site (No. 13 and No. 15 Craigs Road) are both set back from the public road. The approved domestic curtilage of both No. 13 and No. 15 Craigs Road does not extend to public road. Both dwellings are set back, and an agricultural field separates these dwellings from the public road. Therefore No. 13 and no. 15 cannot be considered as road frontage for this policy test.</p> <p>CTY 13 – An appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape, therefore I am content that the application is able to comply under CTY 13.</p> <p>CTY 14 – An appropriately designed dwelling would not appear as a prominent feature in the landscape and would unlikely result in an adverse impact to the rural character of the area, therefore I am content that the application is able to comply under CTY 14.</p>	

PPS 3 – DFI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives.

No third party objections were received in connection with this application.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
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

This proposal fails to meet Policy CTY 8 of PPS 21 as it cannot be deemed a substantial and built-up frontage as the policy requires a line of 3 or more buildings along a road frontage.

Both dwellings immediately adjacent on either side of the proposed site (No. 13 and No. 15 Craigs Road) are both set back from the public road. The approved domestic

curtilage of both No. 13 and No. 15 Craigs Road does not extend to public road. Both dwellings are set back, and an agricultural field separates these dwellings from the public road. Therefore No. 13 and no. 15 cannot be considered as road frontage for this policy test.

Characteristics of the Site and Area

The application site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The site is identified as 30M South of No. 15 Craigs Road. The red line of the site consists of two small agricultural fields, separated by scattered trees and hedgerow. Immediately adjacent and Southeast of the proposed site is a detached dwelling, No. 13 Craigs Road. Immediately adjacent and Northwest of the proposed site is a detached dwelling and detached garage, No. 15 Craigs Road. The western boundary is roadside and undefined, the northern boundary is defined by a small wooden fence, and the remaining boundaries are defined by mature trees and hedgerow. 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 proposed dwelling and garage. The site is identified as 30M South of No. 15 Craigs Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

No relevant planning history on this site.

Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Cookstown Area Plan 2010

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 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

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 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. To the immediate Southeast of the proposed site is a detached dwelling set back from the road (No. 13 Craigs Road).

To the immediate Northwest of the proposed site is a detached dwelling and detached garage (No. 15 Craigs Road), which is also set back from the road. Even though the detached garage at No. 15 Craigs Road is small in scale and set back behind the existing dwelling, for the purposes of CTY 8, we could consider the 2no. dwelling and the detached garage as a line of 3 buildings.

Policy CTY 8 of PPS 21 requires a line of 3 or more buildings along a road frontage. Having assessed the site and surrounding area I do not consider the site meets with the requirements of Policy CTY 8. The site is not located within an otherwise substantial and continuously built up frontage within the countryside. The approved domestic curtilage of both No. 13 and No. 15 Craigs Road does not extend to public road. Both dwellings are set back, and an agricultural field separates these dwellings from the public road. Therefore No. 13 and no. 15 cannot be considered as road frontage for this policy test. I am of the opinion, this proposal fails to meet Policy CTY 8 of PPS 21.

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

Policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape, and is unlikely to result in an adverse impact to the rural character of the area. On a whole, I am content that the application is able to comply under CTY 14.

Summary of Recommendation:

Refuse is recommended

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

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage.

Signature(s): Seáinín Mhic Íomhair

Date: 29 June 2023

ANNEX	
Date Valid	24 February 2023
Date First Advertised	7 March 2023
Date Last Advertised	7 March 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier RNN -12 Craigs Road Cookstown Tyrone BT80 9LD The Owner / Occupier RNN - 13 Craigs Road Cookstown Tyrone BT80 9LD The Owner / Occupier 15 Craigs Road Cookstown Tyrone BT80 9LD	
Date of Last Neighbour Notification	6 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/2007/0016/RM Proposals: Proposed Dwelling and Domestic Double Garage Decision: PG Decision Date: 10-MAY-07</p> <p>Ref: I/2007/0110/RM Proposals: Proposed dwelling and domestic garage. Decision: PG Decision Date: 10-MAY-07</p> <p>Ref: I/2004/0961/O Proposals: proposed site for dwelling and domestic garage. Decision: PG Decision Date: 12-NOV-04</p> <p>Ref: I/2005/0165/O Proposals: Proposed Site for Dwelling & Domestic Garage Decision: PG Decision Date: 19-MAY-05</p>	

Ref: LA09/2023/0206/O
Proposals: Dwelling and Garage
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docDC Checklist 1.docRoads outline.docx

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.12
Application ID: LA09/2023/0268/O	Target Date: 23 June 2023
Proposal: Dwelling and Garage Under Cty 10	Location: Lands 40M North Of 182 Brackaville Road Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr James Girvin 180 Brackaville Road Coalisland BT71 4EJ	Agent Name and Address: CMI LTD 38 Airfield Road 38B AIRFIELD ROAD toomebridge BT41 3SQ
Executive Summary: The proposal is considered to be contrary to CTY 10 of PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0268-O.docx
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.

Characteristics of the Site and Area

The red line of the site includes an irregular shaped portion of roadside lands located approx. 40m North of 182 Brackaville Road, Coalisland. The site is quite flat throughout and it is bounded by post and wire fencing along the roadside boundary with scattered hedging and along the NW boundary there are some mature trees providing the boundary treatment. The remainder of the boundaries are currently undefined, opening to the remainder of the field. The surrounding lands are rural in nature, however the area does appear to have some recent development and the site itself is not far from Coalisland/Brackaville.

Description of Proposal

Outline planning permission is sought for a proposed dwelling and garage under CTY 10.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning History

M/2010/0595/O - Proposed Dwelling in association with a Farm - Lands 35M East Of 180 Brackaville Road, Dungannon – PERMISSION GRANTED

LA09/2015/1189/F - Lands 35M East Of 180 Brackaville Road, Dungannon - Proposed domestic dwelling and garage – PERMISSION GRANTED

LA09/2018/0492/F - Renewal of existing planning application previously approved under Ref. LA09/2015/1189/F - Lands 35M East Of 180 Brackaville Road, Dungannon – PERMISSION GRANTED

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 180, 182 and 187 Brackaville Road. At the time of writing, no third party representations have been received.

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 identifies the site as being in the rural countryside, located between Newmills and Coalisland 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 for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must 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

(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. 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 groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years and that the applicant has claimed on the land 2017-2019. They note within their response that the proposed site is located on land that is not under the control of the farm business identified on the application form, the land was claimed by another farm business in 2022. No further information was sought from the agent to confirm the status of the farming activity given that the proposal was considered to fail on other criterion within this policy, as outlined later in the report.

With respect to (b) there are records indicating that there is dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. Checks were carried out using the UNiform system and no historical applications have been found. There were a number of

applications which appeared to link with the farm holding, including a recent approval for a replacement dwelling under LA09/2019/1676/F however this does not appear to have been transferred or sold off following a land registry check carried out 21/04/23. There were further approvals on the farm lands under M/2010/0595/O, LA09/2015/1189/F and most recently under LA09/2018/0492/F (which was renewal of LA09/2015/1189/F).

These all relate to the same parcel of land which is adjacent to the application site. A land registry check was carried out and it appears the land was transferred 8th June 2020. This was queried with the agent who has noted that this site was gifted by the farmer to his daughter in 2011. The agent adds that the Council accepted the site had changed hands as the land ownership i.e., Cert A was not challenged in either of the full or renewals applications. In response to this, it is my view that applications are taken at face value unless there are reasons to query information provided. Land registry checks are not carried out for all applications.

The agent referenced a case which was dealt with by another Council in which the report details that the completion of Certificate A by a different application along with a building control submission equates to confirmation by way of legal documentation that the ownership was transferred. From my reading of the report, it appears that the land registry check did not provide any ownership details. As this application was in a different Council area and obviously I am not in control of all of the facts or information surrounding the case, I don't feel this provides any justification for this application. I would refer to the PAC decision 2022/A0036 with particular attention to the Commissioners comments about the transfer of lands.

With respect to (c), there is considered to be appreciable distance between the site and buildings on the farm. I would note that there appears to be a number of other alternative sites within the applicant's ownership, which would meet the policy criteria and would visually link with existing farm buildings on the farm. There were no health and safety reasons presented nor are there any verifiable plans that the farm business is to be expanded and as such the proposal fails on this criterion also.

To conclude the consideration of the proposal against CTY 10, it is considered that it fails on criterion (b) and (c) as outlined above. Full permission was granted on 14th April 2016 under LA09/2015/1189/F and as such is contrary to the policy also which notes that planning policy granted under this policy will only be forthcoming once every 10 years.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. 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, it is considered that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. We would also have some concerns that a dwelling in this location would be somewhat prominent as there is only some degree of hedging along the western boundary but this is low lying and wouldn't provide any suitable degree of enclosure or integration for a dwelling at this site.

The applicant has noted that they intend to create a new access onto Brackaville Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that other dwelling(s)/development opportunities have been sold off from the farm holding within 10 years of the date of the application and there is appreciable distance between the proposed new building and the established group of buildings on the farm. Planning permission for a dwelling on a farm under CTY 10 was approved within the last 10 years also.

Signature(s): Sarah Duggan

Date: 19 July 2023

ANNEX	
Date Valid	10 March 2023
Date First Advertised	21 March 2023
Date Last Advertised	21 March 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 187 Brackaville Road Coalisland Tyrone BT71 4EJ The Owner / Occupier 180 Brackaville Road Coalisland Tyrone BT71 4EJ The Owner / Occupier 182 Brackaville Road Coalisland Tyrone BT71 4EJ	
Date of Last Neighbour Notification	13 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2015/1189/F Proposals: Proposed domestic dwelling and garage Decision: PG Decision Date: 21-APR-16</p> <p>Ref: M/2010/0595/O Proposals: Proposed Dwelling in asociation with a Farm. Decision: PG Decision Date: 31-JAN-11</p> <p>Ref: M/1989/0279 Proposals: Farm Dwelling Decision: PG Decision Date:</p> <p>Ref: M/1985/0276 Proposals: DWELLING Decision: PG Decision Date:</p>	

Ref: LA09/2018/0492/F

Proposals: Renewal of existing planning application previously approved under Ref. LA09/2015/1189/F

Decision: PG

Decision Date: 24-SEP-18

Ref: M/1989/0279B

Proposals: Farm Dwelling

Decision: PG

Decision Date:

Ref: LA09/2019/1676/F

Proposals: Proposed replacement dwelling

Decision: PG

Decision Date: 28-FEB-20

Ref: LA09/2023/0268/O

Proposals: Dwelling and Garage Under Cty 10

Decision:

Decision Date:

Ref: M/1993/0527

Proposals: Change of use from hall to living accommodation and alterations to existing dwelling house

Decision: PG

Decision Date:

Summary of Consultee Responses

DAERA - Omagh-LA09-2023-0268-O.docx

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

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not ApplicableNot Applicable

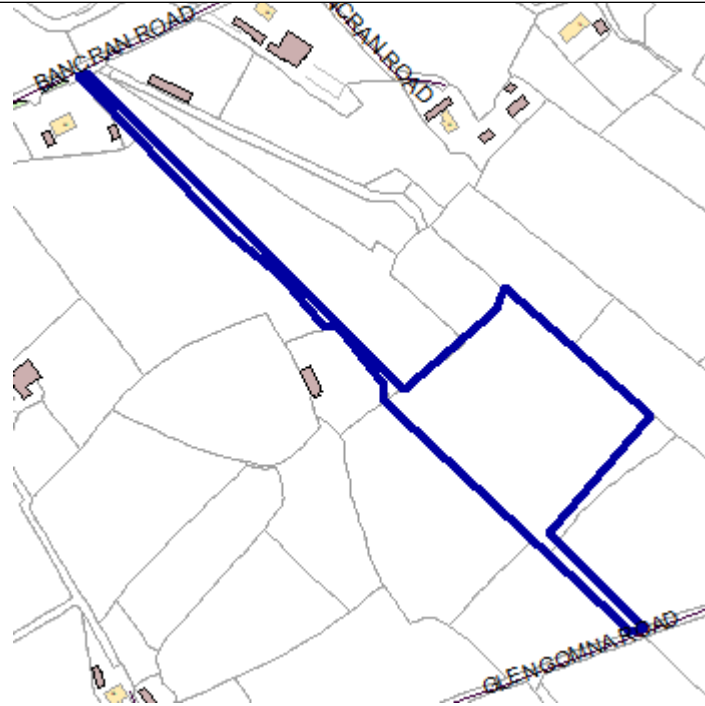


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.13
Application ID: LA09/2023/0405/O	Target Date: 19 July 2023
Proposal: Proposed farm dwelling & domestic garage	Location: Lands 170M South of 82 Bancran Road Drapersown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Aidan Coyle 66 Bancran road Draperstown BT45 7DA	Agent Name and Address: Christopher Quinn 11 Dunamore Road Cookstown BT80 9NR
Executive Summary: <p>This application is brought to the planning committee with a recommendation for refusal. The proposal does not comply with CTY 10 of PPS 21 in that the farm dwelling does not visually link or cluster with an established group of farm buildings. In this instance, there is only one farm building next to the site for the dwelling, but the policy stipulates that more than one established farm building is required for visual linkage / clustering.</p> <p>The application meets the requirements of policies CTY 13 , CTY 14 and CTY 16 of PPS 21.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-0405-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Historic Environment Division (HED)	

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 in the rural countryside approximately 2

miles west and outside of the Straw settlement limit as defined in the Magherafelt Area Plan 2015. The site is a 1.69 hectare area agricultural field sited between the Bancran and Glengomna Rd. The site for the dwelling is next to a small farm yard with a cattle shed, all of which is within the ownership of the applicant. Principle access to the site is via a 300m laneway off the Bancran Rd, though there is a second field-gate access off the Glengomana Rd. The site rises gradually from both roads and much of the red-lined site boundary for the dwelling is located on the hill brow. Principle views of the site are along the Glengomna road, though there is a degree of screening afforded to the site in the form of hedging, both along the roadside and 90 metres back from the Glengomna road, which also marks the south eastern boundary of the site. Hedging and scatterings of trees are present along the remaining boundaries. There are no immediate neighbours adjacent to the site for the dwelling. The site is located in the Sperrins AONB and the wider surrounding environment consists mostly of agricultural fields with scatterings of dwellings and farm buildings.

Description of Proposal

This is an outline application for a proposed farm dwelling and domestic 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.

Magherafelt Area Plan 2015

The site of the proposed development is located in the rural countryside approximately 2 miles west and outside of the Straw settlement limit as defined in the Magherafelt Area Plan 2015. The site falls within the Sperrin AONB.

Relevant Histories

None

Other Constraints

There are no issues pertaining to flooding at the site.

The site falls within the Sperrins AONB. Policy NH 6 of PPS 2 applies, which is addressed in the main body of this assessment below.

The site falls within an NISMR Planning buffer zone for what appears to be an enclosure and bullaun south west of the site. Historic Environment Division were consulted and

provided that, upon assessing the application on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

Representations

No third party representation have been received to date.

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

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 this instance the application is for a dwelling on the farm and therefore 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.

A consultation was issued to DAERA who confirmed the farm business ID has been active and established for more than 6 years and single farm payment has been claimed in each of the last 6 years.

Following a search on the planning portal it does not appear that any development opportunities have been gotten or sold off from the farm holding within 10 years of the date of the application.

In terms of visual linkage / clustering, there is only one farm building with which a new dwelling at this site could cluster with if sited in the north western corner of the field. However, 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. The existing laneway access to the site is via the Bancran Rd, though the applicant has indicated a second access off the Glengomna Rd. Given the existing access runs through a farm yard, it is not considered a practicable means of access for a new dwelling and therefore the new access is deemed acceptable in this instance. 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 are only received at the reserved matters stage if approval is granted at outline. It is taken that a dwelling would not be unduly prominent in this landscape if sited appropriately in the existing field. It is recommended that any dwelling at this site be single storey. There is a degree of existing landscaping that would mean that the dwelling would not rely primarily on the use of new landscaping measures for its integration. The proposed satisfies Policy CTY 13 at this outline stage.

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 provided, a dwelling at this site would not be unduly prominent if the above design and siting recommendations are provided. I am content that the site and its environs are an ideal size to encompass a new dwelling in this location. The proposed satisfies Policy CTY 14 at this outline stage.

There is ample space within this site to provide package treatment plant provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view, the proposal does not offend policy CTY 16 of PPS21.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 of PPS 2 provides guidance on proposals sited within Areas of Outstanding Natural Beauty. The policy provides that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. I am content that an appropriately sited and appropriately designed dwelling (as referenced above) could integrate sympathetically with the surrounding locality. The design of any future dwelling at the site should exhibit local architectural styles, local materials, design and colours. The proposal complies with Policy NH 6 of PPS 2 at this outline stage.

Planning Policy Statement 3 – Access, Movement and Parking

The applicant has indicated in the P1 form that the proposed access arrangements involve alteration of an existing access to a public road. DfI Roads were consulted who assessed the proposed access onto the Glengomna Road. It is advised that third party land may be required to achieve the visibility splays within the applicant's controlled lands. DfI Roads offered no objections to the proposed subject to the standard RS1 condition. The proposed complies with PPS 3 at this outline stage.

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

The site falls within an NISMR Planning buffer zone for what appears to be an enclosure and bullaun south west of the site. Historic Environment Division were consulted and provided that, upon assessing the application on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

Recommendation

Having considered all of the above, it is recommended that this application be refused on the basis that it does not meet the criteria for CTY 10 of PPS 21.

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 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm dwelling does not visually link or cluster with an established group of farm buildings.

Signature(s): Benjamin Porter

Date: 3 August 2023

ANNEX	
Date Valid	5 April 2023
Date First Advertised	18 April 2023
Date Last Advertised	18 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 86 Bancran Road Draperstown Londonderry BT45 7DA	
Date of Last Neighbour Notification	28 April 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2022/1736/O Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: H/1981/0338 Proposals: BUNGALOW WITH GARAGE Decision: PG Decision Date:</p> <p>Ref: H/2006/0012/F Proposals: Extension to dwelling providing sun lounge and garage Decision: PG Decision Date: 03-JUL-06</p> <p>Ref: H/1986/0006 Proposals: HOUSE AND GARAGE Decision: PG Decision Date:</p> <p>Ref: H/1991/0158 Proposals: SITE OF DWELLING</p>	

Decision: WITHDR

Decision Date:

Ref: H/2004/0538/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 24-NOV-05

Ref: LA09/2021/1045/F

Proposals: Proposed sheep house / machinery store and domestic garage

Decision:

Decision Date:

Ref: H/2014/0124/F

Proposals: Proposed alterations and extension to dwelling to provide additional living and sleeping accommodation

Decision: PG

Decision Date: 03-JUN-14

Ref: H/1983/0342

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2023/0405/O

Proposals: Proposed farm dwelling & domestic garage

Decision:

Decision Date:

Ref: H/1980/0435

Proposals: HV O/H LINE (BM 4297)

Decision: PG

Decision Date:

Ref: H/2004/0579/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 14-MAR-06

Ref: H/2009/0400/F

Proposals: Proposed granny flat extension & alterations

Decision: PG

Decision Date: 17-AUG-09

Ref: H/1986/0348

Proposals: DOUBLE GARAGE

Decision: PG
Decision Date:

Ref: H/1979/0191
Proposals: SITE OF REPLACEMENT BUNGALOW
Decision: PG
Decision Date:

Ref: H/1975/0111
Proposals: EXTENSION TO HOUSE
Decision: PG
Decision Date:

Ref: H/1979/0390
Proposals: SITE OF 2 BUNGALOWS
Decision: PG
Decision Date:

Ref: H/1979/0224
Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW
Decision: PG
Decision Date:

Ref: H/2003/0613/O
Proposals: Site of dwelling.
Decision: PG
Decision Date: 16-JAN-04

Ref: H/1976/0072
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE
Decision: PG
Decision Date:

Ref: H/1978/0130
Proposals: ALTERATIONS AND ADDITIONS TO DWELLING
Decision: PG
Decision Date:

Summary of Consultee Responses

DAERA - Coleraine-Consultee Response LA09-2023-0405-O.DOCX
DFI Roads - Enniskillen Office-Outline resp.docx
Historic Environment Division (HED)-

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 September 2023	Item Number: 5.14
Application ID: LA09/2023/0478/RM	Target Date: 9 August 2023
Proposal: Dwelling and garage	Location: 60M NW of 55 Annaghmore Road Castledawson
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Alvin McMullan Esq 55 Annaghmore Road Castledawson BT45 8DU	Agent Name and Address: Russell Finlay 350 Hillhead Road Knockloughrim Magherafelt BT45 8QT
Executive Summary: <p>This is a reserved matters application for a proposed dwelling and garage, presented to the committee as one objection has been received. This proposal has been assessed under all relevant policy - SPPS, Magherafelt Area Plan 2015, PPS3, and PPS21. It is my opinion that the proposal is not at conflict with any of the relevant policy tests.</p> <p>One objection has been received to date. Issues have been raised regarding the validity of the outline application (LA09/2022/1473/O) that was granted in 2023. Concerns have also been raised over statutory neighbour notification procedures, with the objector stating that the correct procedure was not carried out. These issues have been fully considered in my report and do not merit the refusal of this application. The application is being recommended for approval subject to standard conditions.</p>	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

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

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

Characteristics of the Site and Area

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

LA09/2022/1473/O- Dwelling and garage

Granted: 17.04.2023

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

The following policies will be considered in this assessment:

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Mid Ulster District Council Draft Plan Strategy 2030

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

Magherafelt Area Plan 2015

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

PPS 3 – Access, Movement and Parking

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

Planning Policy Statement 21: Sustainable Development in the Countryside

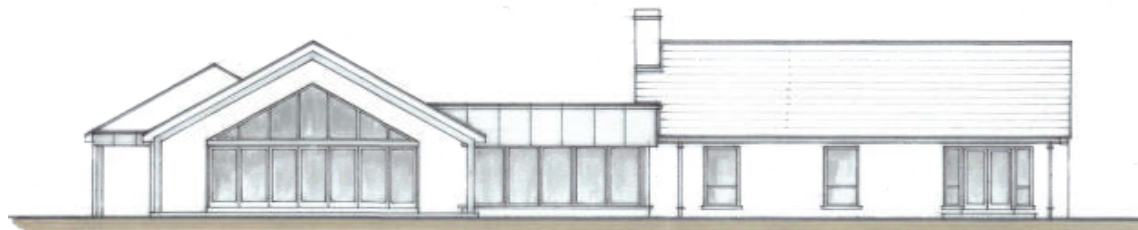
Development in the countryside is controlled under the provisions of PPS21 Sustainable Development in the Countryside. Policy CTY 2a provides an opportunity to gain approval for a dwelling in an existing rural cluster provided the cluster is outside of a farm and consists of 4 or more buildings, 3 of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

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

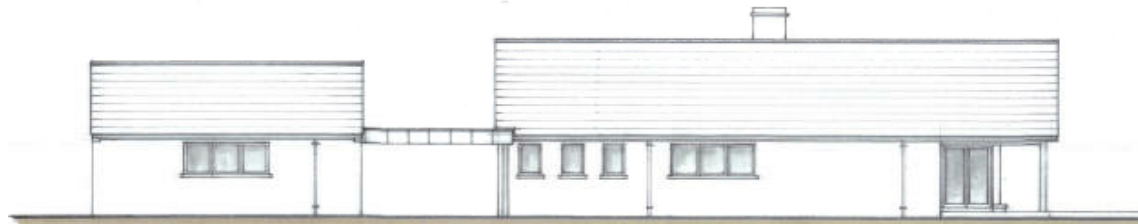
The proposal is for a simple dwelling and garage. In relation to the drawing below, I consider this design and layout to be appropriate for the site. Additionally, the proposed designed will remain integrated into the existing landscape and will not be a dominant feature in the surrounding environment.



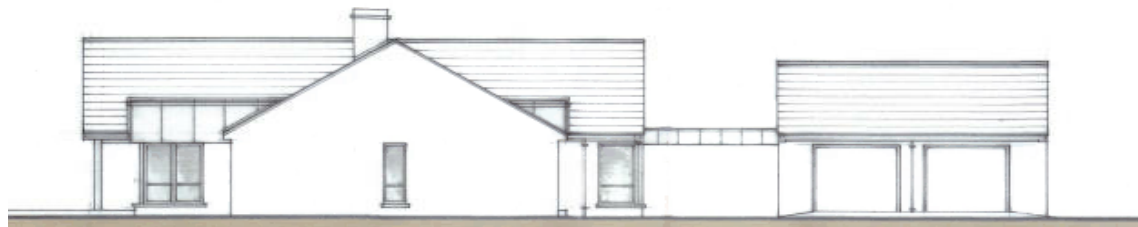
Front Elevation



Rear Elevation



Side Elevation



Holistically, the site benefits from a good degree of natural screening on the Western boundary, mostly consisting of a mixture of mature tree and hedgerows. This current natural screening and the level of enclosure provided, impedes the level of prominence and the level of associated impact on the landscape. I note, to the East of the site lacks natural screening. Although, the proposal of the retention of the new planted tree and additional landscaping will also restrict the level of inter-visibility between the proposed and the surrounding environment and existing properties. Furthermore, with proposed

landscaping of rural hedges to the Northern boundary, will further integrate the proposed into the surrounding environment.

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

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

Other Considerations

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

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

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

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

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

Condition 4

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

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

Condition 5

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

Reason: To protect the privacy of neighbours

Signature(s): Daniel O'Neill

Date: 23 August 2023

ANNEX	
Date Valid	26 April 2023
Date First Advertised	9 May 2023
Date Last Advertised	9 May 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 55 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 53A Annaghmore Road, Castledawson, Londonderry, BT45 8DU</p> <p>The Owner / Occupier 51 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 53 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 57 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 59 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 58 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 52 Annaghmore Road Castledawson Londonderry BT45 8DU</p>	
Date of Last Neighbour Notification	9 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1984/0055 Proposals: BUNGALOW WITH GARAGE. Decision: PG Decision Date:</p> <p>Ref: H/2003/0407/O Proposals: Site of dwelling and garage Decision: PG Decision Date: 18-SEP-03</p> <p>Ref: H/2004/0328/RM</p>	

Proposals: Dwelling and garage.
Decision: PG
Decision Date: 08-OCT-04

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

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

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

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

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

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

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

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

Ref: LA09/2019/0097/O

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

Decision:

Decision Date:

Ref: LA09/2019/0099/O

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

Decision: PG

Decision Date: 08-APR-19

Ref: H/1981/0235

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1981/0147

Proposals: SITE OF TWO DWELLINGS

Decision: WITHDR

Decision Date:

Ref: H/2014/0435/F

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

Decision: PG

Decision Date: 15-DEC-16

Summary of Consultee Responses

DFI Roads - Enniskillen Office-RM Response.docx

Drawing Numbers and Title

Site Layout or Block Plan

Cross Sections

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Proposed Elevations Plan Ref: 04

Notification to Department (if relevant)

Not Applicable

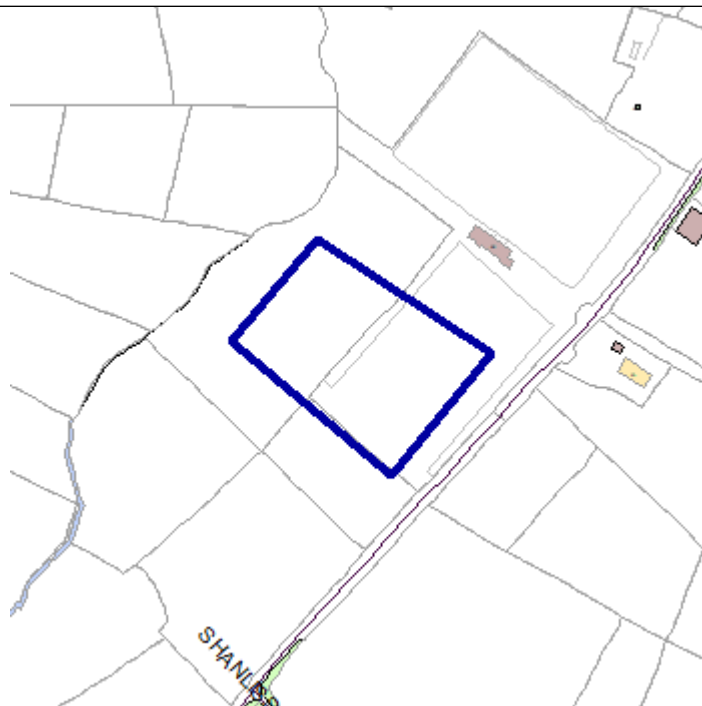


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.15
Application ID: LA09/2023/0573/F	Target Date: 5 September 2023
Proposal: Retention of existing playing field with proposed spectator's stand and floodlighting	Location: Mullaghmoyle Park Mullaghmoyle Road Stewartstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Paddy Parks Mullaghmoyle Park Mullaghmoyle Road Stewartstown BT71 5PX	Agent Name and Address: Mrs Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Environmental Health Mid Ulster Council	LA09-23-0573 Mullaghmoyle Mullaghmoyle Stewartstown.doc F Park Road
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-23-0573 Mullaghmoyle Mullaghmoyle Stewartstown August 2023.doc F Park Road
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

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

Characteristics of the Site and Area

The application site is 1.72ha and is located at Stewartstown's Gaelic Club, based at Mullaghmoyle Park, near Stewartstown, Co.Tyrone. The site is located outside the designated settlements limits as identified in the Cookstown Area Plan, 2010. The site is made up of 2No existing football pitches and a club house. Access is via an existing vehicular access gates onto the Stewartstown Road and there are existing onsite parking areas between the main pitch and the training pitch adjacent to the Mullaghmoyle Road. The red line of the application site includes an existing playing field and a strip of land along the SW boundary which is proposed for the spectators stand. Retrospective permission for the playing field located inside the red line of the site is sought under this application.

To the northern boundary of the site is existing mature vegetation and a farmyard, the western boundary is comprised of mature vegetation and farmland and to the East is the existing Stewartstown Road.



Planning History

LA09/2023/0166/PAN -Retention of existing playing field with proposed spectator's stand and floodlighting, Mullaghmoyle Park, Mullaghmoyle Road, Stewartstown, PAN Accepted, 21.03.2023

LA09/2022/1673/F - Covered spectator stand adjacent to playing pitch, 66 Mullaghmoyle Road, Dungannon, Stewartstown, BT71 5PX, Application Returned.

Representations

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

Assessment

The Strategic Planning Policy Statement for Northern Ireland (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. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and provides the appropriate policy context.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

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

PPS 21 – Sustainable Development in the Countryside

As outlined above, the site is located in the countryside and therefore PPS 21: Sustainable development in the countryside is applicable. Policy CTY 1 – Development in the Countryside directs us to PPS 8 – Open Space, Sport and Recreation to assess an application of this nature.

PPS 8 – open Space, Sport and Outdoor Recreation

The proposed development will not have an adverse impact on features of importance to nature conservation, archaeology or built heritage. There will be no loss of agricultural land or impact on agricultural activities as the proposal is within the existing curtilage of Stewartstown Harps GAC. I do not consider that the proposal will have any significant visual impact on the site and it will be screened by existing vegetation and can be readily absorbed into the landscape. There will be no unacceptable impact on the amenity of

any residential dwellings nearby and the proposal does not prejudice public safety and will not create a detrimental or negative effect on the area and is in keeping with the area in which it sits in terms of scale, form, massing and design. The proposed development is related to the existing recreational use of the site. The proposed facility appears to take into account the needs of people with disabilities and is as far as reasonably possible, accessible by means of transport other than private cars.

The proposed development of this application is related to the existing recreational use of the site and will not result in the loss of any existing open space in accordance with Policy OS 1 of PPS 8. I consider that the proposal complies with the policy provisions therein.

As noted previously, the applicant has not highlighted that the proposed works will intensify the use of the site and as such I am content that the existing access and parking facilities on the site are adequate.

Policy OS 7 – The floodlighting of sports and outdoor Recreational Facilities

There is existing floodlighting around the site and this application includes the addition of floodlighting around the perimeter of the new pitch, as indicated on drawing No 02 dated 22nd May 2023 of the Planning portal. Given the separation distance and orientation of any surrounding properties, there will be no unacceptable impact on the amenities of people living nearby and I do not believe that there will be any adverse impact on the visual amenity or character of the locality and public safety will not be prejudiced. The Council's Environmental Health Department were consulted on the application and responded to say that they had no objections.

Policy OS1- Protection of Open space

The proposal is adequate in terms of the open space provided and it will have substantial community benefits for the local area.

PPS 3 – Access, Movement and Parking

The existing access to the site will be retained. The agent has confirmed that there will be no increase in visitor numbers from that which currently attend. Therefore, I am content that the proposals meets the requirements of the policy as set out in PPS 3.

Conclusion

Based on examination of the site, submitted plans and consultation responses, I conclude that the proposal is in keeping with prevailing planning policy and for the reasoning outlined above and approval is recommended.

Summary of Recommendations

Approve, subject to the conditions outlined below.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Signature(s): Siobhan Farrell

Date: 23 August 2023

ANNEX	
Date Valid	23 May 2023
Date First Advertised	6 June 2023
Date Last Advertised	6 June 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier RNN - 65 Mullaghmoyle Road Stewartstown BT71 5PX The Owner / Occupier 68 Mullaghmoyle Road Stewartstown BT71 5PX The Owner / Occupier 66 Mullaghmoyle Road Stewartstown BT71 5PX The Owner / Occupier 63 Mullaghmoyle Road Stewartstown BT71 5PX	
Date of Last Neighbour Notification	9 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Ref: LA09/2023/0573/F Proposals: Retention of existing playing field with proposed spectator's stand and floodlighting Decision: Decision Date:	
Ref: M/2010/0214/F Proposals: Proposed Generator Installation Decision: PG Decision Date: 04-MAY-10	
Ref: M/2009/0152/F Proposals: Proposed floodlit training pitch & ancillary car parking, landscaping & siteworks Decision: PG Decision Date: 08-APR-09	
Ref: LA09/2022/1673/F	

Proposals: Covered spectator stand adjacent to playing pitch

Decision:

Decision Date:

Ref: M/2013/0537/F

Proposals: Minor amendments to previously approved application M/2009/0152/F, involving the relocation of children's play area and resurfacing existing carpark

Decision: PG

Decision Date: 06-JAN-14

Ref: LA09/2023/0166/PAN

Proposals: Retention of existing playing field with proposed spectator's stand and floodlighting

Decision: PY

Decision Date: 21-MAR-23

Ref: M/2001/0980/F

Proposals: Proposed new changing pavilion

Decision: PG

Decision Date: 19-NOV-01

Summary of Consultee Responses

Environmental Health Mid Ulster Council-LA09-23-0573 F Mullaghmoyle Park
Mullaghmoyle Road Stewartstown.doc
Environmental Health Mid Ulster Council-LA09-23-0573 F Mullaghmoyle Park
Mullaghmoyle Road Stewartstown August 2023.doc
Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Cross Sections Plan Ref: 04

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.16
Application ID: LA09/2023/0580/F	Target Date: 6 September 2023
Proposal: Removal of Conditions No. 7 & No. 8 from previously approved Planning Application LA09/2023/0022/O (Condition No. 8 relates to Condition No. 7, i.e. they are one and the same)	Location: 25M North West of 56 Cavey Road - Ballygawley
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr NIALL McCARTAN No 56 CAVEY ROAD BALLYGAWLEY ROAD BT70 2JQ	Agent Name and Address: Mr BRENDAN MONAGHAN 38b AIRFIELD ROAD THE CREAGH TOOMEBRIDGE BT41 3SQ
Executive Summary: Refusal - conditions were attached to ensure the proposal complied with policies contained within PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The application site includes lands located approx 25m NW of 56 Cavey Road, Ballygawley. The red line of the site is an irregular shed and includes a roadside portion of lands with an area attached outlined in blue indicating ownership. The lands rise from the roadside towards the site and beyond. The site is predominantly bounded by existing

hedging and vegetation and there is wooden fencing between the application site and adjacent properties. The immediate area is surrounded by existing dwellings, including detached and semi detached dwellings and beyond that the lands are rural in nature, scattered with single dwellings. The settlement of Ballygawley is a short distance from the site.

Description of Proposal

Planning permission is sought for the removal of Conditions No. 7 & No. 8 from previously approved Planning Application LA09/2023/0022/O.

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. There were a number of neighbours notified under this application including: 42, 44, 46, 47 and 56 Cavey Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2023/0022/O - PROPOSED SITE FOR DWELLING & DOMESTIC GARAGE - 25M North West of 56 Cavey Road, Ballygawley – PERMISSION GRANTED

LA09/2021/0119/O - 20M NW Of No.56 Cavey Road, Ballygawley BT70 2JQ - One No. Dwelling House (infill site) – PERMISSION GRANTED

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
- The Local Development Plan 2030 – Draft Plan Strategy

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being in the rural countryside with 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. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping.

The agent/applicant originally submitted application LA09/2023/0022/O for a dwelling under the clustering policy CTY 2a, however following group discussion it was felt that CTY 8 was appropriate as the site was not associated with a focal point or at a crossroads. The application was therefore assessed against policy CTY8 – ribbon development and conditions were attached to ensure that the proposal met with this policy. This current application is for the removal of conditions No. 7 & No. 8 from previously approved Planning Application LA09/2023/0022/O which were:

- *The proposed dwelling shall be sited in the area shaded yellow on the approved plan No. 01 Rev 1 which was received on 9th January 2023.*
- *The curtilage of the proposed dwelling shall be as indicated in the area shaded yellow on the approved plan No. 01 Rev 1 which was received on 9th January 2023.*

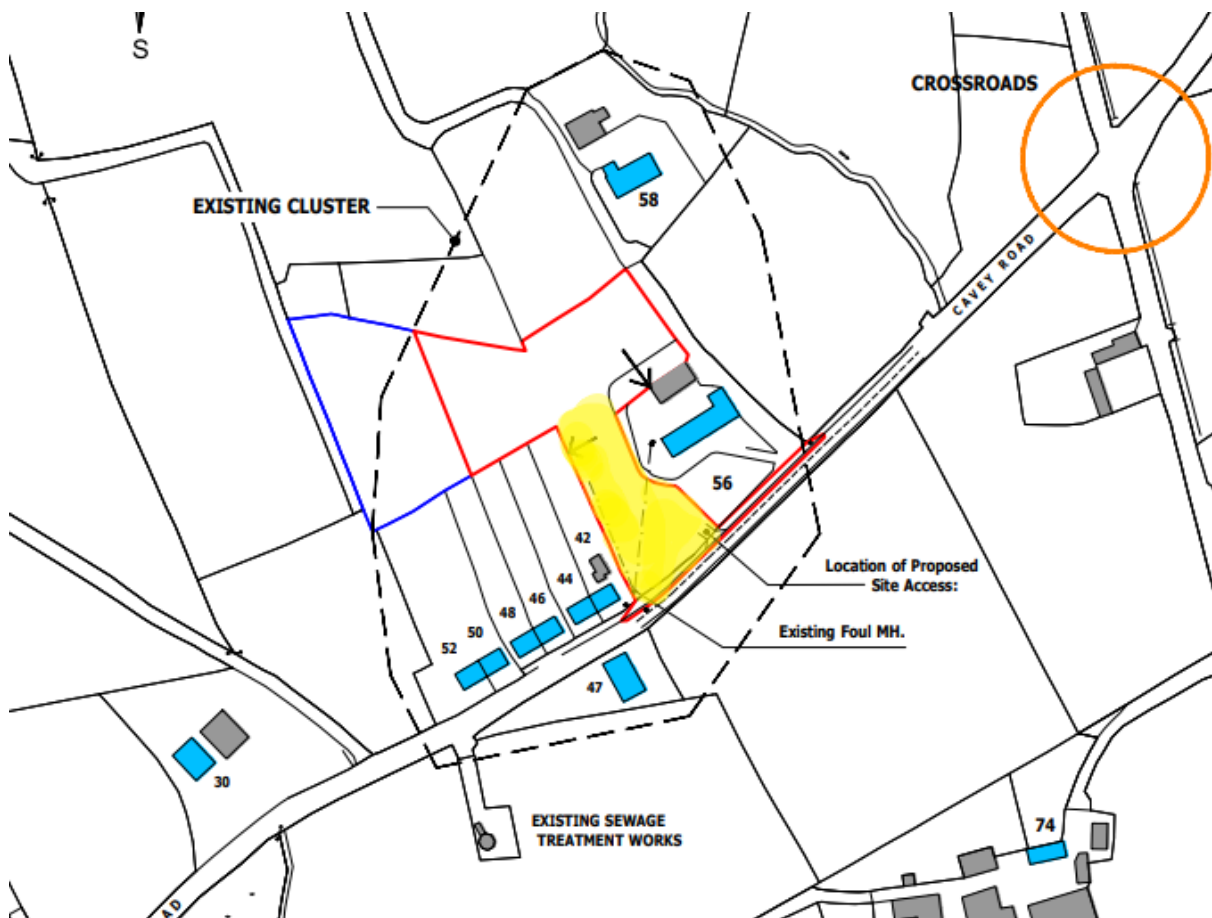


Figure 1 – The site location plan above shows the area shaded yellow referred to in conditions 7 & 8.

The agent provided justification for the removal of these conditions, noting that the outline application LA09/2023/0022/O was intended to supersede the approval, LA09/2021/0119/O adding that a home in this “small, narrow and fairly steep plot of land

was and is not financially practicable or feasible”. They add that extensive cutting/excavating would be required for a dwelling at this approved site. During the discussions of the previous application, LA09/2023/0022/O the agent was made aware of the proposed siting and curtilage we were proposing restrictions by email and noted they were content. It has since been confirmed that this was an error on their behalf, hence the submission of this application.

The removal of both of these conditions would mean that the dwelling could be sited elsewhere within the red line. It was considered under the previous application and further discussions under this application confirmed that we do not believe the removal of these conditions would allow for a dwelling at this site as the proposal would then be contrary to CTY 8 of PPS 21, which it was approved under and as discussed already in the previous reports there are no other policies which we feel the site would meet. CTY 2a was discussed under LA09/2023/0022/O and it was felt it had no focal point, nor was it located at a crossroads.

Given the reasoning set out above, it is considered that the conditions attached were necessary to ensure the proposal was in line with policy requirements of PPS 21 and as such we would not be content with the removal of them and therefore this application is recommended for refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The planning approval LA09/2023/0022/O was only agreed subject to condition 7 and 8 being attached to ensure it met with the criteria of Policy CTY8 of Planning Policy Statement 21.

Signature(s): Sarah Duggan

Date: 22 August 2023

ANNEX	
Date Valid	24 May 2023
Date First Advertised	5 June 2023
Date Last Advertised	5 June 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 56 Cavey Road Ballygawley Tyrone BT70 2JQ The Owner / Occupier 46 Cavey Road Ballygawley Tyrone BT70 2JQ The Owner / Occupier 47 Cavey Road Ballygawley Tyrone BT70 2JQ The Owner / Occupier 44 Cavey Road Ballygawley Tyrone BT70 2JQ The Owner / Occupier 42 Cavey Road Ballygawley Tyrone BT70 2JQ</p>	
Date of Last Neighbour Notification	5 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
-	
Drawing Numbers and Title	
Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable

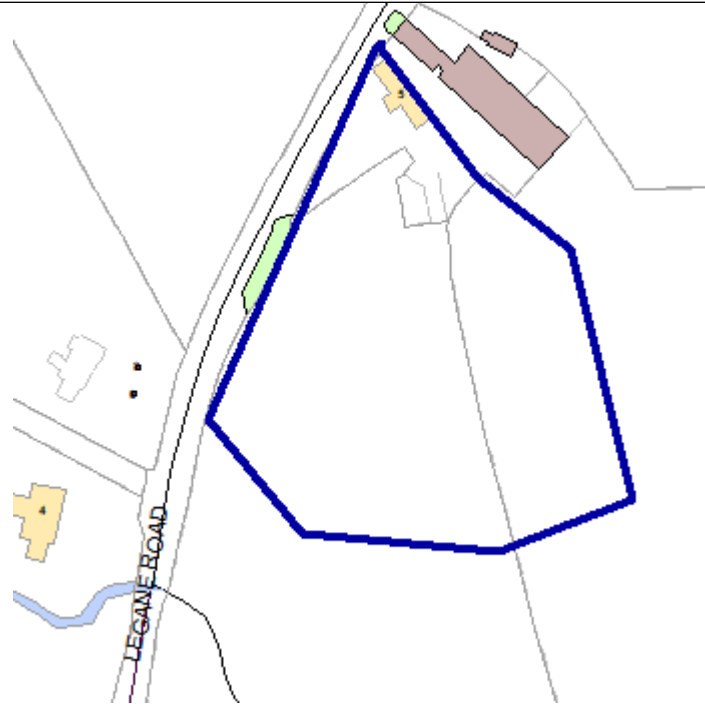


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.17
Application ID: LA09/2023/0592/F	Target Date: 7 September 2023
Proposal: Off-site replacement dwelling and garage	Location: Adjacent and South of No 5 Legane Road Aughnacloy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr & Mrs Chris Potter 21A Legane Rd Aughnacloy BT69 6ES	Agent Name and Address: Mr Marcus Kerr 111 GILLYGOOLEY ROAD OMAGH BT78 4SU
Executive Summary: <p>One third party objection has been received and raises issues about the scale and massing of the dwelling, integration, impact on the landscape, replacement dwelling criteria and loss of hedgerows.</p> <p>The following are issues with the proposal:</p> <p>CTY 3 - Greater visual impact of the proposed dwelling in relation to the existing dwelling. The scale and massing of the proposed dwelling is too large for the site and will rely on new landscaping for integration.</p> <p>CTY 13 - The proposal will be a prominent feature in the landscape, design is inappropriate for the site, and the access is unacceptable as it is a sweeping driveway with large garden area.</p> <p>CTY 14 - The proposal will be a prominent feature in the landscape, does not respect the pattern of settlement in the area and the access would damage rural character.</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 - response.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The 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, dwellings on single plots

and groups of farm buildings. There is minimal development pressure in the immediate area from the construction of single dwellings. To the north and within the site is a single storey dwelling at No.5 Legane Road. Beside the dwelling is a group of outbuildings. The application site is a cut-out of a larger agricultural field. Along the roadside boundary is a grass verge and low hedge and along the east boundary is hedging.

Description of Proposal

This is a full application for off-site replacement dwelling and garage at adjacent and South of No 5 Legane 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.

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party objection has been received.

An objection letter was submitted on the 19th June 2023 from Mr and Mrs E Bradley who lives at No. 4 Legane Road which is 89m to the southwest corner of the application site. The following issues were raised in the objection letter.

Design of the proposed dwelling

The objector states that the dwelling is not in character with other dwellings along this road where the majority are small/medium size houses. It is stated the proposed dwelling is about 10 to 20 times larger than the existing dwelling and will have a negative impact on the area. Also, the proposed dwelling is replacing a three-bedroom cottage. In rebuttal, issues about the design of the dwelling will be considered in the assessment of CTY 3.

Loss of Hedgerows

The objector states that the proposal will result in the loss of hedgerows and wildlife and negatively impact on views within the countryside. In rebuttal, the applicant has

proposed to plant new hedging along any boundaries where they are removed.

Views in the Countryside

The objector states that the proposed dwelling will cut into the hill and negatively impact on one of the most scenic areas of the locality. I consider that private views from a dwelling within the countryside are not a material planning consideration but the overall impact on the landscape and prominence will be considered in the assessment.

Dwelling to be Replaced

The objector has raised concerns to the reasoning as to why the proposed dwelling is not sited on the footprint of the existing dwelling and there are existing outbuildings which could adequately be used for storage. The objector considers that if the existing dwelling is to be retained as storage this should be a separate application and the area will now have two buildings as opposed to one. This issue will be considered in the assessment of CTY 3.

Construction of the new dwelling

The objector states that the construction of the new dwelling will have a negative impact on this quiet country road. It is stated that with a dwelling of this size there will be an increase in the number of vehicles coming and going from the dwelling which will increase noise levels in the area. The noise from the construction of the dwelling and future number of vehicles at the site would not be a material planning consideration.

Proposed dwellings as part of a group with existing buildings at No.5 Legane Road

The objector has stated that they do not consider the proposed dwelling will be viewed as part of a group when viewed with existing farm buildings. Also, they consider it is not possible that the new dwelling will not have a greater impact than the existing building. This issue will be considered in the assessment of CTY 3.

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 outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined 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 replacement 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 a replacement dwelling CTY 3 is the relevant policy in the assessment.

CTY 3 – Replacement Dwellings

The building to be replaced is single storey and has a long rectangular form. The external finishes are white pebbledash walls, slate roof tiles and upvc windows and doors. The building has two chimneys that project from the ridgeline. I am content the walls of the building are substantially intact, and it has the appearance of a dwelling. I consider the building is a dwelling to be replaced.

I consider the dwelling to be replaced could be defined as a vernacular building as it meets the characteristics in Annex 2 of PPS 21. It has a long rectangular form with most of the windows on the front and back elevation of the building. The agent has stated in a supporting statement that they wish the dwelling to be retained as a storage shed for the farm. I am content the building can be conditioned to be retained and not for use as a dwelling. In the objection letter submitted the objector has queried why the existing dwelling needs to be retained for storage as there are several farm buildings within the farming grouping which could be used for storage. The policy in CTY 3 does state that the retention of the existing structure will be accepted for retention is it can be successfully incorporated into the scheme for example as a store. The adjacent group of farm buildings are within the applicant’s ownership and the existing dwelling sits within a group of these buildings. I am content the existing dwelling can be converted to a store.

The proposed dwelling will not be sited on the footprint of the dwelling to be replaced which is located on a farm and beside existing outbuildings. The proposed dwelling will be sited in the northeast corner of the adjacent field to the south. The agent stated there are slurry tanks at the farmyard beside the existing dwelling and on health and safety

grounds it is not viable to replace the dwelling on the existing footprint. Also, the existing dwelling is modest, and the existing curtilage is restricted to accommodate a family sized dwelling. The objector has raised issues as to why the proposed dwelling cannot be sited on the footprint of the existing dwelling. I accept the reasoning why the dwelling cannot be located within the existing curtilage as existing dwelling is sited beside farm buildings and could not reasonably accommodate a family sized dwelling with amenity space.

The proposed dwelling will be sited in the adjacent field where the topography rises steeply from the front of the site to the rear boundary. As shown in figure 1 below the applicant has provided a section through the site to demonstrate the proposed dwelling will cut into the slope and sit at approximately the same ground level as the adjacent dwelling and farm buildings.

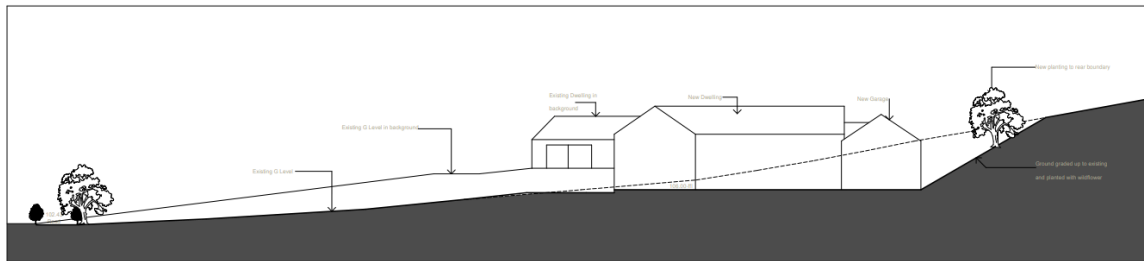


Figure 1 – Image of the section through the site.

The dwelling to be replaced is a modest single storey dwelling that clusters with a group of other buildings. The proposed dwelling as shown in figure 2 is a large two storey building with the main section to the front and a section in the middle which leads to the large garage and games room to the rear. CTY 3 states the overall size of the dwelling should integrate into the landscape and not have a greater visual impact than the existing building.



Figure 2 – Front Elevation of Proposed dwelling.

As shown in figure 2 the proposed dwelling is a large two storey dwelling with different sections to the side and rear. I consider the scale and massing of the dwelling is excessive and does not reflect a simple rural form for a dwelling in the countryside.

There is a two-storey dwelling across the road at Np.4 Legane Road but this is on flat land and is hidden in critical views with established vegetation around the site as shown in figure 3. I consider the scale and massing of the dwelling is also inappropriate for the site itself and will not integrate into the landscape. As shown in figures 4 and 5 the application site has a lack of enclosure and there is limited existing vegetation to screen the large dwelling in critical views. I consider the main prominent view is at the end of Legane Road as the large dwelling will be face on in direct views. There are long distance views of the dwelling as Rehaghy Road is a long straight road but as the agent has shown the dwelling will be cut into the slope so will be approximately the same ridge line as the existing buildings.



Figure 3 – Image of neighbouring dwelling showing other two storey dwellings in the area.



Figure 4 – Image of the application site and existing dwelling and farm buildings.



Figure 5 – Image from the junction of the Legane Road and Rehaghy Road.



Figure 6 – Long distance view along Rehaghy Road of the site.

After assessing the site, I consider the design of the proposed dwelling is not appropriate to the rural setting and is too large in scale and massing. As shown in figure 7 below to achieve the design the applicant will have to cut excessively into the slope and will involve significant cut and infill.

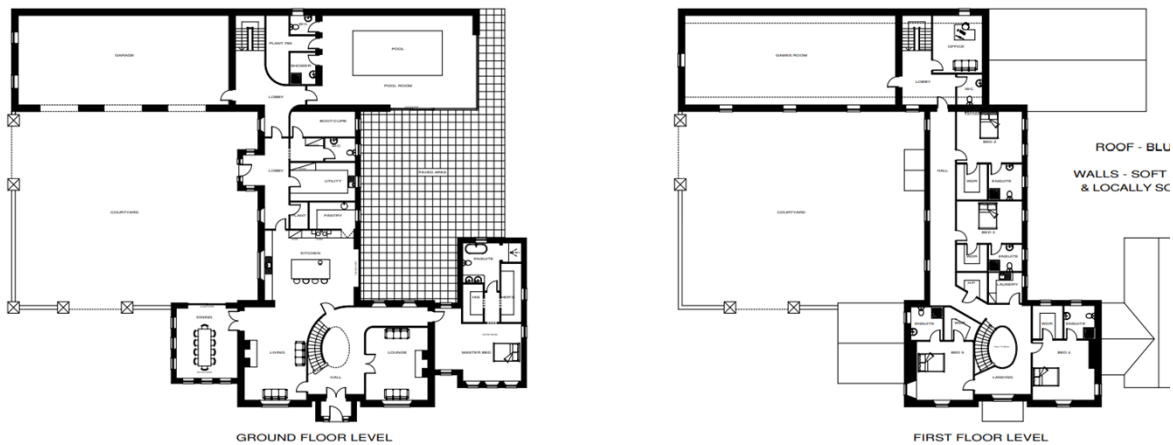


Figure 7 – Image of the proposed floor plans.



Figure 8 – Image of the proposed site plan.

As shown in figure 8 the applicant has proposed a new access through the middle of the adjacent field and the remaining area will be garden area. I have shown an image in figure 9 from ‘Building on Tradition’ guidance which shows that a design should avoid for a dwelling in the countryside. It states avoid extensive cut and fill, a sweeping driveway and a large garden area.

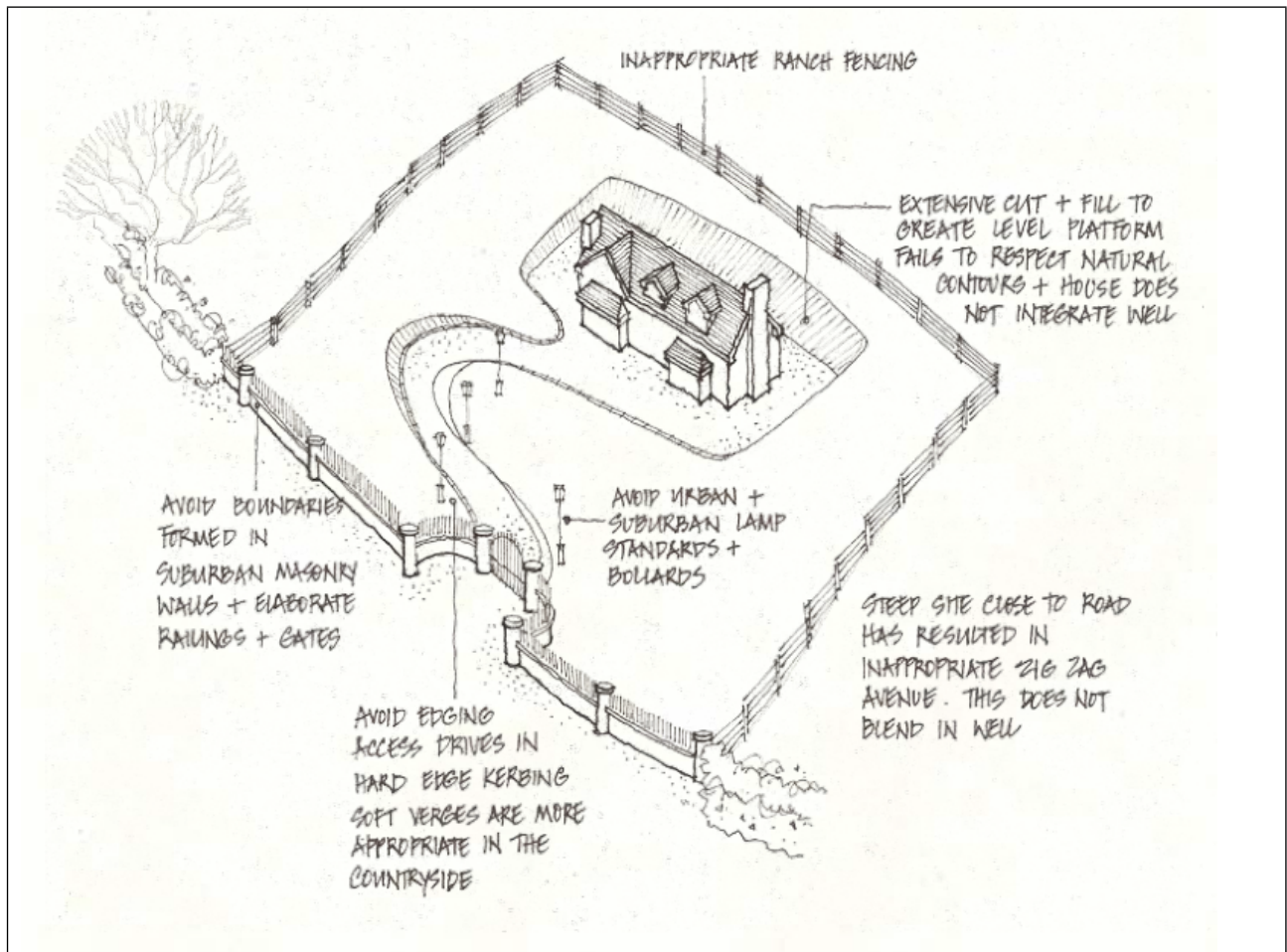


Figure 9 – Image from ‘Building on Tradition’ guidance.

Overall, I consider the proposed dwelling does not meet the criteria in CTY 3 for a replacement dwelling.

CTY 13 – Integration and Design of Buildings in the Countryside

As stated earlier in the assessment I consider the proposed dwelling will be a prominent feature in the landscape as the scale and massing of the dwelling is too large for the site. The proposal will involve extensive cutting into the hill and there is a lack of existing natural boundaries. I am of the opinion the dwelling will rely on new landscaping to integrate and I believe the access will not integrate into the landscape either. I consider the design of the dwelling is inappropriate for the site and it is replacing a modest single storey dwelling.

CTY 14 – Rural Character

I consider the proposed dwelling and access in this location will be detrimental to rural character as it will be prominent in the landscape. The proposal does not respect the traditional pattern of settlement in the area of dwellings with a simple rural form.

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads

The site does not access onto a protected route, so I have no concerns in this regard.

DFI Roads had no concerns with the proposal subject to visibility splays of 2.4m x 70m in both directions and 70m forward sight distance. This would involve the removal of hedging along the roadside boundary in both directions and this was one of the only natural boundaries at the site.

Other Considerations

I completed checks on the statutory map viewers and I am content there are no other ecological, built heritage or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not comply with all the criteria in CTY3, CTY13 and CTY14 in PPS 21 – Sustainable Development in the Countryside.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 that no overriding reason has been demonstrated why the development cannot be located within a settlement.

Reason 2

Contrary to CTY 3 - Replacement Dwellings in PPS 21 in that the overall size of the dwelling would not allow it to integrate into the landscape and the proposed dwelling and garage would have a greater visual impact than the existing dwelling, the design of the dwelling is not appropriate to the rural setting and it will not respect the existing field pattern and will result in the loss of hedgerows.

Reason 3

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape, unable to provide a suitable degree of enclosure and would rely on new landscaping for integration, and the ancillary works do not integrate with their surroundings.

Reason 4

Contrary to CTY 14 - Rural Character in PPS 21 in that the development if permitted would be a prominent feature in the landscape, does not respect the traditional pattern of settlement in the area and the impact of ancillary works would damage rural character.

Signature(s): Gillian Beattie

Date: 7 August 2023

ANNEX	
Date Valid	25 May 2023
Date First Advertised	5 June 2023
Date Last Advertised	5 June 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 6 Legane Road Aughnacloy Tyrone BT69 6HD The Owner / Occupier 4 Legane Road Aughnacloy Tyrone BT69 6HD The Owner / Occupier 5 Legane Road Aughnacloy Tyrone BT69 6HD</p>	
Date of Last Neighbour Notification	1 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0592/F Proposals: Off-site replacement dwelling and garage Decision: Decision Date:</p> <p>Ref: M/2009/0731/F Proposals: Proposed two storey dwelling with central single storey flat roofed porch, rear and side projections and a double garage Decision: Decision Date:</p>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-DC Checklist 1.docRoads Consultation - response.docx	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Cross Sections Plan Ref: 04

Notification to Department (if relevant)

Not Applicable

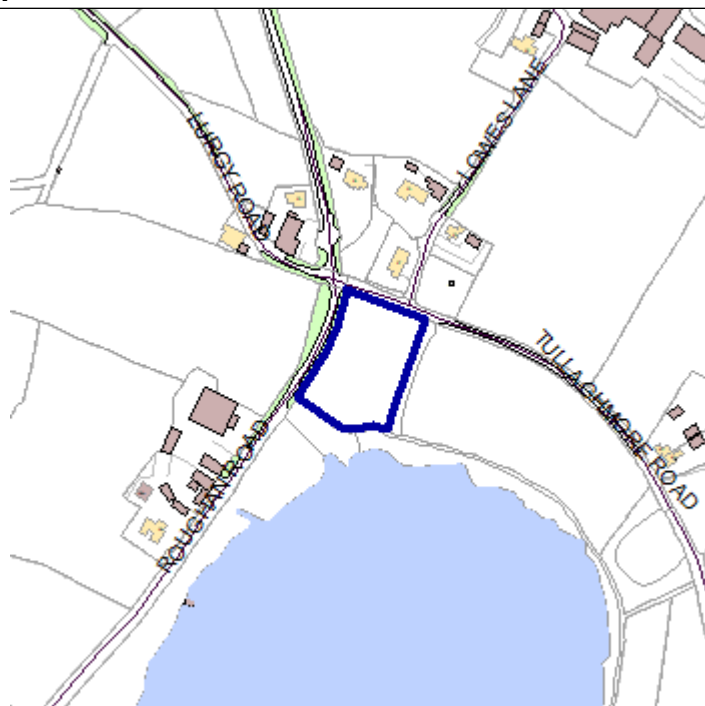


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.18
Application ID: LA09/2023/0618/RM	Target Date: 15 September 2023
Proposal: Proposed dwelling and garage	Location: Land at Tullaghmore Road, Roughan Road Cross Roads opposite and 30M South of 57 Tullaghmore Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr and Mrs Jamie Allen 59 Roughan Road Dungannon BT71 4EW	Agent Name and Address: Sean O'Neill 15A Letfern Road Omagh BT78 1RX
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 - response.docxDC Checklist 1.doc
Statutory Consultee	NIEA	PRT LA09-2023-0618-RM.PDF

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

Characteristics of the Site and Area

The site is located in the rural countryside as defined by the Cookstown Area Plan 2010,

approx. 1.6 miles southwest of Stewartstown and approx. 1 mile northeast of Newmills.

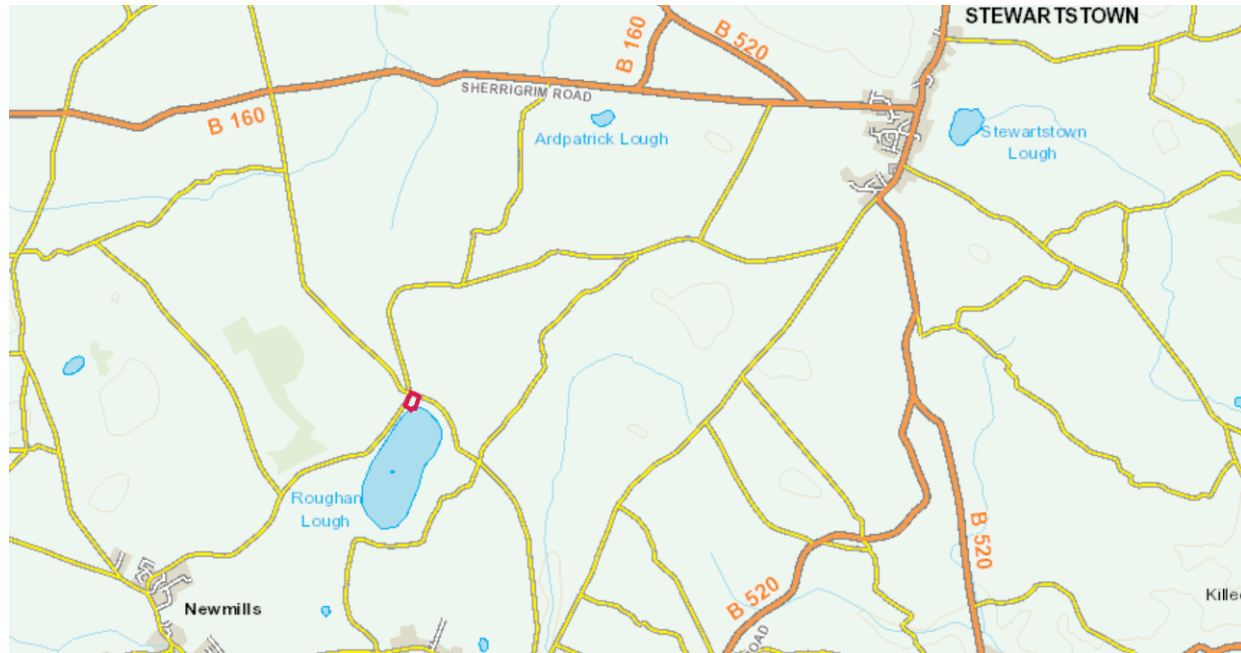


Fig 1: Site outlined red



Fig 2: Site outlined red

The application site is a relatively flat low-lying roadside field bound by a mix of mature hedgerow vegetation. The site sits adjacent and to the southeast of the Roughan Road and Tullaghmore Road crossroads. The Roughan Road bounds the site to the west and the Tullaghmore Road bounds the site to the north. Roughan Lough sits and runs to the

south of the site.

Whilst the wider area surrounding the site and adjacent Roughan Lough is primarily rural in character comprising agricultural lands interspersed with single dwellings, ancillary buildings, and farm groups a small pocket of development comprising six dwellings with ancillary buildings has formed in recent times on the lands to the opposite site of the crossroads to the site including nos. 52 and 53 Roughan Road, two 2-storey dwellings; and nos. 49, 51, 53 and 57 Tullaghmore Road, four single storey dwellings.

Whilst there will be views of the site from the surrounding road network, views into it will be quite screened due to its low lying nature and the mature vegetation bounding it.

Description of Proposal

This is a reserved matters application for a proposed dwelling to be located on lands at Tullaghmore Road, Roughan Road Cross Roads opposite and 30m south of 57 Tullaghmore Road Dungannon. This proposal gained outline approval under planning application LA09/2021/0273/O on the 11th May 2022.

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.

Relevant Planning History

LA09/2021/0273/O - Site for dwelling and garage - Land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m south of 57 Tullaghmore Road Dungannon - Granted 11th May 2022

The above application was agreed at Planning Committee as an exception to Policy. That whilst the proposal was not considered to meet all of the criteria in Policy CTY2a of PPS 21 New dwellings in existing clusters or the exception in Policy CTY10 of PPS 21 Dwellings on Farms there was an established farming case here and due to site specific conditions it was considered a dwelling on this site could limit the visual impacts of a suitable dwelling on the character of the area subject to conditions.

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections. Accordingly, I am content subject to standard conditions, which will be applied to any subsequent decision notice this proposal will comply with the requirements of PPS 3 Access, Movement and Parking.
2. NIEA were consulted in relation to the proposal's potential impact on the natural environment. Water Management Unit considered the impacts of the proposal on the surface water environment and raised no concerns with the proposal. Whilst the Natural Environment Division noted no ecological information had been submitted to support the application and advised a Biodiversity Checklist be submitted with the potential for a Preliminary Ecological Appraisal to be required to assess the impacts to natural heritage features within the site this was not considered necessary given the site comprises improved grassland and only a small amount of hedge will be removed to provide safe access arrangement to the site with additional landscaping also to be provided.

Cookstown Area Plan 2010.

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

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. 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. 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.

The principle of development has already been established on this site under outline planning application LA09/2021/0273/O (see 'Relevant Planning History', further above).

This Reserved Matters proposal complies with the planning conditions set at outline stage under LA09/2021/0273/O including condition 3 that the dwelling would have a ridge height not exceeding 5.5m above existing ground level. Existing and proposed levels on the block plan submitted show they are reducing the area around the house approx. 0.3m and the resultant ridge of the dwelling will not be higher than the 5.5m conditioned.

The size, scale, siting, orientation and design (including finishes) of the dwelling and garage are considered acceptable for the site and locality in that they should integrate on site and into the landscape, with minimal disruption to the character of the area. As such, this proposal should not offend policy CTY 13 or CTY 14 of Planning Policy Statement 21.

The design of the new dwelling is considered appropriate to its rural setting, whereby there are a mix of house types, size, scale and design including finishes in the vicinity. It is generally simplistic and reflective of traditional rural design in keeping with the rural design principles set out in 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

The dwelling is single storey and H-shaped in construction. It comprises two parallel, elongated rectangular units similar in length, width, and height (5.5m ridge height above FFL) with pitched roof constructions connected via a third shorter pitched roofed unit of the same height. The third unit forms the central part of the property's front elevation facing north towards onto Tullaghmore Road, which it is to be accessed off. The garage is single storey and located to the east of dwelling, offset to the north. It has a rectangular shaped floor plan and pitched roof construction (5.7m ridge height above FFL). Finishes to the dwelling and garage include white render with random course limestone stonework detailing to walls; natural blue / black roof slates; grey window frames; and black rainwater goods.

Whilst I had some initial concerns regarding the design of the dwelling not being entirely consistent with simple rural form due to the amount of glazing and roof dormer in the south facing elevation and a similar roof dormer in the south facing elevation of the garage upon further consideration I am reasonably content that the glazing is proportionate to the dwelling and its walls from a solid to void ratio and due to the recessed nature of the middle connecting section of the property, the garage south elevation being screened by the dwelling on the south approach, the low lying nature of the site, mature vegetation bounding the site and planting proposed along the new south curtilage boundary views of the dormers should be limited from the surrounding road network and in this instance acceptable. Given the vegetation bounding the site is to be allowed to grow to 4 meter in height and be retained at that height and the dwelling and garage have relatively low ridges I consider the existing vegetation should provide a substantial enclosure and screening to the entire dwelling including garage, alongside the additional planting proposed.

I have no significant concerns regarding the proposal impacting the amenity of neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing due to its size, scale, siting, orientation and design; the substantial separation distances that will be retained; and the existing vegetation to be retained and proposed around the site.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 4 third party objections had been received, these included:

- 1 received 20th June 2023 from Mr Barry Swan of 49 Tullaghmore Road
- 1 received 20th June 2023 from Ms Catherine Swan - email address.
- 1 received 20th June 2023 from Tullaghmore Residents Environmental and Heritage Group submitted by Ms Eileen Donnelly 53 Tullaghmore Rd
- 1 received 21st June 2023 from Mrs Gillian Arthur - 57 Tullaghmore Rd

Having taken account of the objections above the opinion remains to approve this proposal.

It is noted that objections had been raised and considered in relation to the original outline approval on site, LA09/2021/0273/O. The objectors had the right to request to speak to the members before they made the decision and the objectors did not take this opportunity to address the Planning Committee to put forward their concerns about the proposal that the Planning Committee approved.

Whilst objections have now been raised again including in relation to the principle of this proposal, the principle has already been established on site under the outline permission LA09/2021/0273/O which was granted on the 11th May 2022. This reserved matters application meets the conditions set at outline and for the reasons detailed further above in the main assessment of the proposal I am content the matters reserved which including the siting, design, external appearance of the building and landscaping thereto are acceptable for the site and locality. I consider this proposal should have limited impacts on the character of the area, residential amenity or on biodiversity given the site comprises improved grassland and only a small amount of hedge will be removed to provide safe access arrangement to the site to the standards advised by DfI Roads. Additional landscaping is also to be provided to further enclose, screen and integrate the proposal.

Taking all of the above into consideration I would recommend the approval of this application.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

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

Condition 2

The existing vegetation to be retained along the west, north and east boundaries of the site (except for access purposes) as detailed on approved Drawing No. 02 received 1 JUN 2023, should be allowed to grow to at least 4 metres in height and be retained at that height.

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

Condition 3

All proposed landscaping as detailed on approved Drawing No. 02 received 1 JUN 2023, shall be carried out during the first available planting season following the occupation of the dwelling hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

Condition 4

The vehicular access, including visibility splays of 2.4 metres x 35 metres in both directions and any forward sight distance, shall be provided in accordance with approved Drawing No. 02 received 1 JUN 2023, prior to the commencement of any other works or other development hereby permitted. 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 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 6

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): Emma Richardson

Date: 8 August 2023

ANNEX	
Date Valid	2 June 2023
Date First Advertised	13 June 2023
Date Last Advertised	13 June 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 49 Tullaghmore Road Stewartstown Tyrone BT71 4EY The Owner / Occupier 57 Tullaghmore Road Stewartstown Tyrone BT71 4EY</p>	
Date of Last Neighbour Notification	15 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2021/0273/O Proposals: Site for dwelling and garage Decision: PG Decision Date: 11-MAY-22</p> <p>Ref: I/1981/0169 Proposals: SITE FOR DWELLING Decision: PG Decision Date:</p> <p>Ref: I/1992/0147 Proposals: Temporary changing rooms Decision: PR Decision Date:</p> <p>Ref: I/1993/0344 Proposals: Proposed Ski Club Rooms and Demolition of existing unapproved structure</p>	

Decision: PG
Decision Date:

Ref: LA09/2023/0618/RM
Proposals: Proposed dwelling and garage
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation - response.docx
DC Checklist 1.doc
NIEA-PRT LA09-2023-0618-RM.PDF

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

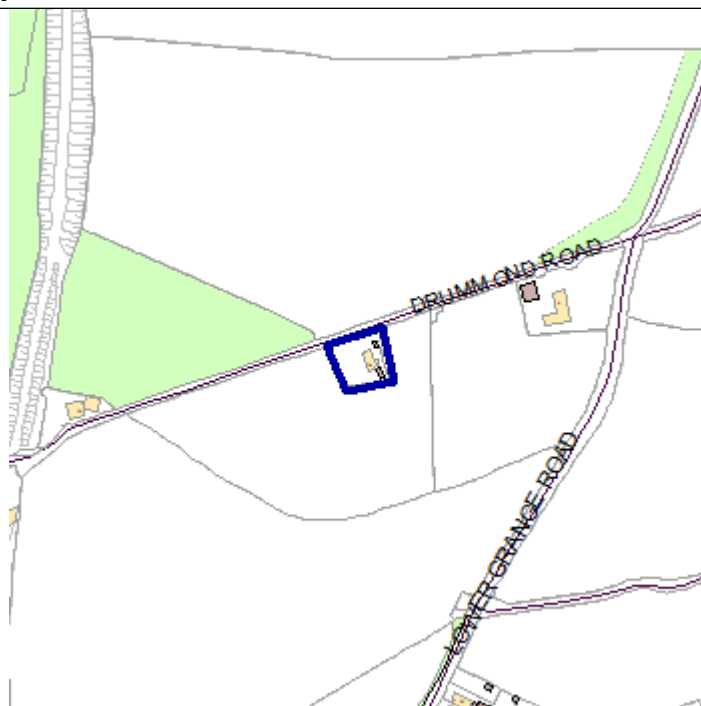


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.19
Application ID: LA09/2023/0661/F	Target Date: 28 September 2023
Proposal: Proposed Replacement Dwelling and Garage	Location: 10 Drummond Road, Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Jonathan Buchanan 68 Rockdale Road Dungannon BT70 3JD	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: The applicant in this proposal is Mr Jonathan Buchanan who is a council elected member. This application is therefore brought before the Planning Committee. Having assessed the proposal, it is recommended that planning permission be granted.	

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 of the proposed is located in the rural countryside approximately 2.5 miles outside the Cookstown settlement limit as defined in the Cookstown Area Plan 2010. The site is identified as 10 Drummond Road, where on the site lies an existing and

vacant two-storey dwelling and garage. The dwelling sits on the road-side, though is almost completely hidden from view due to the overgrown nature of the site. Opposite the site is a brick-walled boundary which runs along much of the length of the south eastern boundary of Killymoon, along the Drummond and Lower Grange Roads. There are no adjacent neighbouring dwellings or other buildings to the application site.

Description of Proposal

This is a full application for a proposed replacement dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

None

Representations

To date no third party representations have been received.

Cookstown Area Plan 2010

The site of the proposed is located in the rural countryside approximately 2.5 miles outside the Cookstown settlement limit as defined in the Cookstown Area Plan 2010.

Other Constraints

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

There are no issues pertaining to flooding at the site.

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

Mid Ulster District Council Draft Plan Strategy 2030

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

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including replacement dwellings, subject to policy criteria within CTY3 - Replacement Dwellings being met.

The dwelling on site has all four walls and the roof and windows intact and I am content that the building exhibits the essential characteristics of a dwelling and qualifies for a replacement. This is a modest-sized two-storey dwelling. It is considered that the building, although older, is not vernacular.

Policy CTY3 then goes on to set out other criteria for consideration in all replacement cases. It states that the proposed 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. I am content that the proposed dwelling is to be sited within the curtilage of the existing building.

The proposed is a two-storey dwelling with a principal ridge height of 7 metres from finished floor levels, which is about the same height as the dwelling presently on site. The site at present is also heavily overgrown and therefore it is accepted that the proposed will naturally have a greater visual impact than the current site once the site is cleared. A Google Street View image dated August 2009 shows the dwelling before the site became overgrown. While the dwelling proposed is larger than the existing, it is accepted that the increase in the visual impact as a result of this will not be to a significant scale.

In terms of design, finished materials include smooth render with dark sandstone to the front and side returns. Blue / black natural slates are proposed to the roof.

I am content that the proposed design of the dwelling is appropriate to its rural setting.

All necessary services are available and access to the public road will not prejudice road safety (see PPS 3 below). I am satisfied that the proposed complies with CTY 3 of PPS 21.

Policy CTY 13 provides that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is accepted that the proposed will not be an overtly prominent feature in the environment. The site is complete with strong natural boundaries, particularly along the western, northern and eastern edges of the site. It is expected that the overgrown site will have to be re-shaped to accommodate the dwelling as indicated on the site layout plan, though existing hedgerows to the north road-side boundary and eastern boundary are to be retained. Parts of the hedging along the road-side boundary are to be brought back at the access point to accommodate splays, and new trees are to be planted along the western boundary of the site. I am content that the site will not rely primarily on the use of new landscaping for integration and I am content that the site will blend with the local landform.

As discussed above, the design of the building is considered to be appropriate for the site and its locality. The proposed complies with CTY 13 of PPS 21.

It is considered that the site and its environs are suitable for absorbing a dwelling of this size and scale. I am content that there is unlikely to be any adverse impact to the rural character of the area and as such I am content that the application complies under CTY 14 of PPS 21.

PPS 3 – Access, Movement and Parking

The proposed involves the construction of a new access to a public road. 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. DfI Roads were consulted and provided no objection to the proposal subject to conditions. I am content that the proposed satisfies policy AMP 2 of PPS 3.

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application be granted permission subject to the below 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

The vehicular access including visibility splays of 2.4m x 33m both directions and any forward sight distance shall be provided in accordance with Drawing No 02 Rev A, uploaded to planning portal on 27/07/2023, prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

The 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.

Condition 5

All landscaping comprised in the approved details of landscaping on Drawing No 02 Rev A, uploaded to planning portal on 27/07/2023, shall be carried out in the first planting season following the occupation of the dwelling hereby approved.

Reason: In the interest of visual amenity and site integration.

Condition 6

The existing hedgerows as identified on Drawing No 02 Rev A, uploaded to planning portal on 27/07/2023, shall be 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 7

The existing dwelling coloured green on the site location plan Drawing No 01, uploaded to planning portal on 15/06/2023, shall be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

Reason: To prevent an accumulation of dwellings on the site.

Signature(s): Benjamin Porter

Date: 21 August 2023

ANNEX	
Date Valid	15 June 2023
Date First Advertised	27 June 2023
Date Last Advertised	27 June 2023
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/2002/0280/F Proposals: Proposed extension to dwelling and roof space conversion Decision: PG Decision Date: 18-JUN-02</p> <p>Ref: I/1996/0539 Proposals: Extension to Dwelling Decision: PG Decision Date:</p> <p>Ref: I/1996/0034 Proposals: Replacement Dwelling Decision: WITHDR Decision Date:</p> <p>Ref: I/1977/0291 Proposals: 11KV O/H LINE Decision: PG Decision Date:</p> <p>Ref: I/1996/0086 Proposals: 11 kv rural spur (system improvement)</p>	

Decision: PG
Decision Date:

Ref: LA09/2023/0661/F
Proposals: Proposed Replacement Dwelling and Garage
Decision:
Decision Date:

Ref: LA09/2020/1068/RM
Proposals: Proposed dwelling and garage.
Decision: PG
Decision Date: 15-DEC-20

Ref: I/2001/0878/F
Proposals: Garage
Decision: PG
Decision Date: 13-FEB-02

Ref: LA09/2019/0417/O
Proposals: Proposed dwelling and garage.
Decision: PG
Decision Date: 05-JUN-20

Ref: I/1997/0459
Proposals: Site for Replacement Dwelling
Decision: PR
Decision Date:

Ref: I/2011/0143/F
Proposals: Proposed retention of conversion of garage to living room
Decision: PG
Decision Date: 03-JUN-11

Ref: I/1976/034101
Proposals: REPLACEMENT DWELLING
Decision: PG
Decision Date:

Ref: I/1985/0230
Proposals: 1. CHANGE OF USE FROM STORE TO CRAFT WORKSHOP 2.
EXTENSION TO CRAFT WORK
Decision: PG
Decision Date:

Ref: I/1976/0341
Proposals: ERECTION OF 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

Site Layout or Block Plan
Elevations and Floor Plans
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Elevations and Floor Plans Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0934/O Recommendation: Refuse	Target Date: 12 August 2021
Proposal: Dwelling & Garage	Location: Approx 130M West Of 16 Carncoise Road Money more.
Applicant Name and Address: Gregory McGovern 36 Tirgan Road Money more	Agent Name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
Summary of Issues: No objections received.	
Summary of Consultee Responses:	
Description of Proposal This is an outline application for a proposed dwelling and garage.	
Deferred Consideration: The application was presented before Members with a recommendation to refuse in June 2022 where it was agreed to defer the application for an office meeting with the Service Director which took place on 16 June 2022. I have since considered the evidence submitted with the application and find as follows. The applicant, Gregory McGovern, has a Category 3 business as confirmed by DARD and this was allocated in 2012. According to the DARD map which was submitted with the application the applicant has one field registered on his category 3 business, of which a portion is being used for the current planning application. The DARD map is dated in 2012. The P1c form has been signed by both Gregory McGover (applicant) and Anthony Faulkner. A letter has been	

received from O'Kane Boyle Solicitors to the applicant's father confirming he wishes to transfer the larger field to the applicant with no monies passing hands, this letter is dated 21 July 2021. A search of land registry in January 2022 shows the lands are not in the ownership of the applicant but of his father's business Tir-Con Engineering. There is a copy of a lease agreement to show the applicant and Anthony Faulkner lease the lands from Paul McGovern. The applicant's father obtained planning permission for a dwelling under LA09/2019/0390/O with full details approved in May 2020 under LA09/2019/1631/F and this field was included as part of lands for the purposes of that application.

In summary the case being presented is that for an application for a dwelling on a farm, based on the applicant leasing one field with a category 3 hobby farm Business ID with DARD. Receipts have been submitted to show evidence of business activity in the form of bales being sold by the applicant and invoices of goods bought by the applicant from local merchants and hedges being cut. However, given the planning history of an approval for the applicant's father who claimed this field at that time of that application being approved, it is my opinion the farm is being artificially divided for the sole purpose of obtaining planning permission for a dwelling for a hobby farmer with one field leased and I consider this is contrary to CTY 10. The land on which planning permission was granted for the applicant's father has since been transferred off the farm to another son, also named Paul McGovern.

Based on the reasons before I recommend a refusal of this application.

Conditions/Reasons for Refusal:

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 CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case as this appears to be a sub-division of another farm business who has already attained an approval for a farm dwelling within 10 years of the date of this permission and has been transferred off that farm holding.

Signature(s):Karen Doyle

Date: 22 August 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0934/O	Target Date:
Proposal: Dwelling & Garage	Location: Approx 130m West of 16 Carncose Road Moneymore.
Referral Route: To Committee - Refusal - Contrary to CTY 1 and 10.	
Recommendation:	
Applicant Name and Address: Gregory McGovern 36 Tirgan Road Moneymore	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	Consulted in Error
Non Statutory	DAERA - Coleraine	Substantive Response Received

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

To Committee - Refusal - Contrary to CTY 1 and 10 of PPS 21.

Characteristics of the Site and Area

The application site is located approximately 5km south west of the development limits of Magherafelt but within an Area of Outstanding Beauty of the Sperrins, as such the site is located within the open countryside as per defined in the Magherafelt Area Plan 2015. The red line covers a portion of a much larger agricultural field but also a portion of the neighbouring field to

provide access to the site. I note that the laneway rises from the Carncoose Road to lead to a relatively flat but elevated site well screened by mature vegetation on all boundaries of the field. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

Representations

No representations were received.

Description of Proposal

This is an outline application for a proposed dwelling garage, the site is located Approx. 130m West of 16 Carncoose Road, Moneymore.

Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Plan 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
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
 CTY 1 - Development in the Countryside
 CTY 10 - Dwellings on the Farm

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

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.

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response confirmed that farm business identified in the P1C was allocated in 2012 however there are no claims in the last six years. The agent went on to provide a series of receipts to demonstrate a level of activity over the last six years. I note that the lands appeared during the site visit to be maintained in good agricultural condition, on balance it has been shown that the business is active and established as per policy.

With respect to (b), upon review of the farm business I note that there is only one field identified as part of the business. Upon review of this field shows that it was confirmed be in the ownership of the applicants father in planning application LA09/2019/0390/O. A land registry confirmed that field was in the ownership of TirCon Engineering, a company owned by the applicants father. Concern is that this is a subdivision of the fathers farm who has already attained planning permission for a farm dwelling. As such I hold the view the 1 in 10 years has already been used and I hold the view that the application has failed this part of the policy.

With respect to (c), I note that the registered address of the farm business sits approximately 0.5km west of the proposed site, where as noted that the site is the only lands in association with the farm business. I note that there are no buildings on this land. Given such it has been accepted that in the absence of buildings it goes to the best integrated site, which is easy in this case as there is only one field the dwelling could be located in. I note the policy states where practical to use an existing laneway however this is not possible and the intention of creating a new access seems the most practical option. Given the issue over whether this is a sub division of another farm business, I hold the view that this fails under CTY 10.

I note that no other policy case has been put forward, upon a review of the policies under CTY 1 I hold that the view that the application would not meet any of these.

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 hold the view that a dwelling with a ridge height no more than 6.5m with suitable landscaping, would not appear prominent in the landscape and be capable of successfully integrating into the landscape. On balance this application is able to comply under CTY 14.

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. I hold the view that an appropriately designed dwelling will not appear prominent with the view that it would not result in a detrimental change nor erode the rural character of the area.

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 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

Neighbour Notification Checked

Yes

Summary of Recommendation:
Refusal
Reasons for Refusal: 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case as this appears to be a sub-division of another farm business who has already attained an approval for a farm dwelling within 10 years of the date of this permission.
Signature(s)
Date:

ANNEX	
Date Valid	17th June 2021
Date First Advertised	29th June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History	
<p>Ref ID: LA09/2020/0500/F Proposal: Proposed off Site Replacement Dwelling Address: Approx 210m NE of 31 Tirgan Road, Moneymore, Decision: Decision Date:</p> <p>Ref ID: LA09/2021/0934/O Proposal: Dwelling & Garage Address: Approx 130m West of 16 Carncose Road, Moneymore., Decision: Decision Date:</p> <p>Ref ID: H/2000/0771/F Proposal: 11kv Overhead Line Address: Tirgan Road, Moneymore Decision: Decision Date: 18.12.2000</p>	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/1531/O Recommendation: Refusal	Target Date: 15 December 2021
Proposal: Dwelling & domestic garage based on Policy CTY 10 (dwelling on a farm)	Location: Lands 60M SW Of 105 Ruskey Road The Loup Coagh
Applicant Name and Address: Columbo McVey 121 Ruskey Road Ballymaguigan Coagh BT45 7TS	Agent name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: No objections received.	
Summary of Consultee Responses:	
Characteristics of the Site and Area The proposed site is located approximately 40m south of the development limits of The Loup and is in the rural area. The site is accessed via an existing field gate. The surrounding rural area is characterised by agricultural uses and some residential dwellings and to the north is the settlement of The Loup.	
Description of Proposal This is an outline application for a proposed dwelling & domestic garage based on Policy CTY 10 dwelling on a farm.	

Deferred Consideration:

This application was presented to Members in April 2022 with a recommendation to refuse whereupon it was agreed by Members to defer the application for an office meeting with the Service Director. Following the office meeting I carried out a site visit and I have considered the application.

The applicant has a Category 3 Business ID (hobby farmer) which has been confirmed by DAERA and was allocated in June 2017 which is more than 6 years ago. However, there is no evidence to demonstrate the Category 3 business is currently active either by DAERA, or in the form of receipts and invoices from the applicant, and no information was submitted following the office meeting in April 2022, accordingly I consider the application fails to meet criteria (a) of CTY 10.

There is currently a moveable tin structure on the site that has not been demonstrated to be lawful and cannot be considered as an established group of buildings on the farm. A new dwelling on this single field holding cannot therefore be visually linked or sited to cluster with an established group of buildings on the farm and I consider the application fails to meet criteria (c) of CTY 10.

With regards to Policy CTY 14, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to the rural character of an area. The application is in very close proximity to the development limits of The Loup and the agent stated at the deferred office meeting the red line of the site has been drawn to avoid any concerns marring the distinction of the settlement limit. However it is clear that an approval of a dwelling at this location will mar the distinction between the rural area and the built up area in the settlement of The Loup and a new dwelling at this location could be read as part of that settlement limit, thus marring the distinction of the settlement limit eroding the visual break between settlement and rural which is also contrary to Policy CTY 15.

I recommend a refusal on this application for the reasons cited below.

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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style

build-up of development when viewed with existing buildings.

Reason 4

The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of The Loup and the surrounding countryside.

Signature(s):Karen Doyle

Date: 23 August 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1531/O	Target Date:
Proposal: Dwelling & domestic garage based on Policy CTY 10 (dwelling on a farm)	Location: Lands 60m SW of 105 Ruskey Road The Loup Coagh
Referral Route: To Committee - Refusal - Contrary to CTY 1, 10, 14 and 15 of PPS 21.	
Recommendation:	
Applicant Name and Address: Columbo McVey 121 Ruskey Road Ballymaguigan Coagh BT45 7TS	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Coleraine	Substantive Response Received

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

To Committee - Refusal - Contrary to CTY 1, 10, 14 and 15 of PPS 21.

Characteristics of the Site and Area

The proposed site is located approximately 40m south of the development limits of The Loup, as such the site is located in the open countryside as per the Cookstown Area Plan 2010. The site is currently accessed via an existing field gate but the application intends to create a new access for the site onto the public road. I note that the red line covers a large portion of an agricultural field. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties with the north of the site being dominated by the settlement of the Loup.

Representations

Three neighbour notifications were sent out however no representations were received.

Description of Proposal

This is an outline application for a proposed dwelling & domestic garage based on Policy CTY 10 (dwelling on a farm), the site is located Lands 60m SW of 105 Ruskey Road, The Loup, Coagh.

Planning Assessment of Policy and Other Material Considerations

The key planning issues are as stated below and following policies/advice have been included in this assessment:

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 Strategic Planning Policy Statement (SPPS)
 Cookstown Area Plan 2010
 PPS 1 - General Principles
 PPS 3 - Access, Movement and Parking
 PPS 21 - Sustainable Development in the Countryside
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
 CTY 1 - Development in the Countryside
 CTY 10 - Dwellings on the Farm

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

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.

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response they noted the farm business was only established in 2017 and that no claims have been made on the farm. I note no additional evidence has been provided to show activity. From this, I am not content that there is an active farm business that has been established for more than 6 years.

With respect to (b), I note that there is only one field included in the farm map, from review of this and the farm business it does not appear that any farm sites have been attained nor any other development opportunities sold off.

With respect to (c), despite the issues over the farm business, I note that the applicant lives in the settlement of the Loup with the only building on the farm is a small shelter. I must note that this shelter has no permission and there is no evidence that it has been in place for over 5 years. With this in mind, a dwelling is being located on the only farm lands available to it which is acceptable on balance. The policy states that where practicable to use an existing laneway for access, I note that the intention is to create a new access onto public road which would be the only suitable option. Given this I hold the opinion the application has failed under this policy.

I note that no other policy consideration was put forward and upon review of each I hold the view that they would not meet any of the relevant policies under CTY 1.

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 hold the view that an appropriately designed dwelling will be able to visually integrate into the landscape and will not appear as visually prominent.

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. Given the proximity to the development limits of The Loup I would hold the view that a dwelling in this location has the capacity to mar the distinction between the countryside and the settlement. As such would erode the rural character of the area as any new dwelling would nearly read as part of the settlement as such.

CTY 15 is relevant in this application given the proximity of the site to the development limits of The Loup, wherein this is seen as an important visual break between the settlement and the countryside where a dwelling in this location would remove this. As such I hold the view that this application fails under CTY 15.

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 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

I have no ecological or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if permitted would result in a detrimental change to 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 development would if permitted mar the distinction between the defined settlement limit of The Loup and the surrounding countryside.

Signature(s)

Date:

ANNEX	
Date Valid	20th October 2021
Date First Advertised	2nd November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Rogully Road Moneymore Londonderry The Owner/Occupier, 105 Ruskey Road Coagh Londonderry The Owner/Occupier, 105a Ruskey Road, Coagh, Londonderry, BT45 7TS	
Date of Last Neighbour Notification	11th November 2021
Date of EIA Determination	
ES Requested	No
Planning History	
<p>Ref ID: LA09/2021/1531/O Proposal: Dwelling & domestic garage based on Policy CTY 10 (dwelling on a farm) Address: Lands 60m SW of 105 Ruskey Road, Ballymaguigan, Coagh, Decision: Decision Date:</p> <p>Ref ID: I/2011/0137/F Proposal: Change of House Type to Previously approved Application I/2010/0133 to comprise of Storey and a half Farm Dwelling and Single Storey Garage Address: 140 M North East of Rogully Road, Moneymore, BT45 7TR, Decision: Decision Date: 11.05.2011</p> <p>Ref ID: I/2010/0133/F Proposal: New Farm Dwelling to comprise of storey and half dwelling Address: 140m North East of 5 Rogully Road, Moneymore Decision: Decision Date: 26.01.2011</p> <p>Ref ID: I/1975/0402 Proposal: ERECTION OF FARMWORKERS BUNGALOW Address: BALLYROGULLY, LOUP, MONEYMORE Decision: Decision Date:</p>	

Ref ID: LA09/2021/1450/F
Proposal: Proposed dwelling and garage
Address: Site ay 100m N.W. of 4 Rogully Road, Magherafelt,
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



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: LA09/2021/1568/F	Target Date: 24 December 2021
Proposal: Retention of shed and yard for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products (farm diversification development) (amended description)	Location: 95M Se Of 133 Bush Road Coalisland BT71 6QQ.
Applicant Name and Address: Adrian McCann 131 Bush Road Coalisland Dungannon BT71 6QQ	Agent Name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
Summary of Issues: This application is for retention of a shed and yard associated with an active and established farm. The application is for a workshop to serve the local agricultural industry.	
Summary of Consultee Responses: DFI Roads - approve with conditions EHO – no comments DEARA – active and established farm, currently active	
Characteristics of the Site and Area: The application site is located in the open countryside along the Bush Road on the outskirts and to the north east of the settlement limits of Coalisland as identified in the Dungannon & South Tyrone Area Plan. The submitted red line site is a stoned yard area with a metal clad shed in it. The yard is used for parking and storing agricultural machinery The shed itself is a standard aluminum clad shed with a concrete block base and a large roller shutter door on the road facing gable elevation. The lane and body of the site are	

enclosed by a timber post and wire fence. The rear of the site drops off quite steeply to the east, where a small shed is situated.

The surrounding area is predominantly residential in nature with a scattering of dwellings and farm holdings located along the roadside. The site lies in a row of 5 dwellings, with a yard including a number of large sheds directly to the rear.

Description of Proposal

Retention of shed and yard for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products

Deferred Consideration:

This application was before the Planning Committee in September 2022 where it was deferred for a meeting with the Service Director for Planning. At the office meeting it was clarified this was for a farmer to diversify and the agent undertook to provide additional information about the agricultural interests of the applicant. The proposal is for the fixing and sales of hydraulic hoses for the farming industry and there are other ancillary products available within the building. The application, supported by the Francie Molloy MP advised that he provides a valuable service to the agricultural industry. He is available on a call out or call in basis to repair or replace machinery parts. The MP advised he himself has had to use the facility out of hours when other facilities are not open and parts were needed to service machinery for the farming activities which are not always at predictable hours. The building and yard are located adjacent to the existing building and yard and do not affect the operations on the farm. I consider this shows that it is being run in conjunction with the operations on the farm.

Policy CTY11 sets out 4 criteria where it involves the re-use or adaption of existing buildings and it also provides an exception where a new building is required.

The applicant provided his father's business id and DEARA have advised the business was created in 1993, it is active and claims have been submitted for the last 6 years. I am content this is an active and established farm business, in accordance with the criteria set out in CTY10 and meets criteria a of CTY11. The building is not very large, 18m x 9m with a footprint of approx. 160sqm and 5m ridge height, it is located behind a relatively built up frontage and beside one of the existing farm buildings on the holding. To the north and north east is the main group of buildings and these are at a lower level. Views of this building and yard are limited from the Bush Road due to the existing buildings and when viewed from the other roads to the east the building is clustered with other buildings and at a distance. I consider it is appropriate in terms of character and scale. There are no features of natural or built heritage located close to the building. There are a number of private residences located around the site, the nature of the use is unlikely to cause odour issues and at my inspection I was unable to detect any noise outside the building even when the operations were going on inside. That said the immediate dwellings are shown as within the family ownership. EHO were consulted and did not raise any concerns about the proposal.

This is a new building and the policy allows an exception where no existing buildings are available. The case officer at the initial inspection was of the view that buildings were available use. During my inspection all the buildings were being used for storage of

machinery and animal feeds with some emergency accommodation for animals. The building is, in my opinion well integrated with the existing buildings on the farm, agricultural and residential and as such I consider this meets the exception to the policy.

I consider the proposal meets the policy and is acceptable.

Conditions/Reasons for Refusal:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. Within 6 weeks of the date of this decision, the vehicular access, including visibility splays of 2.4m x 80m in both directions, a 45m forward sight line and other details as set out on drawing No 2C bearing the stamp dated 21 FEB 2023 shall be provided in accordance with those details. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing No 2C bearing the stamp dated 21 FEB 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

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 September 2022	Item Number: 5.15
Application ID: LA09/2021/1568/F	Target Date: 24 December 2021
Proposal: Retention of shed for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products (farm diversification development)	Location: 95M Se Of 133 Bush Road Coalisland BT71 6QQ.
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Adrian McCann 131 Bush Road Coalisland Dungannon BT71 6QQ	Agent Name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DFI Roads - Enniskillen Office	Substantive: TBC

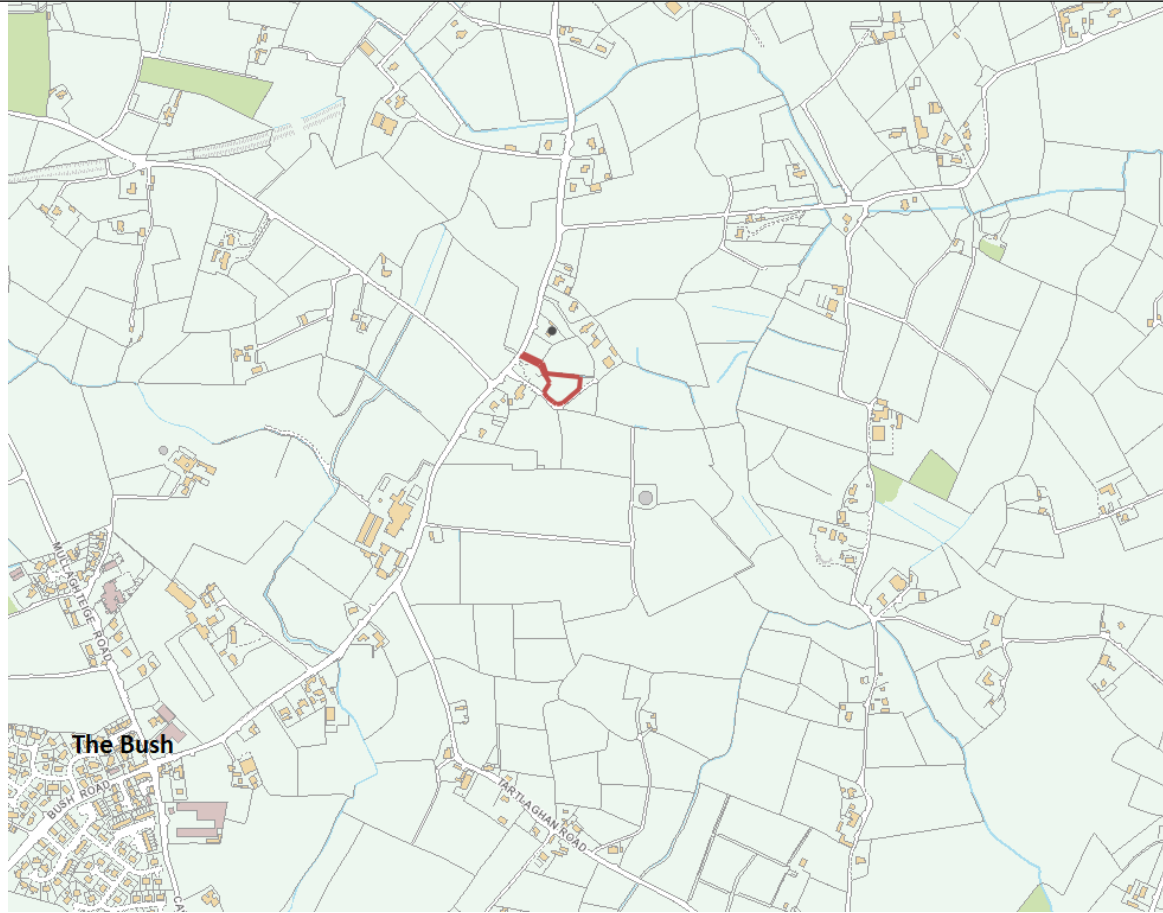
Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located in the open countryside along the Bush Road on the outskirts and to the north east of the settlement limits of Coalisland as identified in the Dungannon & South Tyrone Area Plan.



The submitted red line site is an agricultural field which is relatively flat located to the rear of number 131 Bush Road. There are also a number of mature trees on the boundaries. A caravan has been stationed within the site and it is within a row of residential dwellings. The red line includes a stoned access which leads to the main body which has been cleared and stoned to provide a large yard area with the shed seeking retention in the north east corner.



The shed itself is a standard aluminum clad shed with a concrete block base and a large roller shutter door on the road facing gable elevation. The lane and body of the site are enclosed by a timber post and wire fence, therefore the lack of natural vegetation allow the shed to be clearly seen from the roadside. The rear of the site drops off quite steeply to the east, where a small shed is situated.



The surrounding area is predominantly residential in nature with a scattering of dwellings and farm holdings located along the roadside. The site lies in a row of 5 dwellings, with a yard including a number of large sheds directly to the rear.

Description of Proposal

The proposal seeks full planning permission for the retention of a shed for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products (farm diversification project)



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Act

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.

History

LA09/2016/0095/F – 131 Bush Road – dwelling – GRANTED 13.06.2019

Area Plan

Dungannon and South Tyrone Area Plan 2010 - unzoned land located in the countryside. The policy provisions of SPPS, PPS21 apply.

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.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS encourages a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. 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 from Policy CT1 or CTY 11 of PPS 21, nor Policy PED 1 and PED 9 of PPS 4 - Planning and Economic Development therefore existing policy applies.

PPS 21 – Sustainable development in the countryside

As the site lies in the countryside of Mid Ulster it falls to be considered against the provisions of PPS21. Policy CTY1 of PPS 21 list a number of developments that area acceptable in principle in the countryside. One of those listed is development in accordance with farm diversification proposals and policy CTY 11.

PPS 21 – CTY 11 Farm Diversification

The main thrust of this policy is that the proposal will be ran in conjunction with the agricultural operations on the farm. Proposals will normally only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Development proposals must meet certain criteria;

- a) the farm or forestry business is currently active and established;

The original submission did not include a farm diversification project and therefore a farming case including a P1C form was not submitted. The proposal has subsequently changed, however, in light of the recommendation I have not sought proof of active farming nor consulted DAERA yet. However, if the recommendation was to be over turned, the applicant would need a P1C form and a consultation with DAERA.

- b) in terms of character and scale it is appropriate to its location;

This proposal does not involve the utilisation of an existing building but instead involves the retention of an unauthorised shed which has the appearance of a large industrial building and is therefore not suitable in this location.

- c) it will not have an adverse impact on the natural or built heritage;

There are no natural or built heritage concerns regarding this application.

- d) The proposal involves the manufacturing of hydraulic hoses and therefore it is possible it may have a detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution. However, environmental health have been consulted and responded with no concerns subject to conditioning the use.

Proposals **will only** be acceptable where they involve the re-use or adaptation of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

With respect to the above paragraph which is crucial to this report it must be noted that there are 4 other sheds on the surrounding blue land. The agent has also identified these sheds in their supporting statement and has stated that they are all in use and unavailable for adaption or re use. The sheds include a livestock house and a silo which would be unsuitable for re-use. However, there are two other sheds, which for ease of purpose they are identified as shed 1 and shed 4 in the agent's statement. The agent has identified these buildings as used for storage, maintenance and repair of farm machinery, whilst I accept that these are needed for everyday farm use, at the time of site visit they were by no means being fully utilised and in my opinion would be suitable for adaption for this intended use.

In addition if the new shed was justified, the proposal should be satisfactorily integrated with an existing group of buildings. In this case the shed is not located in the existing yard alongside the existing group of buildings, but is proposed in a new field behind the rear of a newly built dwelling and in my opinion not capable of satisfactory integration in the rural area. As can be seen in the below image from the Bush road, the shed lacks any established boundaries to aid integration and would rely solely on landscaping proposals.



PPS 21 – CTY 13 Integration and design of buildings in the countryside

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) 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; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) 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.

In this case the proposal would fail to integrate into the landscape as it lacks any long established natural boundaries and would not be able to provide a suitable degree of enclosure for a building to integrate into the landscape and it would rely primarily on the use of new landscaping, therefore it fails the policy tests of CTY13.

Conclusion

The proposal fails policy CTY 11 in that it is my opinion that there are other buildings within blue land which could be adapted or re used for the proposal and therefore a new building is not justified. In addition a had a new building been justified, it would only be acceptable if it was satisfactorily integrated with an existing group of buildings, in this case the new building is set away from the farm on its own.

Finally, the proposal fails CTY 13 in that the site lacks long established boundaries and would rely on new landscaping for integration.

Neighbour Notification Checked	Yes/No
Summary of Recommendation:	
Refuse is recommended	
Refusal Reasons	
Reason 1 Enter Text here	
Reason 2 The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it does not involve the re-use or adaptation of existing farm buildings and it has not been demonstrated that there are no other buildings available to accommodate the proposal.	
Reason 3 The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is not satisfactorily intergated with the established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.	
Reason 4 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/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, in addition the proposed building relies primarily on the use of new landscaping for integration.	
Signature(s): Peter Hughes	
Date: 22 August 2022	

ANNEX	
Date Valid	29 October 2021
Date First Advertised	11 November 2021
Date Last Advertised	9 November 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 133 Bush Road Dungannon Tyrone BT71 6QQ The Owner / Occupier 131 Bush Road Dungannon Tyrone BT71 6QQ The Owner / Occupier 129 Bush Road Dungannon Tyrone BT71 6QQ	
Date of Last Neighbour Notification	18 November 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-Substantive: TBC	
Drawing Numbers and Title Site Location Plan Plan Ref: 1B Site Layout or Block Plan Plan Ref: 2B Proposed Floor Plans Plan Ref: 3A Proposed Elevations Plan Ref: 4A	

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1651/O	Target Date: 11 January 2022
Proposal: One new dwelling (Revised Land Ownership Certificate)	Location: Lands To The West Of 69 Derrylaughan Road Coalisland Dungannon
Applicant Name and Address: Pamela Quinn 69 Derrylaughan Road Coalisland Dungannon	Agent Name and Address: P G Quinn Ltd, Consulting Engineers 15 Derrytresk Road Dungannon BT71 4QL
Summary of Issues: This application is for a dwelling, it was initially assessed as a dwelling in a cluster however farming details have been submitted for consideration and the proposal meets the criteria for a dwelling on a farm.	
Summary of Consultee Responses: DFI Rivers - development not inside 1 in 100 year flood area, large site area may want to request Drainage Assessment DFI Roads – recommend to approve with conditions NIEA – request Preliminary Ecological Survey SES – may impact on RAMSAR as hydrological link DEARA – no business id supplied cannot confirm if active and established	
Characteristics of the Site and Area: The site is in the countryside and outside of any settlement limits in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character with predominantly agricultural fields, groups of farm buildings and single rural dwellings. There is a lot of development pressure along Derrylaughan Road and adjoining roads from the construction of single dwellings. The application site is a portion of a larger	

agricultural field with a flat topography and there are at least eight other dwellings along this laneway.

Description of Proposal

This is an outline application for a dwelling at lands to The West Of 69 Derrylaughan Road, Coalisland, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in September 2022 where it was deferred for a meeting with the Service Director for Planning. At the meeting it was indicated that the proposal does not meet all the criteria for a dwelling in a cluster as there is no focal point, however all the other criteria have been met. The agent advised there is a farming case to be considered and agreed to provide additional information in relation to a farming case.

The farming information was submitted and DAERA were consulted, they have advised they do not have a business ID allocated to this business. Members will be aware that a farming ID is not required provided details can be submitted that demonstrate there is a farm business, it is established for over 6 years and is currently active. The applicants father, Mr Edmund Quinn, lives in the dwelling to the east of the site, No 69 Derrylaughan Road. He owns the field the site is in which is 1.3ha in area. There is also other lands totalling 1.2ha in the moss and 1.2ha of grassland beside the River Blackwater.

The following receipts/invoices have been submitted to establish the farming activities:

- 27.10.2021 – bales from Campbell Farms – no name
- 08.09.2021 – washers from Murdocks, no name
- 16.08.2021 – screws from Murdocks, no name
- 14.08.2021 – timber fencing and d rail fencing from Murdocks, no name (x2)
- 14.08.2021- hay bales for Edmund Quinn from McCourt Hay Sales
- 11.08.2021 – cement and concrete posts from Murdocks, no name
- 17.07.2021 – concrete posts from Murdocks, no name
- 23.06.2021 – posts and hangers for Ed Quinn from Mervyn Potts
- 18/06/2021 – wire, posts and hangers for Ed Quinn from Mervyn Potts
- 08.09.2021 – washers from Murdocks, no name
- 05.06.2021 – timber and screws from Murdocks, no name
- 05.05.2021 – timber and screws from Murdocks, no name
- 30.04.2021 – timber fencing, nails drill bits from Murdocks, no name
- 24.04.2021 – rope, cement and fence rails from Murdocks, no name
- 16.03.2021 – cleaning drains and piping for Edmund Quinn from P McCann
- 04.06.2020- grazing and bales from Martin Morgan no name
- 21.11.2019 – collect from Campbell Farms, no name
- 17.11.2019 – paints for Eddie Quinn from Harry Black
- 18.10.2019 – paving from Murdocks, no name
- 15.06.2019 – fence brush from Murdocks, no name
- 01.06.2019 – wood, tools gripfill, nails from Murdocks, no name
- 07.05.2019 - timber and screws from Murdocks, no name
- May 2019 – cleaning drains, Edmund Quinn from P McCann

- 19.09.2018 – chemicals rom Macblair, no name
- 09.06.2018 - bales to Ed Quinn from McCourt Hay Sales
- 04.06.2018 – grazing, fencing and grass from Martin Morgan, no name
- 09.05.2018 – cement and cutting discs – McAleer & Sins Ltd, customer ref Quin (x2)
- 31.03.2018 – sand, cement, gripfill from MacBlair, no name
- 30.03.2018 – electrical cable and join from JJ Quinn for Edmond Quinn
- 26.02.2018 – engine oil and chainsaw oil from Fane Valley Stores, no name
- 16.10.2017 – bales from Campbell Farms, no name
- 12.10.2017 – lift hire from CP Hire for Edmund Quinn
- 04.08.2017 – shoring lands from P McCann for Edmund Quinn
- 15.06.2017 – undecipherable from Murdocks
- 16.03.2017 – sprayer, filler knife, red label (chemical) gloves and body warmer from Fane Vally Stores, no name
- 31.12.2016 – statement for Edmund Quinn from J Stevenson & Co of 4 transaction in 2015
- 13.11.2016 - bales from Campbell Farms, no name
- 12.10.2016 – grazing from Martin Morgan, no name
- 31.08.2016 - statement for Edmund Quinn from J Stevenson & Co of 2 transaction in 2016
- 31.07. 2016 – polythene sheets to Edmund Quinn from J Stevenson & Co
- 23.07.2016 - hangers from Mervyn Potts, no name
- 13.07.2016 – statement for Edmund Quinn from J Stevenson & Co of 4 transaction in 2016
- 31.03.2016 – polytene for Edmund Quinn from J Stevenson & Co
- 31.12.2015 – timber, boards, pipes, hinges and pins to Edmund Quinn from J Stevensons & Co Ltd
- 14.10.2015 – paint from Murdocks, no name
- 31.10.2015 - statement for Edmund Quinn from J Stevenson & Co of 3 transaction in 2015
- 31.10.2015 – felt, gas, guttering for Edmund Quinn from J Stevenson & Co
- 30.09.2015 - statement for Edmund Quinn from J Stevenson & Co of 3 transaction in 2015
- 31.08.2015 - statement for Edmund Quinn from J Stevenson & Co of 3 transaction in 2015
- 31.08.2015 – timber. Bolts, panel pins, felt and tools for Edmund Quinn from J Stevenson & Co
- 14.08.2015 – bales to Edmund Quinn from McCourt Hay Sales
- 07.07.2014 – trailer mounted lift hire, Edmund Quinn from CP Hire Ltd
- 02.06.2014 - statement for Edmund Quinn from J Stevenson & Co of 4 transaction in 2014
- No date – timber from Mervyn Potts, no name
- No date – undecipherable from Mervyn Potts, no name
- No date – lime spreading from WG Mills and Sons to Ed Quinn
- No date – lime spreading from WG Mills and Sons to Ed Quinn
- No date – lime spreading from WG Mills and Sons to Edmund Quinn

The information provided would indicate there is activity of an agricultural nature and Mr Quinn invests in the upkeep of the land to facilitate him allowing others to let their livestock graze the land or he cuts hay and or silage off it and sells it. This amounts to agricultural activities when considered against the definition of agricultural in CTY10. The receipts date back to 2014 and as such I consider they do show these activities have been on-going for at least 6 years. During my site visit I noted the land appeared to be in grass and in good condition. I consider this meets the criteria for an active and established farmer as set out in CTY10.

There is a dwelling and buildings immediately in the front of the site, which any dwelling sited as shown on the drawing 01 Rev 3 will cluster with. I consider this meets the second criteria in CTY10.

A planning history search of the lands shown as on the farm has not provided any details of any planning permission or sites sold off in the last 10 years and so I consider this criteria of CTY10 has also been met.

NIEA and SES have requested a Preliminary Ecological Appraisal to be carried out as they have assessed the proposal as close to trees, scrublands and a watercourse that links to Lough Neagh. Their response is based on the initial application which included the entire field as the site and a desktop survey of the area. The applicant has since reduced the area of the site to the rear of the existing buildings in the east of the field. This proposed location is over 170 metres from the watercourse, access to the site will require removal of some conifers which I do not consider have any particular ecological value, an existing hedge line can be conditioned to be retained at the rear of the site and the land is improved grassland with little ecological value. Any sewage treatment plant will have to be designed and maintained to meet the standards set by NIEA in any Consent to Discharge and as such I do not consider one additional dwelling here would have such a significant impact on designated features of Lough Neagh. it is necessary to request this information.

In my opinion the proposal meets the requirements of CTY10 and there is sufficient mitigation available to ensure the proposal is unlikely to have any significant impacts of Lough Neagh. I recommend the application is approved.

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 2.4m x 45.0m in both directions and a 45.0m forward sight line, shall be provided in accordance with the 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 details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. 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

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 September 2022	Item Number: 5.17
Application ID: LA09/2021/1651/O	Target Date: 11 January 2022
Proposal: One new dwelling (Revised Land Ownership Certificate)	Location: Lands To The West Of 69 Derrylaughan Road Coalisland Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Pamela Quinn 69 Derrylaughan Road Coalisland Dungannon	Agent Name and Address: P G Quinn Ltd, Consulting Engineers 15 Derrytresk Road Dungannon BT71 4QL
Executive Summary:	
Characteristics of the Site and Area The site is in the countryside and outside of any settlement limits in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character with predominantly agricultural fields, groups of farm buildings and single rural dwellings. There is a lot of development pressure along Derrylaughan Road and adjoining roads from the construction of single dwellings. The application site is a portion of a larger agricultural field with a flat topography and there are at least eight other dwellings along this laneway.	
Description of Proposal This is an outline application for a dwelling at lands to The West Of 69 Derrylaughan Road, Coalisland, 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 have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections have been received.

Planning History

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 outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined 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 6.77 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.

The applicant has not specifically asked for the proposal to be considered under a

specific policy so the assessment has considered all potential policies for a dwelling in the countryside.

I do not consider the proposal meets all the criteria for a dwelling in a cluster. Within the surrounding area there are at least three dwellings and when viewed on orthophotography the immediate area does appear as a visual entity in the landscape. The site is not associated with a focal point or at a crossroads so fails this criteria in CTY 2. There is a suitable degree of enclosure at the site as there is a dwelling to the south and another dwelling to the east. The site is on agricultural land behind a dwelling at No. 69 and there are a number of dwellings along this laneway. I am of the opinion a suitable designed dwelling would not have an unacceptable impact on neighbouring amenity through overlooking, loss of light etc.

There is no dwelling to be replaced so CTY 3 is not relevant.

The proposal would not meet the criteria for an infill dwelling as the site is behind an existing dwelling at No. 69.

In terms of dwelling on a farm the agent was asked on the 14th February 2022 what policy he would like the application considered under and no response was received. The applicant lives at No. 69 Derryloughan Road which is the dwelling immediately west of the site.

I consider the proposal is contrary to CTY 1 in that no overriding reason has been provided as to why the dwelling could not be located within a settlement limit and it does not meet any of the other policies for a dwelling in the countryside.

CTY 13 - Integration and Design of Buildings in the Countryside

The application site is a cut-out of a larger agricultural field on land to the rear of dwellings at No. 67 and No. 69 Derryloughan Road. The site has a flat topography and there is a post and wire fence along the eastern boundary with No. 69. Along the southern boundary is established hedging. The remaining boundaries are undefined as the site is a portion of a larger field. As the site is behind a row of dwellings I am content a suitably designed dwelling would not be a prominent feature in the landscape.

As the proposal is for an outline the design would be considered at reserved matters stage.

A new access would run along the southern boundary of No. 69 and to the north of No. 73. I have no concerns about the access as it would run along an existing boundary.

CTY 14 - Rural Character

As stated previously in the assessment I am content a dwelling on this site would not be a prominent feature in the landscape. The site is directly behind existing dwellings and there is already a lot of development pressure along this laneway from the construction of dwellings. I am of the opinion that another dwelling would not significantly alter the rural character of the area.

Planning Policy Statement 3 - Access, Movement
Parking Policy AMP 2 - Access to Public Roads

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.

DFI Roads were consulted as a new access is being created and they responded with no objections subject to visibility splays of 2.4m x 45m in both directions. The site is not onto a protected route so this is not relevant in this case.

PPS 15 - Planning and Flood Risk
Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains

A check on the statutory map viewer showed a portion of the site to the south west is within the Q100 flood plain which is contrary to FLD1. Consequently the red line of site was reduced in size away from the area of flooding. I am satisfied as the proposed site is away from the area of flooding a drainage assessment is not necessary. There are no other flooding issues at the site.

Other Considerations

The site is within Lough Neagh and Lough Beg Ramsar site so I sent an informal email to SES and they responded stating a formal consultation was required. SES responded on the 4th April 2022 stating they are waiting on NED's response. NED had asked for a preliminary ecological appraisal to allow an assessment of the impact on the ramsar. To date this has not been submitted.

There are no other ecological or built heritage issues at the site.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet any policies in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 1 in PPS 21 in that there is no overriding reason why the development cannot be located within a settlement.

Case Officer: Gillian Beattie

Date: 17 August 2022

ANNEX	
Date Valid	16 November 2021
Date First Advertised	26 April 2022
Date Last Advertised	30 November 2021
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 73A Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 69 Derryloughan Road Coalisland Tyrone BT71 4QS</p> <p>The Owner / Occupier 67 Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 65A Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 71 Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 63 Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 73B Derryloughan Road, Coalisland, Tyrone, BT71 4QS</p> <p>The Owner / Occupier 73 Derryloughan Road Coalisland Tyrone BT71 4QS</p>	
Date of Last Neighbour Notification	6 April 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>Rivers Agency-Substantive: TBCResponseType: FR</p> <p>DFI Roads - Enniskillen Office-Substantive: YResponseType: FR</p> <p>Shared Environmental Services-Substantive: YResponseType: FR</p> <p>NIEA-Substantive: YResponseType: FR</p> <p>DFI Roads - Enniskillen Office-Substantive: YResponseType: FR</p> <p>Rivers Agency-Substantive: YResponseType: FR</p>	

Drawing Numbers and Title
Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01 Rev 3
Notification to Department (if relevant)
Not Applicable

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0230/O Recommendation: Refuse	Target Date: 20 April 2022
Proposal: Proposed site for dwelling and garage	Location: Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy
Applicant Name and Address: Mr Hugh Glackin 99 Mullaghboy Road Bellaghy	Agent Name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge
<p>Summary of Issues:</p> <p>This application was presented as a refusal to Members at April 2023 Planning Committee. It was considered that the proposal did not meet the criteria for a Farm Dwelling under Policies CTY 1 and CTY 10 of PPS 21. It was also considered that the development, if approved, would create a ribbon of development and have a negative impact on the rural character of the area and as such was contrary to Policies CTY 8 and CTY 14 of PPS 21. Members deferred the application for an office meeting with Dr Boomer. Following this meeting and a subsequent site inspection by the Senior Officer the application is before Members again with a recommendation to Refuse. The justification for this recommendation is detailed further in this report.</p>	
<p>Summary of Consultee Responses:</p> <p>No additional or new consultations were issued to inform this deferred consideration.</p>	
<p>Description of Proposal</p> <p>This is an outline planning application for a proposed site for a dwelling and garage.</p>	
<p>Relevant Site History</p> <p>LA09/2021/1583/O- Proposed site for dwelling and garage. Lands Approx. 30M South East Of</p>	

99 Mullaghboy Road Bellaghy. Application withdrawn.

LA09/2021/0213/F- Retrospective application for existing storage unit & associated works to include car parking. 55M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0214/F- Part retrospective application for existing offices, storage and associated works to include car park. 30M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0330/LDE- Existing offices and existing storage unit. 25M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2022/0627/F- Application for storage unit and associated works. 25M North Of 99A Mullaghboy Road, Bellaghy. Permission Granted.

Deferred Consideration:

This is an outline application for a farm dwelling. Under Policy CTY 10 of PPS 21 the first test is whether or not there is an active and established farm business for at least 6 years. This is normally demonstrated with evidence such as a DAERA Business Number. The applicant does have a business number which DAERA have confirmed is a category 3 business number assigned in October 2022. A category 3 business number is awarded for veterinary purposes and enables a person to obtain a herd/flock/pig number, however with a category 3 number a person cannot make any claims or receive grants. He has not made any claims. The business number is registered to an address 6 Bells Terrace, Castledawson. This is not the address of the application site. The farm map submitted shows 5.28 hectares of farm lands, with name on the map being Mrs Kathleen Glackin and her business number (now deceased). Following the office meeting the applicant was given the opportunity to provide additional evidence to demonstrate that there is an active and established farm business for the required 6 year period. This has not been forthcoming and as such the proposal fails to meet the first test under CTY 10 of PPS 21. It would appear that no dwellings or development opportunities have been sold off the holding in the past 10 years and so the second policy test of CTY 10 has been met. The third test of the policy relates to siting a dwelling so it clusters/visually links with an established group of buildings on the farm. The business number details provided with this application gives the address of the farm business as being in Castledawson. No case has been provided to consider an alternative siting. It is also noted that the applicant has identified sheds at the rear of number 99 Mullaghboy Road as being part of the farm. These buildings in fact relate to a business identified as FG Plumbing and Heating. The business is established under LA09/2021/0330/LDE and other planning approvals. As such, they cannot be relied upon for siting or clustering with and the proposal fails to meet this test of CTY 10.

All applications for development listed in CTY 1 of PPS 21 must also be assessed under Policies CTY 13 - Design and Integration and CTY 14 - Rural Character.

If a dwelling were approved on this location it would extend a ribbon of development along this section of the Mullaghboy Road. This ribbon would consist of the 2 dwellings to the immediate NW and if a dwelling were approved it would add a third dwelling to this frontage - which is clearly a ribbon as defined in Policy CTY 8 of PPS 21. This in turn would have a negative impact on rural character. For this reason the development is also considered contrary to

policies CTY 8 and CTY 14 of PPS 21.

To conclude, it is my recommendation that Members refuse this application as it fails to meet policies CTY 1, CTY 8, CTY 10 and CTY 14 of PPS 21

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 CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business has been active and established for at least 6 years and, the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

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 extend a ribbon of development along the Mullaghboy Road

Signature(s):Karla McKinless

Date: 16 August 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.4
Application ID: LA09/2022/0230/O	Target Date: 20 April 2022
Proposal: Proposed site for dwelling and garage	Location: Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Hugh Glackin 99 Mullaghboy Road Bellaghy	Agent Name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Coleraine	Substantive: TBCResponseType: FR
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0230-O (No. 2).DOCX

Representations:

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

Summary of Issues

Proposal is contrary to policy

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 red line of the application site is the roadside portion of a larger agricultural field which is a flat agricultural field with some scrub hedges located within the field. The north eastern and south eastern boundaries are currently undefined. The south west and north western boundaries are defined by a low level hedge and post and wire fence with a shared laneway running between dwelling No.99 Mullaghboy and the application site. The surrounding area is a mix of land uses, with residential dwellings, business sheds and agricultural lands.

Representations

No third party written representations have been received.

Description of Proposal

This is an outline planning application for a proposed site for a dwelling and garage.

Relevant Site History

LA09/2021/1583/O- Proposed site for dwelling and garage. Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy. Application withdrawn.

LA09/2021/0213/F- Retrospective application for existing storage unit & associated works to include car parking. 55M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0214/F- Part retrospective application for existing offices, storage and associated works to include car park. 30M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0330/LDE- Existing offices and existing storage unit. 25M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2022/0627/F- Application for storage unit and associated works. 25M North Of 99A Mullaghboy Road, Bellaghy. Permission Granted.

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.

The agent originally completed the application form in which they provided a farm business No. for a Ms. Kathleen Glackin and a consultation was issued to DAERA on this business ID who confirmed the business has been in existence for more than 6 years but that no claims have been made on the farm business in any of the last 6 years, No further evidence of farming/business activity was provided. It was then brought to the attention of the planning department that the business ID holder had passed away prior to this application being made, therefore we needed further information regarding the farm business. The agent then submitted further info with a new farm business ID assigned to Hugh Glackin of 6 Bells Terrace, Castledawson. (It should be noted that this is the same name as the applicant but a different address as provided in the application form.) DAERA were then reconsulted on this new business ID and confirmed it was

assigned on October 2022 as a category 3 and no payments have been claimed in any of the last 6 years. As it was only assigned in the last 6 months, the farm business has not been established for at least 6 years and no further information has been provided to indicate otherwise. Therefore, the proposal is contrary to CTY 10.

No dwellings or development opportunities have been sold off from the farm holding within the last 10 years. The farm business has only been established since October 2022.

With regards criteria C the agent has identified existing farm sheds at the rear of 99 Mullaghboy Road. However, there is extensive planning history for these buildings and surrounding which relate to the business identified as FG Plumbing & Heating. LA09/2021/0330/LDE sought a certificate of lawfulness for the existing business and subsequent applications were submitted and approved for the business here. As such from this there are no existing farm buildings which the proposed dwelling can visually link with or cluster with. Therefore, the proposal fails to meet criteria C of 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 a dwelling with a maximum ridge height of 6m above finished floor level would not be a prominent feature in the landscape. A dwelling of this size would integrate into the landscape and the existing dwellings adjacent and the business to the rear of these dwellings provide a backdrop when travelling north west. Additional planting would be required but the site would not primarily rely on new landscaping for integration. As previously mentioned the dwelling is not visually linked or sited to cluster with an established group of buildings on a farm and fails Policy 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. As previously mentioned a dwelling with a ridge height of no more than 6m would ensure it is not a prominent feature. However, criteria (d) refers to creating or adding to a ribbon of development which I feel if a dwelling was approved here it would extend a ribbon of development along the Mullaghboy Road. Therefore, the proposal fails to comply with CTY 8 and CTY 14 of PPS 21.

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 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 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business ID provided has not been established for at least 6 years and, the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

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 extend a ribbon of development along the Mullaghboy Road

Signature(s): Ciaran Devlin

Date: 21 March 2023

ANNEX	
Date Valid	23 February 2022
Date First Advertised	8 March 2022
Date Last Advertised	8 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 101B Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 101A Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 101 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 99A Mullaghboy Road Bellaghy Londonderry BT45 8JH	
Date of Last Neighbour Notification	9 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2003/1173/O Proposals: Site of replacement dwelling and garage. Decision: PG Decision Date: 23-MAR-04 Ref: H/2005/0370/O Proposals: Site of Dwelling and Garage Decision: PG Decision Date: 05-OCT-06 Ref: H/1986/0426 Proposals: SITE OF BUNGALOW MULLAGHBOY ROAD, MULLAGHBOY, BELLAGHY. Decision: HISAPP Decision Date: Ref: LA09/2021/0204/F Proposals: Existing offices & existing storage unit associated with established business. Decision: Decision Date: Ref: LA09/2021/0213/F Proposals: Retrospective application for existing storage unit & associated works to include car parking.	

Decision: PG
Decision Date: 31-MAR-22
Ref: H/2004/0463/O
Proposals: Site of New Dwelling and Garage.

Decision: PR
Decision Date: 24-NOV-05
Ref: LA09/2021/0214/F
Proposals: Part retrospective application for existing offices, storage and associated works to include car park.

Decision: PG
Decision Date: 31-MAR-22
Ref: LA09/2022/0230/O
Proposals: Proposed site for dwelling and garage

Decision:
Decision Date:
Ref: H/2004/0160/O
Proposals: Site of dwelling and garage.

Decision: PR
Decision Date: 28-NOV-05
Ref: H/2005/0107/F
Proposals: Dwelling and garage (amended house type from that approved under H/2002/0565/)

Decision: PG
Decision Date: 05-JUL-05
Ref: LA09/2021/0725/F
Proposals: Change of house type & garage to previously approved site H/2009/0535/F with sma extension of site curtilage.

Decision: PG
Decision Date: 17-AUG-21
Ref: LA09/2021/1583/O
Proposals: Proposed farm dwelling and Garage

Decision: PG
Decision Date: 02-FEB-22
Ref: H/2007/0220/RM
Proposals: Proposed replacement dwelling.

Decision: PG
Decision Date: 24-AUG-07
Ref: H/1998/0164
Proposals: EXTENSION TO DWELLING

Decision: PG
Decision Date:
Ref: H/2009/0535/F
Proposals: Re-positioning of replacement dwelling approved under H/2003/1173/O and H/2007/0220/RM and removal of foundations and re-instatement of land and proposed detached domestic garage

Decision: PG

Decision Date: 12-OCT-09
Ref: H/1979/0285
Proposals: BUNGALOW
Decision: PG
Decision Date:
Ref: LA09/2021/0330/LDE
Proposals: Existing offices and existing storage unit
Decision: PG
Decision Date: 03-MAR-22
Ref: H/2011/0550/F
Proposals: Proposed dwelling and garage for residential purposes
Decision: PG
Decision Date: 05-JUL-12
Ref: H/1993/0258
Proposals: SITE OF BUNGALOW
Decision: PR
Decision Date:
Ref: H/1989/0302
Proposals: DWELLING
Decision: PR
Decision Date:
Ref: H/2002/0565/F
Proposals: Dwelling and Garage
Decision: PG
Decision Date: 16-SEP-02

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR
DAERA - Coleraine-Substantive: TBCResponseType: FR
DAERA - Coleraine-Consultee Response LA09-2022-0230-O (No. 2).DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0651/F	Target Date: 1 September 2022
Proposal: Change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F	Location: Lands Approx. 70M South West Of 6 Goland Road Ballygawley BT70 2NQ
Applicant Name and Address: Darragh McAnenly & Caoimhe Glass 11 Richmond Lane Ballygawley Dungannon BT70 2AN	Agent Name and Address: Mark Hackett 21 Church Street Ballygawley Dungannon BT70 2HA
Summary of Issues: This application is for the erection of a dwelling and garage in substitution for a previous planning permission. Information on the history of the site has shown that development has not started however there are circumstances that indicate the intent was there to start and works were done in the belief this secured the site.	
Summary of Consultee Responses: DFI Roads - access conditioned as 2.0m x 60.0m with 60.0m fsd, need to be provided	
Characteristics of the Site and Area: The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal development pressure for single dwellings along this stretch of public road. The predominant land use in the area is agricultural grazing land. The land mass in the immediate area of the application site does not afford long distance views, given the winding nature of the road.	

In terms of the application, the northern boundary of the site is undefined on the ground. The eastern boundary of the site is bounded by distribution (safety clothing/equipment) business. The southern roadside boundary of the site is defined by 1m grass verge and mature native species hedge row approx. 2m high. The western boundary of the site is defined by mature native species hedge row. There is no defined characteristic design of dwelling in the area.

Description of Proposal

This is a full application for a change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F at Lands Approx. 70M South West Of 6 Goland Road Ballygawley.

Deferred Consideration:

This application was before the Planning Committee in November 2022 where it was deferred for a meeting with the Service Director for Planning. A meeting took place on 10 November 2022 where the agent set out the understanding of the applicants who purchased this site on the understanding that it had planning permission secured. The planning history of the site was discussed as well as the works done in accordance with approvals on the site.

The issues in this case relates to the ‘fallback position’ where development has lawfully commenced and can be competed in accordance with approved plans. The case officer has rightly identified there are no foundations in place for any development and as such no works in the course of the erection of the building took place. It is however also important to look at the planning history for this site and the planning permissions that were granted for development.

M/2011/0046/F - Dwelling on a farm - 45 Metres East Of 6 Goland Road Aughnacloy – Permission Granted 13th March 2012 which had a 5 year time commencement condition and pre commencement condition for the access to be provided.

M/2013/0341/F - Amendment of Planning Approval M/2011/0046/F in relation to siting - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 26th March 2014 with a 3 year time commencement condition and pre commencement condition in relation to the access.

LA09/2015/0595/F - Amendment of access as approved under M/2013/0341/F - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 23rd November 2015 with time commencement condition tied to the approval of M/2013/0341/F and requiring the sight lines to be put in place before the access becomes operational.

Members are advised the history of the site and descriptions of the developments here are relevant to the considerations of the case. While the 2013 permission did not contain the access in the description of the development, the 2015 permission did specifically refer to an access and I consider this ties the permissions together. I am of the view that due to the conditions it is reasonable to consider development having commenced for the access as being a start for the whole development. If the access has been commenced in time then I consider members could consider that development for the entire scheme has commenced.

A check of google streetview show this access was not in place in April 2011 but is there in July 2021 (Fig 1 and 2)

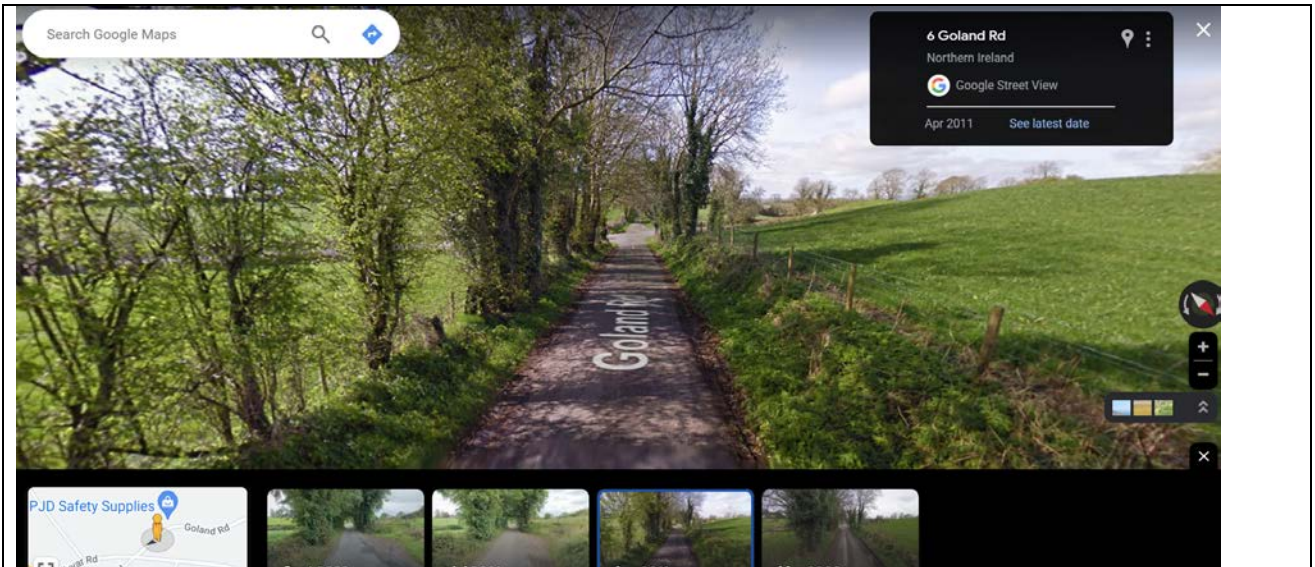


Fig 1 – April 2011 Streetview

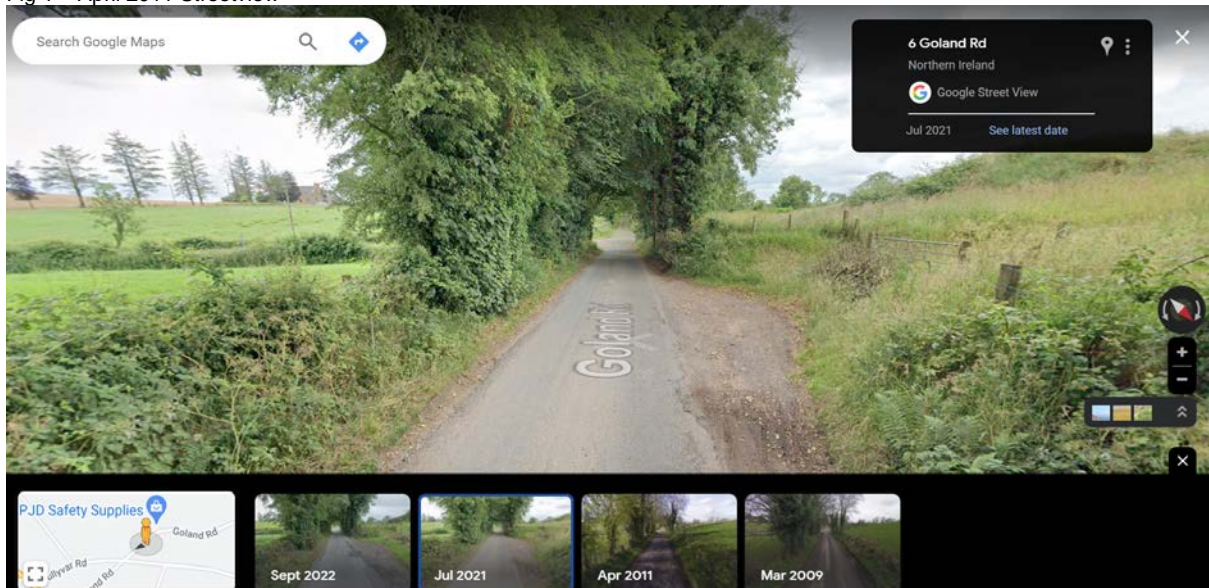


Fig 2 July 2021 Streetview

There is also a letter from a Councillor to confirm the access had commenced on the site on 14 March 2017, in accordance with the approval for the amended access location. I am content there was excavation and stoning of the access carried out before the permission for the access lapsed.

I visited the site on 30 January 2023 and noted there is an access in place in the general location of that approved under LA09/2015/0595/F. When I visited the site, I did not consider the sight lines had been put in place as approved to the south of the access as the road appeared to be tight against the hedge line.. (Fig 3).



Fig 3 – view to south

Images on google street view maps have however put into question where the road edge was located at the time of the access being created. Since the access has been put in place there has been more and heavier traffic on the road which has resulted in vehicles driving on the verges. This has pushed the verges back and I would tend to give the applicant the benefit of the doubt here in relation to the sight lines being put in place. Overall I am content the access was put in place prior to that permission lapsing.

As the access is development that was commenced with planning permission and this was an amendment to the previous permission I consider there is a fall back position and the development has commenced on the site. As previously assessed the proposed development is acceptable and as such I recommend approval for this proposal.

Conditions/Reasons for Refusal:

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

2. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.0m x 60.0m to the northeast, 2.0m to the junction to the southwest and 60.0m forward sight line and other details as set out on drawing No 02 Rev 2 received 04 Jul 2023 shall be provided. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing no 02 Rev 2 received on 4 Jul 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 interest of visual amenity

4. One dwelling only shall be constructed within the area of the site outlined in red on the approved drawing no 01 received 19 May 2012.

Reason: To control the number of dwelling on the site as this permission supersedes planning approvals M/2011/0046/F and M/2013/0341/F and is not for an additional dwelling on the site.

Signature(s)

Date:

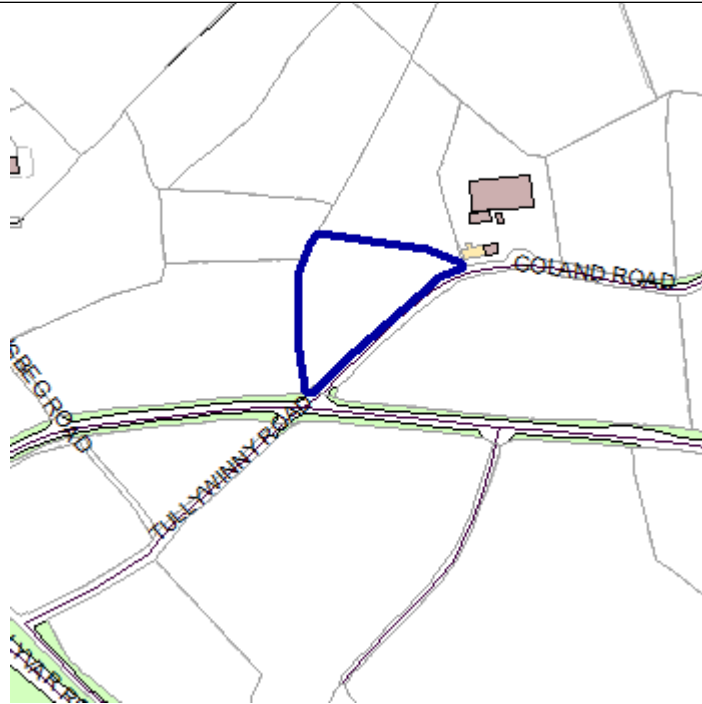


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.17
Application ID: LA09/2022/0651/F	Target Date: 1 September 2022
Proposal: Change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F	Location: Lands Approx. 70M South West Of 6 Goland Road Ballygawley BT70 2NQ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Darragh McAnenly & Caoimhe Glass 11 Richmond Lane Ballygawley Dungannon BT70 2AN	Agent Name and Address: Mark Hackett 21 Church Street Ballygawley Dungannon BT70 2HA
Executive Summary: No foundations in place at the application site. The access has not fully been put in place according to pre-commencement conditions.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2022-0651-F - 6 Goland Road Ballygawley - 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 outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal

development pressure for single dwellings along this stretch of public road. The predominant land use in the area is agricultural grazing land. The land mass in the immediate area of the application site does not afford long distance views, given the winding nature of the road.

In terms of the application, the northern boundary of the site is undefined on the ground. The eastern boundary of the site is bounded by distribution (safety clothing/equipment) business. The southern roadside boundary of the site is defined by 1m grass verge and mature native species hedge row approx. 2m high. The western boundary of the site is defined by mature native species hedge row. There is no defined characteristic design of dwelling in the area.

Description of Proposal

This is a full application for a change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F at Lands Approx. 70M South West Of 6 Goland Road Ballygawley.

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 representations have been received.

Planning History

M/2011/0046/F - Dwelling on a farm - 45 Metres East Of 6 Goland Road Aughnacloy – Permission Granted 13th March 2012

M/2013/0341/F - Amendment of Planning Approval M/2011/0046/F in relation to siting - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 26th March 2014

LA09/2015/0595/F - Amendment of access as approved under M/2013/0341/F - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 23rd November 2015

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. All valid representations received have been subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

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 Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 21 Sustainable Development in the Countryside

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.

The principal of this development has already been established through planning approvals M/2011/0046/F and M/2013/0341/F. The full approval was granted on 13th March 2012 for a dwelling on a farm, therefore, works at this site would need to have commenced before 13th March 2017. There was an access pre-commencement condition on M/2011/0046/F.

Condition 4 stated

“The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted and shall be retained and kept clear thereafter”

M/2013/0341/F granted approval for an amended siting and there was also a pre-commencement access condition. M/2013/0341/F was granted approval on the 26th March 2014 so the applicant had three years to commence from this date.

When I visited the site, I saw no evidence of foundations in place for either the dwelling or garage. The agent confirmed no foundations are in place at the site and only a small amount of soil has been moved. Condition 1 of M/2013/0341/F granted another 3 years from this date to commence work at the site. The development is the dwelling and garage so to have commenced some works for either need to have been started within the 3-year period from 26th March 2014.

Section 63 2(a)

For the purposes of sections 61 and 62, development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out—

where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building

I do not consider this development has commenced and there is no legitimate fall-back position as no works have commenced in the erection of the building.

In terms of the access pre-commencement condition, LA09/2015/0595/F granted approval for an amendment to an access approved under M/2013/0341/F. Figures 1 and 2 show what access has been put in place. In discussions with the Planning Manager it was agreed that the access is not in place. Works have created an opening and visibility splays but no concrete/gravel has been laid for the access lane.



Figure 1 – Google image from July 2021 of the access



Figure 2 – Google image from July 2021 of the access

CTY 13 – Integration in the Countryside

M/2013/0341/F granted approval for the dwelling as shown below in figure 3 and figure 4 shows the proposed dwelling in this application.



Figure 3 – Snapshot from planning approval M/2013/0341/F



Figure 4 – Snapshot of proposed dwelling in this application

In terms of the design, I consider the new design is more acceptable as a dwelling in the countryside. When viewed from the roadside the front elevation will be a simple form of a traditional dwelling with windows with a vertical emphasis and a small porch. The form will be an L shaped and a long section extending from the rear wall. There are minimal long-distance views in all directions so I am content the proposal will not be a prominent feature in the landscape. The dwelling has been pushed further back on the site and more into the slope than previously approved. The topography at the site rises up at the southwest corner at 116m to a slope of 124m. The proposed dwelling will cut into the slope as the dwelling is at 124m and the curtilage of the dwelling extended. I consider the amended siting will not have an unacceptable impact on neighbouring amenity or integration into the landscape.

There are established trees along the rear boundary and a post and wire fence along the northeast boundary. There is hedging along the roadside boundary but some of these needs removed for the visibility splays and the west boundary is undefined. The applicant has shown additional trees and hedging along the undefined boundaries which will assist in the integration into the landscape.

In addition, to the northeast of the site there are light industrial sheds for PJD Safety Supplies which has external materials of light grey metal sheeting. In the context of the buildings in the surrounding area I am content the dwelling and garage will integrate into the landscape.

CTY 14 – Rural Character

I am content the proposal will not be unduly prominent in the landscape as the principle of development as already been established at this site through previous approvals. I consider a dwelling in this location will not be detrimental to rural character as I have no concerns about the scale, massing and design of the dwelling and garage.

Other Considerations

I checked the statutory map viewers and I am content there are no ecological, built heritage or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it has not commenced within the required time period.

Refusal Reasons**Reason 1**

Contrary to CTY 1 of PPS 21 in that it has not been demonstrated there is a legitimate fall-back position in that no evidence has been provided to show the dwelling approved has begun in accordance with the requirements of Section 63 (2) of the Planning Act (NI) 2011.

Signature(s): Gillian Beattie

Date: 19 October 2022

ANNEX	
Date Valid	19 May 2022
Date First Advertised	30 June 2022
Date Last Advertised	30 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 6 Goland Road Ballygawley Tyrone BT70 2NQ The Owner / Occupier PJD Safety Supplies, Goland Road, Aughnacloy, BT70 2NQ.	
Date of Last Neighbour Notification	25 August 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Ref: M/2011/0046/F Type: F Status: PG Ref: M/2011/0438/F Type: F Status: PG Ref: M/2013/0385/PREAPP Type: PREAPP Status: EOLI Ref: LA09/2022/0464/F Type: F Status: PCO Ref: M/2013/0341/F Type: F Status: PG Ref: LA09/2022/0651/F Type: F	

Status: PCO

Ref: LA09/2015/0595/F

Type: F

Status: PG

Ref: LA09/2017/1157/F

Type: F

Status: PG

Ref: LA09/2015/0650/F

Type: F

Status: PG

Ref: M/2012/0090/F

Type: F

Status: PG

Ref: M/2014/0180/F

Type: F

Status: PG

Ref: LA09/2020/0998/F

Type: F

Status: PG

Ref: M/2015/0169/F

Type: F

Status: PG

Ref: LA09/2022/0431/F

Type: F

Status: PG

Summary of Consultee Responses

DFI Roads - Enniskillen Office-LA09-2022-0651-F - 6 Golland Road Ballygawley - Response.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02 Rev 1
Proposed Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Garage Plans Plan Ref: 05

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: LA09/2022/0689/O	Target Date: 12 September 2022
Proposal: Dwelling on a farm in accordance with PPS 21 Policy CTY10	Location: Proposed Site 350M West Of No.5 Corick Road Clogher BT77 0BY
Applicant Name and Address: Mr Edwin Boyd Killyfaddy Manor 209 Aghadfad Road Clogher BT76 0XR	Agent Name and Address: Jim Ireland Architects LTD 18 Moss Road Banbridge BT3 3NZ
Summary of Issues: The proposal is for a dwelling on farm and the issue is if it clusters or visually links with the farm buildings.	
Summary of Consultee Responses: DFI Roads – sight lines of 2.4m x 45.0m and 45.0m forward sight lines necessary for safe access. DAERA – confirm this is an active and established farm HED - no concerns	
Characteristics of the Site and Area: The 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, dwellings on single plots and groups of farm buildings. There is minimal development pressure from the construction of single dwellings within the immediate area. To the south of the site is a group of agricultural buildings which serve as a feed business. The application site is a cut-out of an agricultural field to the north of this feed business and is separated by a row of established trees along the southern boundary. The site itself has an elevated topography from the road level and the remaining boundaries are undefined.	

Description of Proposal

This is an outline application for dwelling on a farm in accordance with PPS 21 Policy CTY10 at Proposed Site 350M West Of No.5 Corick Road, Clogher.

Deferred Consideration:

This application was before the Planning Committee in March 2023 and was deferred for a meeting with the Service Director. At a meeting on 24 March 2023, via zoom, the issues in relation to the siting of the dwelling in relation to the group of farm buildings was were discussed and the agent undertook to provide additional information for consideration.

Additional information was provided on 5 May 2023 which set out the uses in the existing buildings and provided an up-to-date map to show the built development around the farm group. The group of buildings are used for housing animals, silage pits, hay and round bales (indicated in green fig 1) and milling to produce feed for sale (indicated in blue fig 1).

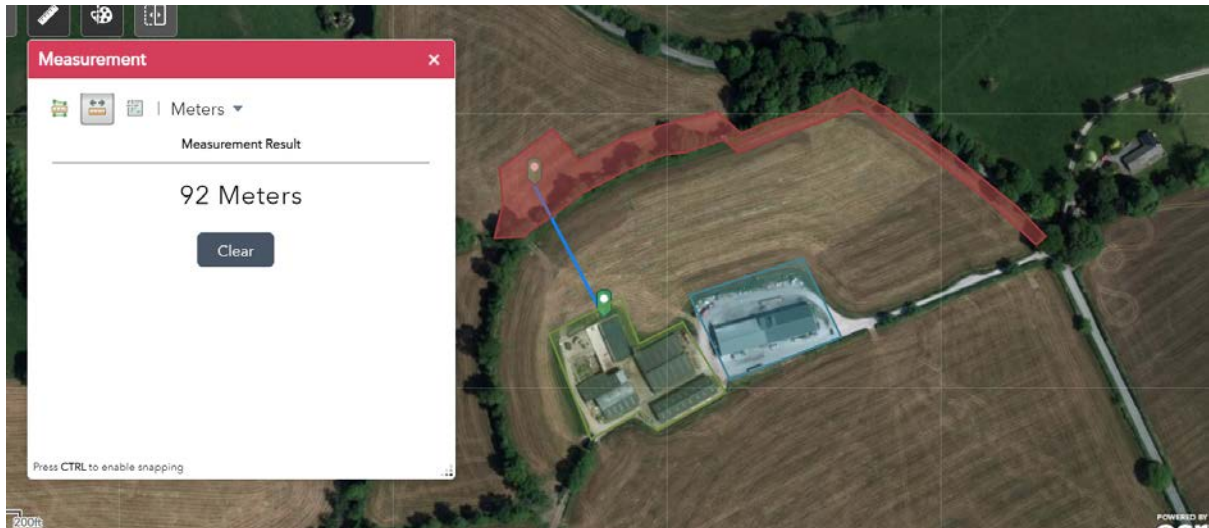


Fig 1 -farm group and site

The agent has advised they have chosen this site as it visually links with the farm buildings. Members will be aware the amplification of the policy does clarify that there should be ' little appreciation of any physical separation that may exist between them'. I note that in views from the north, a dwelling on this site would be seen with the buildings, however I do consider there would be an appreciation of the separation for the buildings. I do not consider this part of policy CTY10 has been met and am in agreement with the original case officers report. That said, I visited the site and noted the closest buildings to the proposed site (92 meters to middle of the site) are used to house animals and there are 2 silage pits dug into the hillside. The mill buildings were in operation on the day of my visit and the noise and dust from them was very apparent in close proximity to the buildings. The Ministers Statement (Review of PPS21 published 16 July 2013) highlights the health and safety issues that are apparent on farmyards. I accept the issues put forward by the agent in this case, in respect of the health and safety issues especially as it is not just a farm group but also a working feed mill. I consider the exception in CTY10 is a material consideration here and having checked the farm maps do not see any other buildings on the farm to group a dwelling with.

A dwelling sited as proposed will have limited views of it from the surrounding public road network due to the landscape, vegetation and topography of the area. Critical views will be

from Corick Road to the north and from here a dwelling will have a backdrop of the agricultural buildings and the rising ground to integrate it. There are no other dwellings or buildings in close proximity that I consider would result in a loss of rural character as this dwelling would be seen on its own, from the limited views. Access to the mill and the farm buildings is shared and the Ministers Review identifies that it is not always practicable to access new dwellings through busy farmyards, especially if a new access does not cause concerns in terms of integration. In this case there is a new access lane proposed which follows the existing hedge line and as such I do not consider it will be prominent, provided new landscaping is provided and the existing is retained.

In light of the specific circumstances surrounding this case, it is my recommendation that an exception to CTY10 could be applied and that planning permission is granted.

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries within the site and on the site boundaries shall be retained and augmented with trees and native species hedging, except where necessary for access purposes. All new curtilage boundaries including both sides of any proposed access laneway shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

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

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

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the uploaded form RS1 including sight lines of 2.4m by 45.0m in both directions and a forward sight distance of 45.0m where the access meets the public road. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Signature(s)

Date:

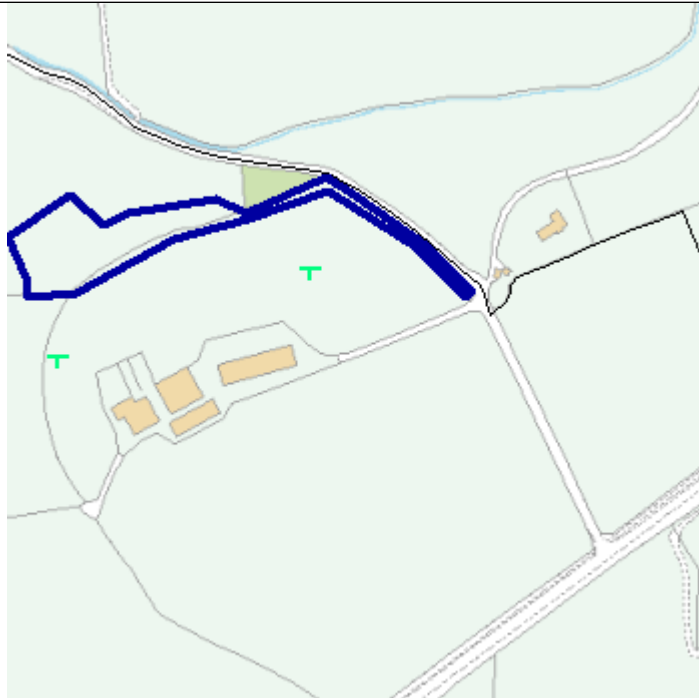


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 March 2023	Item Number: 5.16
Application ID: LA09/2022/0689/O	Target Date: 12 September 2022
Proposal: Dwelling on a farm in accordance with PPS 21 Policy CTY10	Location: Proposed Site 350M West Of No.5 Corick Road Clogher BT77 0BY
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Edwin Boyd Killyfaddy Manor 209 Aghadfad Road Clogher BT76 0XR	Agent Name and Address: Jim Ireland Architects LTD 18 Moss Road Banbridge BT3 3NZ
Executive Summary: <p>The proposal in it's current siting does not cluster or visually link with the established group of farm buildings on the farm to the south. The agent was asked was there other groups of buildings on the farm which may cluster with and to date no information has been received. There are no health and safety reasons or verifiable plans to expand at the group of buildings to demonstrate why the proposal cannot be sited closer to the group of farm buildings.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2022-0689-O - 16 Corick Road Augher - Response.docx LA09-2022-0689-O - 16 Corick Road Augher - RS1 Form.doc
Non Statutory Consultee	DAERA - Omagh	LA09-2022-0689-O.DOCX See uploaded document
Statutory Consultee	Historic Environment Division (HED)	HED is unable to provide comment at this time as the correct map has not been provided via the planning portal workqueue. To enable HED to make an appropriate response under the relevant planning legislation, please resubmit this consultation with associated map, drawings

		and documents.
Representations:		
Letters of Support	0	
Letters Non Committal	0	
Letters of Objection	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
Characteristics of the Site and Area		
<p>The site is 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, dwellings on single plots and groups of farm buildings. There is minimal development pressure from the construction of single dwellings within the immediate area. To the south of the site is a group of agricultural buildings which serve as a feed business. The application site is a cut-out of an agricultural field to the north of this feed business and is separated by a row of established trees along the southern boundary. The site itself has an elevated topography from the road level and the remaining boundaries are undefined.</p>		
Description of Proposal		
<p>This is an outline application for dwelling on a farm in accordance with PPS 21 Policy CTY10 at Proposed Site 350M West Of No.5 Corick Road, Clogher.</p>		
Planning Assessment of Policy and Other Material Considerations		
<u>Policy Consideration</u>		
<p>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.</p>		
Representations		
<p>Press advertisement and neighbour notification have been carried out in line with the</p>		

Council's statutory duty. At the time of writing 2no. third-party objections have been submitted. With both objections no name and address has been provided.

The first objection was received by letter on the 11th July 2022 and the objector stated they wished to object as they believed under planning policy the dwelling should be grouped with the farm business. It is stated the farm business is separated by a hedgerow and is a long distance away. Also, there is an animal meal business at the farm building as there are many large vehicles travelling daily to it. The objector also stated other factors to consider are the impact on the environment and poor design of the house.

A further objection was received by letter on the 19th July 2022 and the objector raised a number of issues similar to the first objection letter.

- The proposed dwelling is sited a considerable distance away from the established group of buildings on the farm.
- No evidence has been provided why the dwelling should be sited at an alternative site away from the farm group.
- A row of trees and hedging separates the dwelling from the farm cluster.
- The proposed dwelling sits on an exposed site.
- The design is not appropriate to a rural setting.
- The proposal is an intensification of an existing access and DFI Roads will require improved visibility splays.

In rebuttal the siting of the proposed dwelling will be considered in the assessment in CTY 10, and the design will be considered at the reserved matters stage. Also DFI roads will be consulted as the statutory authority on roads.

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 outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined 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 farm 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 a dwelling on a farm CTY 10 is the relevant policy in the assessment.

CTY 10 – Dwelling on a Farm

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over 6 years and the applicant is a category 1 farmer and the farmer has claimed farm subsidies for the past 6 years. I am content the farm business is currently active and established for the past six years.

The applicant submitted 2022 DAERA farm boundary maps and I completed checks on the land and farm business number. I am content no dwellings or development opportunities have been sold off from the farm holding within the past 10 years.

The applicant is Mr Edwin Boyd who lives at Killyfaddy Manor, 209 Aghafad Road and this is shown on the farm maps. There is a cluster of agricultural buildings within the farm holding along Corick Road and the buildings are currently used as a farm feed business. I checked the planning histories and I could find no planning approvals for the sheds but a check on Spatial NI shows the shed have been on site since at least 2004. I am content there is established group of buildings on the farm. The proposal is to site the proposed dwelling in a field to the north of the buildings in front of a row of trees and hedging. I am of the opinion the proposal will not cluster or visually link with these group of farm sheds in critical views as shown in figure 1 below.



Figure 1 – Image from the site visit showing the proposed siting of the dwelling in relation to the group of farm buildings

In a concept statement dated 27 May 2022 the agent states that the proposed siting was chosen as the group of farm buildings have an elevated site and the siting to the north the land levels fall away. There are critical views of the group of farm buildings from Crossowen Road which is a heavily trafficked main road between Augher and Clogher. In discussions at other sites, I consider a revised siting to the south of the buildings would not be acceptable as the land is elevated and there would be prominent views from the main road. On the 19th Dec 2022 and 17th January 2023 further information was provided by the agent to support the case for the proposed siting as shown in figure 2 below



Visual appraisal of the site by agent

Criteria c in CTY 10 states that an alternative site elsewhere on the farm may be considered where it has been shown there are no other groups of buildings on the farm, or health and safety reasons or verifiable plans to expand. At the time of writing no further information has been submitted by the agent to demonstrate that there are no other more acceptable sites at other groups of buildings on the farm.

The policy in CTY 10 states that where practicable the existing lane to the farm buildings should be used for the dwelling. The proposal will use the same access point at the road but the access will run along the southern boundary and along the boundary of the field at the application site. As the access will run alongside hedging, I have no concerns as this will assist with integration.

Overall, I consider the proposal fails criteria c in CTY10.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a cut-out of a larger agricultural and the topography rises up from the roadside to the site. The land slopes downwards from the southern boundary to the undefined north boundary at the site. There are critical views of the site from the minor Corick Road but as shown in figure 2 below there are no views of the proposed siting from Crossowen Road which sites behind the group of farm buildings.



Figure 2 – Images from Google Maps October 2022

The applicant has submitted a concept plan to demonstrate a potential single storey dwelling at the site which I consider would not be prominent in the landscape. There is a row of established trees along the southern boundary which are within the applicant's ownership and have shown will be retained. I consider the proposal fails criteria g in CTY 13 as the application is for a dwelling on a farm and does not cluster or visually link with an established group of buildings on the farm.

CTY 14 – Rural Character

As stated previously in the assessment I am content the proposal will not be a prominent feature in the landscape. The proposed dwelling is set back from the road and the applicant has shown a single storey dwelling with additional planting. I am content a dwelling in this location would not be detrimental to rural character.

PPS 3 Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

The proposal does not access onto a protected route so I have no concerns on this regard.

As the applicant is proposing a new access I consulted DFI roads as the statutory authority. Roads have no concerns subject to visibility splays of 2.4m x 45m in both directions and 45m forward sight distance. I am content the applicant can achieve a safe access onto the road.

Other Considerations

I completed checks on the statutory map viewers and I am content there are no ecological or flooding issues at the site.

HED were consulted as there are two historic monuments in the field to the south of the site and HED historic monuments responded with no concerns.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it fails to meet all the criteria in CTY 1, CTY 10, and CTY 13 in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.

Reason 2

Contrary to criteria c in CTY 10 - Dwelling on a Farm in PPS 21 Sustainable Development in the Countryside in that the development if permitted would not cluster or visually link with an established group of buildings on the farm.

Reason 3

Contrary to criteria g in CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 Sustainable Development in the Countryside in that the development if permitted would not cluster or visually link with an established group of buildings on the farm.

Signature(s): Gillian Beattie

Date: 10 February 2023

ANNEX	
Date Valid	30 May 2022
Date First Advertised	1 September 2022
Date Last Advertised	30 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 5B Corick Road Augher Tyrone BT77 0BY The Owner / Occupier 5 Corick Road Augher Tyrone BT77 0BY	
Date of Last Neighbour Notification	16 August 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/1978/0020 Appl Type: H13 Decision: PG Decision Date:</p> <p>Ref: M/1977/029501 Appl Type: H13 Decision: PG Decision Date:</p> <p>Ref: M/1977/0295 Appl Type: H13 Decision: PG Decision Date:</p> <p>Ref: LA09/2022/0689/O Appl Type: O Decision: Decision Date:</p> <p>Ref: M/2005/2187/F Appl Type: F</p>	

Decision:
Decision Date:

Ref: M/2006/0083/F
Appl Type: F
Decision: PG
Decision Date: 17-FEB-06

Summary of Consultee Responses

Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-LA09-2022-0689-O - 16 Corick Road Augher - Response.docx
LA09-2022-0689-O - 16 Corick Road Augher - RS1 Form.doc
DAERA - Omagh-LA09-2022-0689-O.DOCXSee uploaded document
Historic Environment Division (HED)-HED is unable to provide comment at this time as the correct map has not been provided via the planning portal workqueue. To enable HED to make an appropriate response under the relevant planning legislation, please resubmit this consultation with associated map, drawings and documents.

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: LA09/2022/1697/O Recommendation: Refuse	Target Date: 21 March 2023
Proposal: Dwelling and garage under CTY 2A	Location: 60 m NE of 11 Creagh Hill Castledawson
Applicant Name and Address: Mrs Anne McGrogan 154 Creagh Road Castledawson BT45 8EY	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: <p>This application was presented as a refusal to Members at April 2023 Planning Committee. It was considered that it did not meet all the criteria to merit being accepted as a dwelling in a cluster under Policy CTY 2A of PPS 21. Concern was also raised about the integration qualities of the site and the potential to impact on rural character through build up. Members agreed to defer the application for an office meeting with Dr Boomer and the Senior Officer. This application is before Members again with a recommendation to refuse and the justification for this is set out further in this report.</p>	
Summary of Consultee Responses: <p>No new consultations were carried out to inform this deferred consideration</p>	
Description of Proposal <p>This is an outline application for a dwelling and garage under policy CTY 2A at lands 60m north-east of No. 11 Creagh Hill, Castledawson.</p>	

Deferred Consideration:

This proposal is being considered under Policy CTY 2A of PPS 21, Dwelling in a cluster. This policy sets out 6 different criteria that must be met. The cluster must lie outside of a farm and consist of 4 or more buildings of which at least 3 are dwellings. It is not contested that the site is in an area where there are more than 4 dwellings and it is outside of a farm.

The cluster must appear as a visual entity in the local landscape. I have carried out a site inspection and I would contend that there is a cluster of development but it tends to be more situated to the South of the site, taking in a row of 5 dwellings, roads infrastructure and other mixed use development. There are two dwellings, numbers 4 and 6 Creagh Road, located to the North of the site but these are somewhat removed from the cluster. It is noted that LA09/2021/1204/O and LA09/2021/1810/F, approved immediately to the West of the site was granted under Policy CTY 2A so this holds some material weight in accepting that there is a cluster in this area.

A cluster must be associated with a focal point such as a social/community building or is located at a cross roads. Again, the adjacent approval accepted that "The Thatch" Bar and Restaurant, which is located some way to the West of the site, was an appropriate focal point, and weight must be given to that.

To be considered a site in a cluster, the site must provide a suitable degree of enclosure and be bounded on at least 2 sides with other development in the cluster. At the office meeting the agent advised that he is relying on the dwelling to the South of the site and the recently approved dwelling to the West of the site in order to meet this criteria. Having reviewed the approved site layout drawing associated with LA09/2021/1810/F it is very clear that the approved curtilage does not abut the application site and in my opinion can not be relied upon as development along one side. The adjacent outline application LA09/2021/1204/O was accepted as being bound on 2 sides due to the size of the red line. I would be of the opinion that the application is not adequately enclosed with development for the purposes of the policy.

CTY2A also requires that the application site be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter rural character or visually intrude. It would seem that the laneway running down the Western site boundary would be the natural edge to the cluster. Any development East of this lane extends development further into the countryside and for this reason development of this site should not be accepted as rounding off or consolidation.

The last criteria deals with residential amenity. If a dwelling were approved on this site it would not have a negative impact on adjacent residential amenity.

On the basis of this assessment I would advise Members that the proposal fails to meet the required criteria of Policy CTY2A in that the site is not bound on 2 sides by development in the cluster and a dwelling on this site can not be considered as rounding off or consolidation of the cluster and would in fact visually intrude into the undeveloped rural landscape to the East.

The initial recommendation brought before Members in April also raised concern about integration and build up. The site benefits only from low level hedge row along its roadside and western boundaries. 60m of the roadside hedge would require removal to provide splays. The

remaining site boundaries are undefined on the ground and there is no form of backdrop to the site. For these reasons I would be of the opinion that the site would not adequately integrate a dwelling and as such is at conflict with CTY 13 of PPS21. The argument raised by the previous case officer in respect of build up and its impact on rural character has been further considered. It is very evident that there is already a considerable build up of development in this immediate area when you take in the existing development to the South of the site, the adjacent approval and the dwellings to the North. I do not feel this can be added as a reason for refusing this application.

To conclude, I recommend that Members refuse this application as it fails to meet all the required criteria for a dwelling in a cluster and the site lacks the required established boundary treatment which would adequately integrate a dwelling on a rural roadside site.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21 - 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 proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure. A dwelling would, if permitted, also visually intrude into the open countryside.

Reason 3

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 and is unable to provide a suitable degree of enclosure to integrate a dwelling on this road side site.

Signature(s):Karla McKinless

Date: 23 August 2023

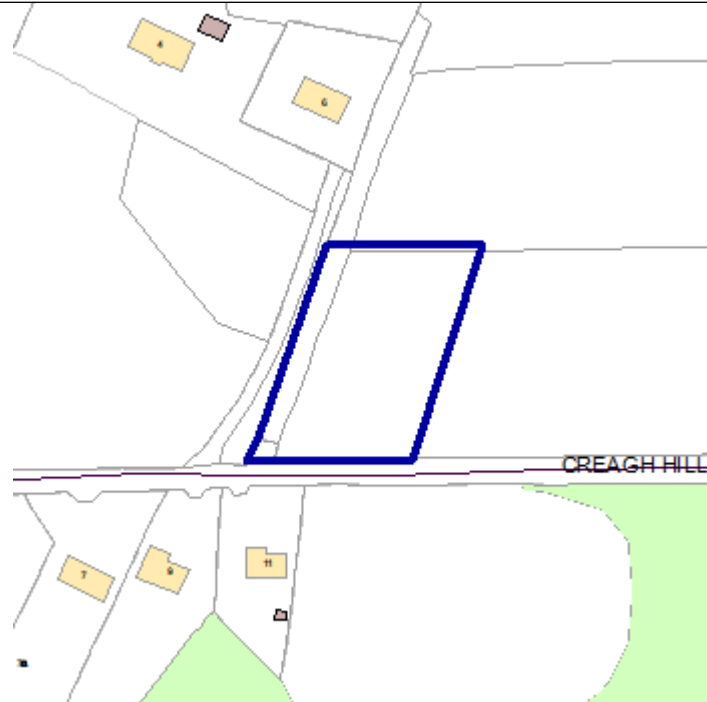


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.13
Application ID: LA09/2022/1697/O	Target Date: 21 March 2023
Proposal: Dwelling and garage under CTY 2A	Location: 60 m NE of 11 Creagh Hill Castledawson
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs ANNE MCGROGAN 154 Creagh Road Castledawson BT45 8EY	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: The current application is presented as a refusal, having failed to meet the requirements of policy CTY 2A - New Dwellings in Existing Clusters.	

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

Summary of Issues

Characteristics of the Site and Area

The application site is located at lands 60m north-east of No. 11 Creagh Hill, Castledawson. The site occupies a roadside corner portion of a larger agricultural field. The front (southern) and western boundaries are defined by an established hedgerow with scattered trees. As the application site is part of a larger field, the remaining

boundaries are undefined.

Lands to the north and east of the site are agricultural in nature. There is a laneway running along the western boundary providing access to two houses set back from the roadside. Lands west of the application site have been approved under LA09/2021/1204/O for a dwelling and garage within a cluster site. A subsequent full application was approved under LA09/2021/1810/F as it did not comply with all conditions set at outline stage. During the site visit on 17/02/2023, it was noted that works on this site had not commenced. To the south, there is a row consisting of five detached dwellings.

Representations

Two neighbour notification letters were issued in relation to this application however, no objections have been received to date.

Consultations

- DfI Roads were consulted in relation to this application and responded on 30/12/2022 advising they had no objection subject to compliance with conditions.

Planning History

- LA09/2019/0760/O - 65MTS Northeast of No.11 Creagh Hill Castledawson - Proposed site for a dwelling and domestic garage/store under policy CTY 2A – Permission Refused 07.11.2019

Description of Proposal

This is an outline application for a dwelling and garage under policy CTY 2A at lands 60m north-east of No. 11 Creagh Hill, Castledawson.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

The site falls within the open countryside, approximately 1.8km east of the settlement limits of Castledawson and 1.3km northwest of the settlement limits of Creagh as defined in the Magherafelt Area Plan 2015. There are no other specific designations or zonings on this site.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The Strategic Planning Policy Statement provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. The application to be considered is for a dwelling and garage under the provisions of policy CTY 2a – New Dwellings in Existing Clusters.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of 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 application site lies outside of a farm with no development to the north or east. To the west, a dwelling has been approved, however as development has not yet commenced, this does not count as a building. There is a detached dwelling across the road from the application site to the south. I am not content that the proposal meets this criterion.

The cluster appears as a visual entity in the local landscape;

The existing group of five detached dwellings on the opposite side of the road from the application site can be read together as a cluster. The proposed site does not read with this existing line of residential development as it is located on the opposite side of the road and forms part of a larger agricultural field. The proposal therefore does not meet this criterion.

The cluster is associated with a focal point such as a social / community building / facility, or is located at a crossroads;

The application site is not located close to any focal points and therefore does not meet this criterion. It should be noted that under application reference LA09/2019/0760/O which was refused, the agent had proposed ‘The Thatch Inn’ as the focal point however it was deemed to be too far removed from the application site (approximately 313m) to be considered acceptable.

The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

There is no development to the north or east of the site. Whilst planning permission has

been granted for a dwelling to the west of the application site, development has not yet commenced therefore cannot be considered under this application. There is a bungalow across the road, to the south however as this is only along one boundary, the proposal does not meet this criterion.

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;

As the proposal site would be breaking into a larger agricultural field with no existing development to the north, east or west, I am of the opinion that a dwelling in this location would alter the existing character of the area and visually intrude into the open countryside therefore the proposal does not meet this criterion.

Development would not adversely impact on residential amenity.

I am content that the proposal would not adversely impact on residential amenity should an approval be granted in this location.

CTY 13 – Integration and Design of Buildings in the Countryside

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.

A new building will be unacceptable where;

- (a) It is a prominent feature in the landscape; or*
- (b) 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; or*
- (c) It relies primarily on the use of new landscaping for integration; or*
- (d) Ancillary works do not integrate with their surroundings; or*
- (e) The design of the building is inappropriate for the site and its locality; or*
- (f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) 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.*

A dwelling could be accommodated on the proposed site however, it lacks the long-established boundaries suitable to provide a degree of enclosure for the building to integrate into the landscape. The site would rely primarily on new landscaping for integration and therefore fails to meet the criteria of CTY 13.

CTY 14 – Rural Character

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.

A new building will be unacceptable where:

- (a) It is unduly prominent in the landscape; or*
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) It does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) It creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

I am not content that the proposed site is within the existing cluster and feel that the approval of this application would result in a suburban style build up and therefore erode rural character. The proposal fails to meet the criteria of CTY 14.

It is evident that there has been no change to the proposed development which was refused under LA09/2019/0760/O.

For the above reasons, the proposal fails under policy CTY 2A, CTY 13 and CTY 14 and I would therefore recommend refusal for this application.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

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

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 1 of Planning Policy Statement 21 - 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 - New Dwellings in Existing Clusters in that the cluster is not associated with a focal point, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

Reason 3

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21 - Sustainable Development in the Countryside, in that the proposed site lacks long-established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Reason 4

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21 - Sustainable Development in the Countryside, in that the proposal will erode rural character and result in a suburban style build up of development when viewed alongside the existing.

Signature(s): Zoe Douglas

Date: 21 March 2023

ANNEX	
Date Valid	6 December 2022
Date First Advertised	20 December 2022
Date Last Advertised	20 December 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 9 Creagh Hill Castledawson Londonderry BT45 8EU The Owner / Occupier 11 Creagh Hill Castledawson Londonderry BT45 8EU	
Date of Last Neighbour Notification	13 December 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2003/0797/F Proposals: New 33kv Overhead Electric Line and alterations to existing lines. Decision: Decision Date: Ref: H/2012/0003/F Proposals: Proposed infill dwelling Decision: PR Decision Date: 17-OCT-12 Ref: LA09/2022/1697/O Proposals: Dwelling and garage under CTY 2A Decision: Decision Date: Ref: H/1982/0315 Proposals: SITE OF DWELLING HOUSE Decision: PG Decision Date: Ref: H/2013/0450/O Proposals: Single Dwelling Decision: PG Decision Date: 20-JAN-15 Ref: LA09/2019/1409/F Proposals: Proposed 2 storey dwelling garage and domestic equestrian facilities including sand	

arena and stables
Decision: PG
Decision Date: 11-FEB-20
Ref: H/1981/0223
Proposals: BUNGALOW
Decision: PG
Decision Date:
Ref: H/1984/0418
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:
Ref: H/1986/0034
Proposals: BUNGALOW
Decision: PG
Decision Date:
Ref: LA09/2020/1032/F
Proposals: Dwelling and garage within a cluster
Decision: PG
Decision Date: 15-DEC-20
Ref: LA09/2020/0001/O
Proposals: Outline planning permission for dwelling within a cluster.
Decision: PG
Decision Date: 13-MAY-20
Ref: H/2008/0519/F
Proposals: Proposed replacement dwelling.
Decision: PG
Decision Date: 12-DEC-08
Ref: H/1993/0296
Proposals: EXTENSION TO DWELLING AND GARAGE
Decision: PG
Decision Date:
Ref: H/2006/0838/F
Proposals: Extension to rear of dwelling and detached garage
Decision: PG
Decision Date: 28-DEC-06
Ref: H/1978/0058
Proposals: SITE OF DWELLING
Decision: PR
Decision Date:
Ref: H/1976/0291
Proposals: SITE OF FARM DWELLING
Decision: PR
Decision Date:
Ref: H/2004/0683/F
Proposals: New dwelling and garage.

Decision: PG
Decision Date: 18-FEB-05
Ref: H/2005/0071/Q
Proposals: dwelling

Decision: ELR
Decision Date: 22-FEB-05
Ref: H/2001/0653/O
Proposals: Site Of Dwelling & Garage.

Decision: PG
Decision Date: 17-OCT-01
Ref: H/1998/0015
Proposals: DWELLING AND GARAGE

Decision: PG
Decision Date:
Ref: H/1998/0677
Proposals: NEW ACCESS TO APPROVED DWELLING

Decision: PG
Decision Date: 08-DEC-99
Ref: H/1973/0172
Proposals: SITE OF BUNGALOW

Decision: PR
Decision Date:
Ref: H/1991/0388
Proposals: UNDERGROUND SEWAGE PUMPING STATION WITH CONTROL KIOSK AND SURROUNDING FENCE

Decision: PG
Decision Date:
Ref: LA09/2021/1810/F
Proposals: Proposed one and a half storey dwelling and garage within a cluster site

Decision: PG
Decision Date: 09-MAR-22
Ref: LA09/2021/1204/O
Proposals: Proposed dwelling and garage within a cluster site

Decision: PG
Decision Date: 17-NOV-21
Ref: H/1994/0457
Proposals: UNDERGROUND PUMPING STATION WITH CONTROL KIOSK AND SURROUNDING FENCE

Decision: PG
Decision Date: 15-DEC-94
Ref: LA09/2019/0760/O
Proposals: Proposed site for a dwelling and domestic garage/store under policy CTY 2A

Decision: PR
Decision Date: 07-NOV-19
Ref: H/1983/0215

Proposals: HV O/H LINE (BM 5888)
Decision: PG
Decision Date:
Ref: H/1997/0528
Proposals: SITE OF DWELLING AND GARAGE
Decision: PG
Decision Date:
Ref: H/2014/0431/O
Proposals: Site for Infill Dwelling
Decision: PR
Decision Date: 13-MAR-15
Ref: H/1974/0413
Proposals: SUBSIDY BUNGALOW
Decision: PG
Decision Date:
Ref: H/1996/0050
Proposals: EXTENSION TO DWELLING
Decision: PG
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



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1761/F Recommendation: Refuse	Target Date: 5 April 2023
Proposal: (infill / gap) sites for 2 no. dwellings and domestic garages as policy CTY 8	Location: 90M NW of 28 Mawillian Road Moneymore
Applicant Name and Address: Mr Paddy Campbell 28 Mawillian Road Moneymore BT45 7XM	Agent Name and Address: Mr Austin Mullan 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: <p>This application was presented as a refusal to Members at April 2023 Planning Committee. It was considered that the proposal did not meet the criteria for infill development under Policies CTY 1 and CTY 8 of PPS 21. It was also considered that the development, if approved, would have a negative impact on the rural character of the area. Members deferred the application for an office meeting with Dr Boomer. Following this meeting and a subsequent site inspection by the Senior Officer the application is before Members again with a recommendation to Refuse. The justification for this recommendation is detailed further in this report.</p>	
Summary of Consultee Responses: <p>No new or additional consultations were issued to inform this deferred consideration.</p>	
Description of Proposal <p>This is a full application for a proposed (infill / gap) site for 2 no. dwellings and domestic garages under policy CTY 8.</p>	

Deferred Consideration:

The primary policy test for this application is Policy CTY 8 of PPS 21. The thrust of the policy is to avoid the creation or addition of ribbon development in order to protect rural character. CTY 8 contains an exception which allows 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. For the purpose of the policy a built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The gap under consideration takes in an agricultural field located between two dwellings to the SE, numbers 26 and 28 Mawillian Road, both of which front directly onto the Public Road. To the NW of the site the applicant is relying on small agricultural structure nestled between vegetation in order to constitute a substantial built up road frontage at this location. Further to the NW is another dwelling, number 22, which fronts onto the Mawillian Road. This dwelling has to be excluded from this consideration due to the presence of another field and laneway between it and the site. Having carried out a site inspection it is my opinion that the agricultural structure cannot be considered as part of the assessment. Its scale along with its siting does not create any visual linkage with the dwellings at numbers 26 and 28 in order to be considered a substantial and built up frontage. Furthermore, the gap in question is of a size that it provides a visual break between the dwellings to the SE and the dwelling at 22. This is exacerbated when you include the field and laneway to the NW. For these reasons the proposal fails to meet the policy tests of CTY 8 and if 2 dwellings were approved a ribbon of development would be created along this section of the Mawillian Road. The creation of a ribbon development in this area would have a negative impact on rural character and would also be in conflict with Policy CTY 14 of PPS 21.

As noted by the previous case officer, the application site lies in an area of Pluvial Flooding. Consultation with Rivers Agency confirmed this. As the development of 2 dwellings and their associated curtilages would result in the creation of more than 1000m² of new buildings/hard standing, a Drainage Assessment would be required. This has not been requested as the development is not considered acceptable in principle.

There have been no third party objections to this proposal.

To conclude, it is recommended that Members refuse this application as it fails to meet the policy tests of CTY 1, CTY 8 and CTY 14 of PPS21

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 proposal would, if permitted, result in the creation of ribbon development along the Mawillian Road and would, if permitted, adversely impact on the rural character of this area.

Reason 3

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

Signature(s):Karla McKinless

Date: 16 August 2023

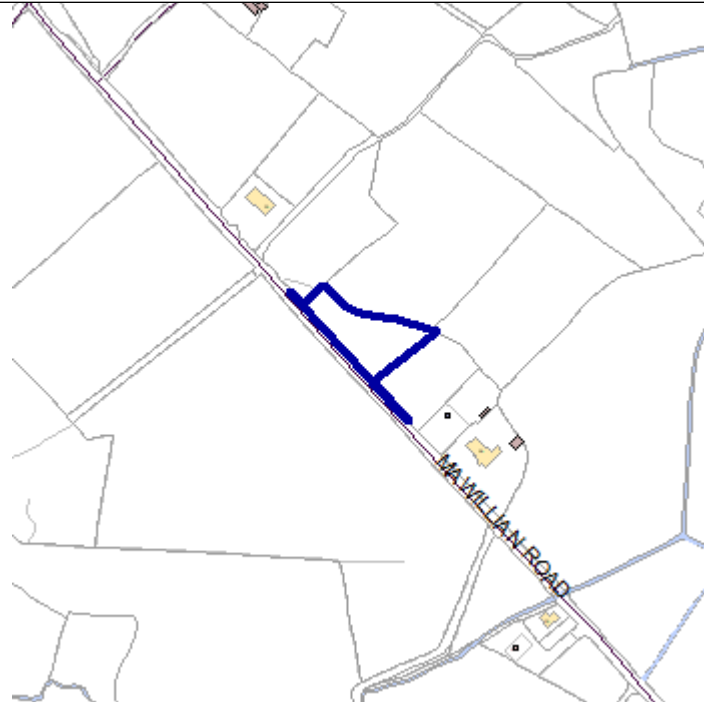


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.16
Application ID: LA09/2022/1761/F	Target Date: 5 April 2023
Proposal: (infill / gap) sites for 2 no. dwellings and domestic garages as policy CTY 8	Location: 90M NW of 28 Mawillian Road Moneymore
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr PADDY CAMPBELL 28 MAWILLIAN ROAD MONEYMORE BT45 7XM	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Executive Summary: <p>This application is brought before the planning committee with a recommendation for refusal. The proposed is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1761-F.pdf
Non Statutory Consultee	Rivers Agency	14391 - Final Response.pdf

Representations:

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

Summary of Issues

This application is brought before the planning committee with a recommendation for refusal. The proposed is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.

Characteristics of the Site and Area

The site is located in the rural countryside approximately 2 miles south east and outside of the Moneymore settlement limit as defined in the Cookstown Area Plan 2010. The site is a 0.23 hectare area agricultural field sited adjacent to the Mawillian Road, with a field gate providing the current access to the site along the same road. The field is sited next to no. 26 Mawillian Road. The site has a flat topography and is irregular in shape. The principle roadside boundary is marked by mature hedgerow, picket fencing and scatterings of trees. The rear boundary provides a backdrop of mature trees and is also marked by picket fencing. The south eastern boundary is marked by picket fencing without any vegetation and the north western boundary is defined by a thick line of mature trees. There is a small corrugated iron shed sited at this end of the field which is not visible from the road, within the curtilage of this proposal. The application site as a whole is well screened from the road, most notably from the north western approach. The field is most viewable from the road when approaching from the south east adjacent to no. 26. Other nearby dwellings include no. 28 south east and adjacent to no. 26, and no. 22 which is sited 50m north west of the application site. The wider surrounding environment consists mostly of agricultural fields and a low and dispersed pattern of development dotted along the Mawillian Road.

Description of Proposal

This is a full application for a proposed (infill / gap) site for 2 no. dwellings and domestic garages under policy CTY 8.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

I/2014/0009/O – Dwelling on family land for member of landowners family under Policy CTY10 of PPS21 – 120m north west of 28 Mawillian Road Moneymore Magherafelt BT 45 7XH – Application withdrawn

I/2006/0252/O – Proposed site for new dwelling and garage – approximately 100m north west of 28 Mawillian Road, Moneymore – Permission Refused

I/2003/0948/O – New dwelling – 270m south east of no 20 Mawillian Road, Coagh – Application withdrawn

Representations

To date no third party representations have been received.

Cookstown Area Plan 2010

The site is located in the rural countryside approximately 2 miles south east and outside of the Moneymore settlement limit as defined in the Cookstown Area Plan 2010.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3 – Access, Movement and Parking

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

PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon

Development.

In terms of the plot size, I am content that the site would be able to accommodate the two dwellings that are proposed. For the purposes of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. I am satisfied that nos. 26 and 28 Mawillian Road to the south east of the site are buildings which provide a substantial and built up frontage along the road. This application relies on the shed at the other side of the application site as being the third building along the road frontage. It is my view that the shed does not amount to a building that is substantial, nor does it lend itself to the built up frontage provided by nos. 26 and 28. The shed in question is small and not visible from the public road, and therefore provides no meaningful visual presence which could merit a gap site opportunity between it and the two dwellings to the south east. The shed does not appear as a permanent structure and it is questionable as to whether the shed is even a building. It is not known how long this shed has been at the site as it is screened from view and therefore cannot be confirmed with google street view / historical ortho imagery. There is no record of any planning permission / CLUD for the shed to demonstrate its lawfulness. Given the above, it is my view that the proposal adds to a ribbon of development and therefore fails to meet Policy CTY 8 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The two proposed dwellings for the site are like-for-like. Both dwellings have a principal ridge height of 6 metres from finished floor levels, which is in keeping with the ridge heights of nos. 26 and 28 Mawillian Road. Finished materials include white smooth render and natural stone elements to the walls and blue / black slates to the roofs. It is considered that the design of the proposed dwellings are appropriate for the site and its locality and they would not be prominent features in the landscape. Site boundaries are strong in the form of hedging along the roadside edge and scatterings of trees throughout, most notably along the north western and rear boundaries, providing a suitable backdrop for the proposed dwellings. The existing trees should be retained and new landscaping implemented. From this I am content that the application is able to comply with Policy CTY 13.

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

PPS 15 – Planning and Flood Risk

Dfl Flood Maps(NI) indicate that the site lies within an area of predicted pluvial flooding. Dfl Rivers were consulted and in their response provide that a drainage assessment is required for new buildings and /or hard surfacing exceeding 1000sqm, as per Policy FLD3 of PPS 15. In this instance, the 2 no. proposed dwellings and hardstanding measure 1040sqm. A drainage assessment is required for this application. However, given that the proposal fails to meet Policies CTY 8 and CTY 14 of PPS 21, the drainage

assessment is not requested at this time.

Other Constraints

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

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

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application is refused on the grounds that it does not meet Policies CTY 8 and CTY 14 of PPS 2 in that it would create a ribbon of development if approved.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 8 and Policy CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.

Signature(s): Benjamin Porter

Date: 16 March 2023

ANNEX	
Date Valid	21 December 2022
Date First Advertised	10 January 2023
Date Last Advertised	10 January 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 26 Mawillian Road Moneymore Londonderry The Owner / Occupier 22 Mawillian Road Moneymore Londonderry BT45 7XH	
Date of Last Neighbour Notification	9 January 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2002/0181/F Proposals: Bungalow and Garage Decision: PG Decision Date: 22-FEB-03 Ref: I/2003/0030/O Proposals: Site for dwelling and garage (2 storey) Decision: PG Decision Date: 15-MAR-03 Ref: I/2004/1415/O Proposals: Dwelling & Garage Decision: Decision Date: Ref: I/2008/0792/F Proposals: Erection of dwelling and garage (full permission in Substitution for Reserved Matters on outline per I/2005/1300/0) Decision: PG Decision Date: 19-MAY-09 Ref: I/2005/1300/O Proposals: Proposed dwelling house Decision: PG Decision Date: 10-JAN-06 Ref: I/1997/0096	

Proposals: Site for Dwelling
Decision: PG
Decision Date:
Ref: I/1997/0096B
Proposals: Erection of Dwelling
Decision: PG
Decision Date:
Ref: I/2003/0948/O
Proposals: New Dwelling
Decision:
Decision Date:
Ref: LA09/2019/0291/RM
Proposals: Proposed new dwelling and garage
Decision: PG
Decision Date: 10-MAY-19
Ref: LA09/2017/1336/O
Proposals: Proposed new dwelling and garage
Decision: PG
Decision Date: 17-OCT-18
Ref: I/2006/0252/O
Proposals: Proposed Site for New Dwelling & Garage
Decision: PR
Decision Date: 18-DEC-06
Ref: I/2014/0009/O
Proposals: Dwelling on Family Land for member of landowners family under Policy CTY10 of PPS21.
Decision:
Decision Date:
Ref: I/2002/0726/O
Proposals: Site of dwelling and garage
Decision: PG
Decision Date: 30-DEC-02
Ref: I/1982/0080
Proposals: ERECTION OF BUNGALOW
Decision: PG
Decision Date:
Ref: I/1999/0570/F
Proposals: Garage and alterations dwelling
Decision: PG
Decision Date: 08-JAN-00
Ref: LA09/2022/1761/F
Proposals: (infill / gap) sites for 2 no. dwellings and domestic garages as policy CTY 8
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-
NI Water - Single Units West-LA09-2022-1761-F.pdf
Rivers Agency-14391 - Final Response.pdf

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/0076/O Recommendation: Approve	Target Date: 8 May 2023
Proposal: Proposed new infill dwelling and garage	Location: Land between No 6 and No 15 Dungororan Road, Dungannon
Applicant Name and Address: Miss Jessica Brown 65 Lurganeden Road Pomeroy Dungannon BT70 2TS	Agent Name and Address: Mr Mervyn McNeill 30 Knowehead Road Ballymena BT43 7LF
Summary of Issues: This application was presented as a refusal to Members at June 2023 Planning Committee. It was considered that the proposal did not meet the criteria for infill development under Policies CTY 1 and CTY 8 of PPS 21. It was also considered that the development, if approved, would have a negative impact on the rural character of the area. Members deferred the application for an office meeting with Dr Boomer. Following this meeting and a subsequent site inspection by the Senior Officer the application is before Members again with a recommendation to Approve. The justification for this recommendation is detailed further in this report.	
Summary of Consultee Responses: No new consultations issued to inform this deferred consideration.	
Description of Proposal This is an outline application for a proposed infill dwelling and garage located at land between No. 6 and No. 15 Dungororan Road, Dungannon. Representations Two neighbour notification letters were issued in relation to this application however, no objections have been received to date. Consultations	

- DfL Roads were consulted and have no objection to the proposal subject to the inclusion of a condition.
- Historic Environment Division (Historic Buildings) were consulted due to the proximity of the application site to the Former Kerrib National School, Pomeroy Road (HB13/14/014). They have provided a response stating that the proposal is satisfactory to SPPS and PPS 6 of archaeological policy requirements.

Planning History

There is not considered to be any relevant planning history associated with the site.

Deferred Consideration:

The primary policy test for this application is Policy CTY 8 of PPS 21. The thrust of the policy is to avoid the creation or addition of ribbon development in order to protect rural character. CTY 8 contains an exception which allows 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. For the purpose of the policy a built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. In the justification and amplification of the policy it goes on to advise that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development.

The gap in question takes in an agricultural field between a dwelling and outbuildings at number 6 Dungororan Road. These buildings and dwelling front directly onto the public road. The applicant is also relying on a dwelling at number 15 fronting onto the road as well as the adjacent agricultural buildings located to the immediate North of number 15. Having carried out a site inspection it was evident on the ground that the dwelling at number 15 does not front directly onto the Dungororan Road. It is set back off the road and accessed via a laneway. Its domestic curtilage is defined and it clearly does not extend to the road. Between the road and the defined domestic curtilage is an agricultural field and what appears to be recently laid hardcore/stones to provide access to an adjacent approval for a dwelling (LA09/2018/0117/F). There was no evidence on the ground that the field in front of number 15 ever formed part of its domestic curtilage. For these reasons I do not accept that number 15 can be included as part of a built up road frontage. Regarding the agricultural buildings to the North of number 15 there is a loose argument that these front onto the road as there is no defined boundary separating them from the Dungororan Road. Based on this pattern of development it is my opinion that there is no built up frontage as defined by the policy and as such the proposal is contrary to CTY 8. Any reference in the policy amplification to buildings being sited back or being staggered relates solely to the visual appreciation of a ribbon of development and not to what defines a frontage.

There are other site specific circumstances in this case that Members may want to consider which set it aside from other cases which Members have previously refused on the basis of the building/s not fronting directly onto a road. From being on site I would advise that the gap in question does not provide any degree of a visual break between the dwelling and outbuildings at number 15 and those at number 6. There is a clear and definite visual linkage between the buildings at either side of the application site. Policy does recognise that where there is such a

strong visual linkage between development then the rounding off of sites can be a reason to treat a proposal as an exception. Members have allowed such rounding off in the past. In this case, whilst the buildings are staggered and not all fronting directly onto the road, it is clear that they are all visually linked. This is evident when travelling either direction along the Dungororan Road where the buildings at number 6 and those at number 15 all read together. The approved farm dwelling immediately adjacent to the application site (albeit I cannot confirm that it has commenced lawfully before the expiration date of 7th June 2023) if built, would also add to this. The development of this gap site could be regarded as rounding off and would result in no significant impact on rural character. The fact that the existing development effectively book ends the site, providing a sense of enclosure and to some extent, conceals the visual impact the same way a conventional road frontage ribbon would do so, means that the development of this site could not lead to further development that would impact on the wider rural character of the area.

To conclude, it is my recommendation that Members consider approving this application as an exception to policy. It does not meet the test of Policy CTY 8 in terms of being a gap within a substantial built up road frontage however, given the visual linkage of the existing development (existing and approved) at either side of the site as well as the lack of visual break provided by the application site it is considered a dwelling here would not negatively impact on the rural character of this area.

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

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 3

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 4

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.

Condition 5

The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level

Reason: To ensure that the development is not prominent and 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.

Reason: To ensure the dwelling integrates into the landform.

Signature(s):Karla McKinless

Date: 16 August 2023

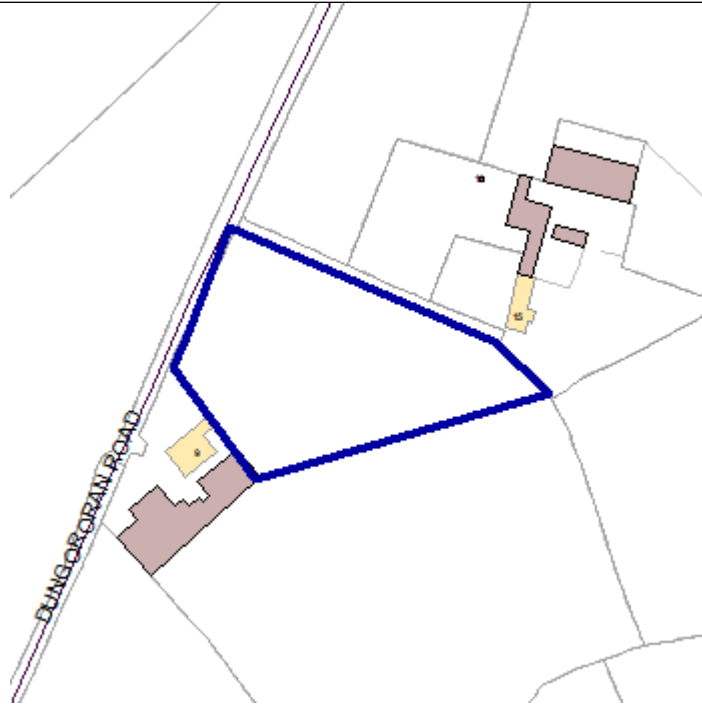


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.42
Application ID: LA09/2023/0076/O	Target Date: 8 May 2023
Proposal: Proposed new infill dwelling and garage	Location: Land between No 6 and No 15 Dungororan Road, Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Miss Jessica Brown 65 Lurganeden Road Pomeroy Dungannon BT70 2TS	Agent Name and Address: Mr Mervyn McNeill 30 Knowehead Road Ballymena BT43 7LF
Executive Summary: The current application is presented as a refusal, having failed to meet the requirements of policy CTY 8 - Ribbon Development.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc 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 located in the open countryside at lands between No. 6 and No. 15 Dungororan Road. The front boundary which runs along the Dungororan Road is defined by an established hedgerow which extends along the northern boundary shared with No. 15 Dungororan Road. The south-eastern boundary shared with No. 6 is defined by a wall approximately 1.5m in height as well as the outbuildings of the neighbouring dwelling. The rear boundary is currently defined as it forms part of a larger agricultural field.

I note the immediate and wider setting is characterised predominately agricultural land uses with a scattering of residential dwellings and associated outbuildings.

Description of Proposal

This is an outline application for a proposed infill dwelling and garage located at land between No. 6 and No. 15 Dungororan Road, Dungannon.

Representations

Two neighbour notification letters were issued in relation to this application however, no objections have been received to date.

Consultations

- DfI Roads were consulted and have no objection to the proposal subject to the inclusion of a condition.
- Historic Environment Division (Historic Buildings) were consulted due to the proximity of the application site to the Former Kerrib National School, Pomeroy Road (HB13/14/014). They have provided a response stating that the proposal is satisfactory to SPPS and PPS 6 of archaeological policy requirements.

Planning History

There is not considered to be any relevant planning history associated with the site.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010

The site falls within the open countryside, approximately 4.35km southeast of the settlement limits of Pomeroy, and 3.65km southwest of The Rock as defined in the Cookstown Area Plan 2010. There are no other zonings or designations on the site.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

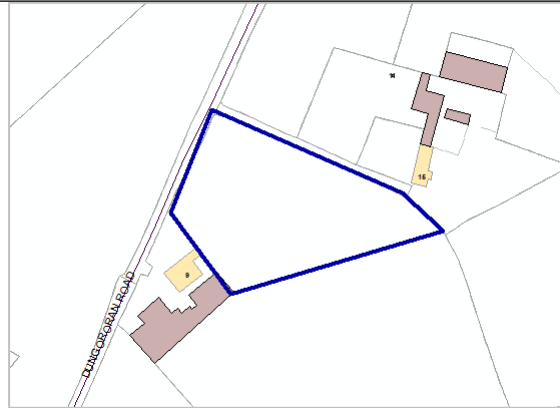
Planning Policy Statement 21 – Sustainable Development in the Countryside

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. The application to be considered is for a dwelling and garage under the provisions of policy CTY 8 – Ribbon Development.

Policy CTY 8 states that “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”.

The application is seeking an infill site between No. 9 Dungororan Road to the southwest and No. 15 to the northeast of the application site. In my opinion, the development mentioned does not constitute the definition of a substantially built-up frontage.

I am content that the dwelling and outbuilding at No. 9 Dungororan Road represent two buildings. This is followed by the application site and then No. 15 Dungororan Road which is set back from the roadside. No. 15 does not have road frontage and therefore the proposal therefore fails to meet infill policy. The agent has submitted a statement of case (uploaded to Public Access on 15/05/23) wherein they acknowledge that No. 15 Dungororan Road does not form part of the built-up frontage. They also mention an additional site located in front of No. 15 for which development has not yet commenced. This site cannot be considered as no work has commenced, however, it should also be noted that the new dwelling still does not have road frontage therefore, it would have no impact on the recommendation regardless.



CTY 13 – Integration and Design of Buildings in the Countryside

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.

A new building will be unacceptable where;

- (a) It is a prominent feature in the landscape; or*
- (b) 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; or*
- (c) It relies primarily on the use of new landscaping for integration; or*
- (d) Ancillary works do not integrate with their surroundings; or*
- (e) The design of the building is inappropriate for the site and its locality; or*
- (f) It fails to blend with the landform, existing trees, buildings, slopes, and other natural features which provide a backdrop; or*
- (g) 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.*

The current proposal is for outline planning permission and details of the design have not been submitted at this stage. It is considered that the site has the capacity to absorb a dwelling of suitable size and scale.

CTY 14 – Rural Character

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.

A new building will be unacceptable where:

- (a) It is unduly prominent in the landscape; or*
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) It does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) It creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

This application is not deemed acceptable under any of the policy headings in PPS 21 and it is therefore considered that a new dwelling at this location will cause a detrimental change to the rural character of this area which is contrary to CTY 14 as it will result in a suburban style build-up of development when viewed with existing buildings in the area.

Planning Policy Statement 6 – Planning, Archaeology, and the Built Heritage

HED have advised that the proposal is satisfactory to PPS 6 archaeological policy requirements.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

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

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 1 of Planning Policy Statement 21 - 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 - Development in the Countryside in that the proposed site does not represent a substantial and built-up

frontage and would, if permitted, result in ribbon development along the Carrydarragh Road.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this part of the Carrydarragh Road and therefore result in a detrimental change to the rural character of the countryside.

Signature(s): Zoe Douglas

Date: 24 May 2023

ANNEX	
Date Valid	23 January 2023
Date First Advertised	7 February 2023
Date Last Advertised	7 February 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 9 Dungororan Road Pomeroy Dungannon Tyrone BT70 3EQ The Owner / Occupier 15 Dungororan Road Dungannon Tyrone BT70 3EQ	
Date of Last Neighbour Notification	27 January 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/1997/4087 Proposals: Renovations to Dwelling Decision: PDNOAP Decision Date:</p> <p>Ref: M/2005/1994/F Proposals: Retention of dwelling and garage (re-orientation to supercede application - M/2004/1109/RM) Decision: PG Decision Date: 26-NOV-05</p> <p>Ref: M/2004/1109/RM Proposals: Proposed dwelling & garage Decision: PG Decision Date: 01-NOV-04</p> <p>Ref: M/2004/2172/O Proposals: Dwelling House Decision: PG Decision Date: 18-OCT-05</p> <p>Ref: M/2008/1116/RM</p>	

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 22-DEC-08

Ref: M/2006/0905/O

Proposals: Dwelling

Decision: PR

Decision Date: 12-OCT-06

Ref: M/2009/1052/O

Proposals: Single detached retirement dwelling

Decision: PG

Decision Date: 23-JUN-10

Ref: M/2012/0359/F

Proposals: Detached retirement dwelling

Decision:

Decision Date:

Ref: M/2012/0414/F

Proposals: Detached retirement dwelling

Decision: PG

Decision Date: 12-FEB-13

Ref: LA09/2023/0076/O

Proposals: Proposed new infill dwelling and garage

Decision:

Decision Date:

Ref: M/1994/0465

Proposals: Site for Bungalow

Decision: WITHDR

Decision Date:

Ref: M/1999/0591/O

Proposals: Site for dwelling

Decision: PR

Decision Date: 09-NOV-99

Ref: M/2003/1286/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 28-APR-04

Ref: M/2008/1330/RM

Proposals: Proposed dwelling and garage

Decision: PG
Decision Date: 16-FEB-09

Ref: M/2004/0380/O
Proposals: Proposed Dwelling & Garage
Decision: PG
Decision Date: 28-JAN-06

Ref: M/2000/0033/F
Proposals: Extension and renovations to dwelling.
Decision: PG
Decision Date: 16-FEB-00

Ref: LA09/2018/0117/F
Proposals: Renewal of previously approved dwelling under M/2012/0414/F
Decision: PG
Decision Date: 07-JUN-18

Summary of Consultee Responses

Historic Environment Division (HED)-
Historic Environment Division (HED)-
Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-DC Checklist 1.docFORM RS1 STANDARD.docRoads
outline.docx

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: LA09/2023/0232/O Recommendation: Approve	Target Date: 14 June 2023
Proposal: Site for dwelling	Location: Site between 139 and 143 Drumagarner Road Kilrea
Applicant Name and Address: Mr Brian Mc Closkey 42 Drumsaragh Road Kilrea BT51 5XN	Agent Name and Address: Mr GERARD MC PEAKE 31A MAIN STREET LIMAVADY BT49 0EP
Summary of Issues: This application was presented as a refusal to Members at June 2023 Planning Committee. It was considered that the proposal did not meet the criteria for an infill dwelling under Policy CTY 8 of PPS 21 and subsequently created a ribbon of development in conflict with policy CTY 14 of PPS 21. Members agreed to defer the application for an office meeting with Dr Boomer and the Senior Officer. The application is now being recommended for approval with the justification for this change in recommendation detailed further in this report.	
Summary of Consultee Responses: No new or additional consultations were issued to inform this deferred consideration.	
Description of Proposal The proposed is an outline application for an infill dwelling between 139 and 143 Drumagarner Road, Kilrea, BT51 5TN.	
Deferred Consideration: This application is for an infill dwelling to be considered under Policy CTY 8 of PPS 21. The thrust of the policy is to avoid the creation or addition of ribbon development in order to protect	

rural character. CTY 8 contains an exception which allows 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. For the purpose of the policy a built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The gap under consideration sits between a dwelling and associated outbuildings at number 139 and another dwelling and outbuilding at number 143. The dwelling at 139 has a very extensive domestic curtilage, with the dwelling sited some way back off the public road, however the curtilage very clearly extends to the road. The boundary with the road is heavily vegetated which makes it difficult to view the dwelling, apart from a passing view through the gated access. The outbuildings associated with 139 are set slightly back from the dwelling but are contained within the existing curtilage and can be considered as having the same road frontage also. The dwelling and outbuilding at 143 are both sited back from the public road, with only the laneway extending to the road frontage. There is an agricultural field between the established domestic curtilage and public road. For the purpose of the policy these 2 buildings cannot be considered as having a road frontage and for this reason the proposal cannot be considered as an acceptable infill opportunity within a substantial and built up road frontage.

There are other site specific circumstances with this case that Members may want to take into consideration. It is notable that there is a considerable level of development surrounding the application site. To the South and South East there is a cluster of at least 14 dwellings. These are made up of a mix of detached and semi's fronting onto the road with others nestled to the rear of the road frontage development. In effect, the immediate area has the character of a small hamlet. If the proposal were to be assessed under Policy CTY 2A of PPS 21, Dwelling in an Existing Cluster, it would meet all but 1 of the criteria, that being the Cluster is associated with a focal point or at a cross roads. It is noted that there is a Primary School approx. ¼ mile to the South of the site, which is slightly too far removed to be visually associated with the cluster of development.

In this particular case, given the level of development in the immediate area and the fact that a dwelling on this site would not further extend the cluster of development into the rural countryside - in effect it would be a clear consolidation of the cluster, I am confident that it would not lead to an erosion of rural character. The proposal meets all but 1 of the clustering criteria and for these site specific reasons I am recommending the approval of the application subject to standard planning conditions.

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 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.

Condition 5

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.

Reason: To ensure the dwelling integrates into the landform.

Condition 6

The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21

Condition 7

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.

Signature(s):Karla McKinless

Date: 23 August 2023

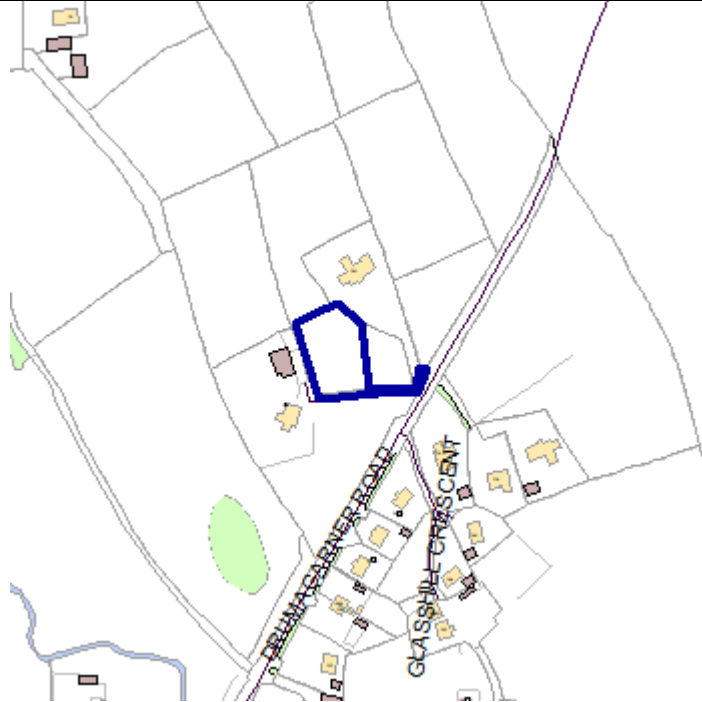


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.50
Application ID: LA09/2023/0232/O	Target Date: 14 June 2023
Proposal: Infill site for dwelling between 139 and 143 Drumagarner Road, Kilrea ,BT51 5TN	Location: Infill site between 139 and 143 Drumagarner Road Kilrea
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Brian Mc Closkey 42 Drumsaragh Road Kilrea BT51 5XN	Agent Name and Address: Mr GERARD MC PEAKE 31A MAIN STREET LIMAVADY BT49 0EP
Executive Summary: This application is brought before the planning committee with a recommendation for refusal. The proposal is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create 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	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 of the proposed is located in the rural countryside approximately 4 miles north and outside of the Upperlands settlement limit as defined in the Magherafelt Area Plan 2015. The site is a 0.23 hectare area, and slopes gradually upwards from the Drumaganner Rd. The site is defined by existing field hedgerow along the northern and eastern boundaries while the southern and western boundaries are marked by picket

fencing which run parallel with a laneway. The site benefits from a good backdrop of mature trees. Neighbouring dwellings include no. 139 to the south west and no. 143 to the north east. The wider surrounding environment consists mostly of agricultural fields with dwellings and other development fronting the Drumagarner Rd on a frequent basis.

Description of Proposal

The proposed is an outline application for an infill dwelling between 139 and 143 Drumagarner Road, Kilrea, BT51 5TN.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

N/A

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2015

The site of the proposed is located in the rural countryside approximately 4 miles north and outside of the Upperlands settlement limit as defined in the Magherafelt Area Plan 2015.

Other Constraints

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

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

There are no issues pertaining to flooding at the site.

Mid Ulster District Council Draft Plan Strategy 2030

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

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3 – Access, Movement and Parking

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

PPS 21 – Sustainable Development in the Countryside

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

In terms of the plot size, I am content that the site is sufficient only to accommodate up to a maximum of two dwellings. The site is therefore able to accommodate the indicative dwelling that is proposed at this outline stage. For the purposes 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 content that there are 3 substantial buildings; these are no 139 and the accompanying large shed within the same curtilage, both adjacent and south west of the proposed site, and no. 143 adjacent and north east of the proposed site. While it is considered that these buildings are substantial, it is considered that no. 143 Drumagarner Rd does not occupy a road frontage position. The curtilage of this dwelling is set back 60 metres and does run along the road frontage and therefore the application is without a substantial and built up frontage that includes a line of 3 or more buildings along a road frontage. The proposed 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. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a design, size and scale that is comparable to the dwellings in the vicinity. The site is complete with strong natural boundaries in the form of mature trees along the northern, western and southern boundaries which can provide a decent backdrop for a dwelling at this site, while not relying primarily on the use of new landscaping for its integration. The proposed complies with CTY 13 at this outline stage.

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

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application is refused on the grounds that it does not meet Policies CTY 8 and CTY 14 of PPS 21 in that it would create a ribbon of development if approved.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 8 and Policy CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.

Signature(s): Benjamin Porter

Date: 16 May 2023

ANNEX	
Date Valid	1 March 2023
Date First Advertised	14 March 2023
Date Last Advertised	14 March 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 143 Drumagarner Road Kilrea Londonderry BT51 5TN The Owner / Occupier 138A Drumagarner Road Kilrea Londonderry BT51 5TN The Owner / Occupier 139 Drumagarner Road Kilrea Londonderry BT51 5TN	
Date of Last Neighbour Notification	3 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2009/0556/RM Proposals: Proposed bungalow Decision: PG Decision Date: 25-NOV-09</p> <p>Ref: LA09/2023/0126/F Proposals: Proposed 2 storey side extension to dwelling Decision: Decision Date:</p> <p>Ref: H/2004/0750/O Proposals: Site of dwelling. Decision: Decision Date:</p> <p>Ref: H/2005/0383/O Proposals: Site of Bungalow Decision: PG Decision Date: 18-SEP-06</p>	

Ref: LA09/2017/1324/F

Proposals: New domestic shed for vintage cars and tractors.

Decision: PG

Decision Date: 28-NOV-17

Ref: H/2004/0278/F

Proposals: Alterations / Additions to house.

Decision: PG

Decision Date: 20-MAY-04

Ref: H/1993/0056

Proposals: BUILDERS STORE FOR CAR,LORRY AND TURF SUPPLIES

Decision: PR

Decision Date:

Ref: H/2013/0297/F

Proposals: Proposed Retrospective Planning for Existing Laneway and Planning as per Condition 2 of Planning Approval H/2009/0556/RM

Decision: PG

Decision Date: 08-JUL-14

Ref: H/2003/1042/F

Proposals: Dwelling and garage.

Decision: PG

Decision Date: 14-DEC-04

Ref: LA09/2017/0007/F

Proposals: Proposed 2 no. infill dwellings and garages

Decision: PG

Decision Date: 24-MAR-17

Ref: H/2004/1305/F

Proposals: Bungalow and Garage.

Decision: PG

Decision Date: 21-JAN-06

Ref: H/1989/0332

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/2002/0605/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 05-FEB-03

Ref: H/2013/0018/O
Proposals: Proposed infill site for dwelling and garage
Decision: PG
Decision Date: 30-AUG-13

Ref: LA09/2015/0011/RM
Proposals: Proposed infill dwelling and garage
Decision: PG
Decision Date: 30-SEP-15

Ref: LA09/2019/1573/O
Proposals: Proposed site for dwelling and garage
Decision: PG
Decision Date: 20-MAY-20

Ref: LA09/2017/1229/F
Proposals: Proposed retention of existing access (amended description)
Decision: PG
Decision Date: 05-DEC-17

Ref: H/1994/0065
Proposals: SITE OF DWELLING
Decision: WITHDR
Decision Date:

Ref: H/1999/0080
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:

Ref: H/1998/0443
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:

Ref: H/2000/0518/O
Proposals: Site for dwelling
Decision: PG
Decision Date: 18-SEP-00

Ref: H/2000/0039/F
Proposals: 2 No Dwellings and Garages
Decision: PG
Decision Date: 19-MAY-00

Ref: H/2006/0619/F

Proposals: 11KV Supply
Decision: PG
Decision Date: 24-OCT-06

Ref: H/2002/0479/RM
Proposals: Dwelling
Decision: PG
Decision Date: 24-JUL-02

Ref: H/1980/0347
Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW
Decision: PG
Decision Date:

Ref: H/2001/0565/O
Proposals: Site for Dwelling
Decision: PG
Decision Date: 18-DEC-01

Ref: H/1999/0485
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:

Ref: H/2000/0207/RO
Proposals: Dwelling and garage
Decision: PG
Decision Date: 17-MAY-00

Ref: H/1988/0142
Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW
Decision: PG
Decision Date:

Ref: H/2005/0564/O
Proposals: Site Of Dwelling & Garage
Decision: PR
Decision Date: 22-NOV-07

Ref: H/2004/0357/F
Proposals: Two storey rear extension.
Decision: PG
Decision Date: 20-MAY-04

Ref: H/1990/0533
Proposals: BUNGALOW

Decision: PG
Decision Date:

Ref: H/1990/0064
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:

Ref: H/2006/0736/F
Proposals: Proposed extension to dwelling to provide extended kitchen with bedroom over
Decision: PG
Decision Date: 24-SEP-07

Ref: H/2000/0260/F
Proposals: Dwelling and Garage
Decision: PG
Decision Date: 18-SEP-00

Ref: H/1991/0350
Proposals: BUNGALOW AND GARAGE
Decision: PG
Decision Date:

Ref: H/1978/0151
Proposals: SITE OF DWELLING
Decision: PR
Decision Date:

Ref: H/1988/0122
Proposals: SITE OF BUNGALOW AND GARAGE
Decision: PG
Decision Date:

Ref: H/1981/0152
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: H/1982/0131
Proposals: GARAGE
Decision: PG
Decision Date:

Ref: H/2003/1350/O
Proposals: Site of dwelling and garage.

Decision: PG
Decision Date: 21-SEP-04

Ref: H/2002/0198/O
Proposals: Site of Dwelling & Garage
Decision:
Decision Date:

Ref: LA09/2015/0729/PAN
Proposals: Construction of approximately 20km of 110kV single circuit overhead electricity line to connect Brockaghboy wind farm (planning permission approved) to the approved Rasharkin Main Cluster Substation
Decision: PANACC
Decision Date: 27-JUL-16

Ref: H/1985/0055
Proposals: SITE OF BUNGALOW AND GARAGE
Decision: PG
Decision Date:

Ref: H/1985/0004
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE
Decision: PG
Decision Date:

Ref: LA09/2017/0016/NMC
Proposals: Proposed in line movement of Structure IMP73 (2 metres) West of previously approved location.
Proposed in line movement of Structure IMP56 (1.5 metres) South West of previously approved location.
All alterations are contained within the land ownership boundaries of the landowners who requested the movements.
Decision: CG
Decision Date: 17-JAN-17

Ref: LA09/2017/0017/NMC
Proposals: Proposed in line movement of Structure IMP42 (11 metres) West of previously approved location.
Proposed in line movement of Structure IMP76 (3 metres) West of previously approved location.
Proposed in line movement of Structure IMP79 (30 metres) North to boundary hedge. This will require a further movement to structures AM78 (10 metres) and AM81 (10 metres) to accommodate this new structure location.
All alterations are contained within the land ownership boundaries of the landowners who requested the movements.
Decision: CG

Decision Date: 17-JAN-17

Ref: LA09/2017/0002/DC

Proposals: Discharge of conditions 11 and 12 on Planning Application LA09/2015/1294/

Decision: AL

Decision Date: 13-JAN-17

Ref: LA09/2023/0232/O

Proposals: Infill site for dwelling between 139 and 143 Drumagarner Road, Kilrea ,BT51
5TN

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Housing Concept Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

Report on	DAERAs call for evidence on the Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment..
Date of Meeting	5th Sept 2023
Reporting Officer	Melvin Bowman
Contact Officer	Dr Chris Boomer.

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

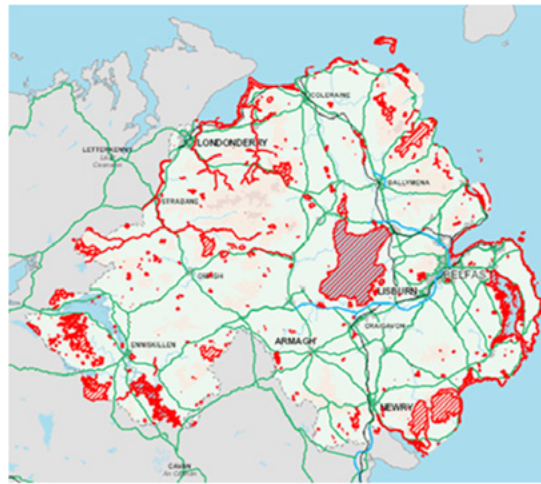
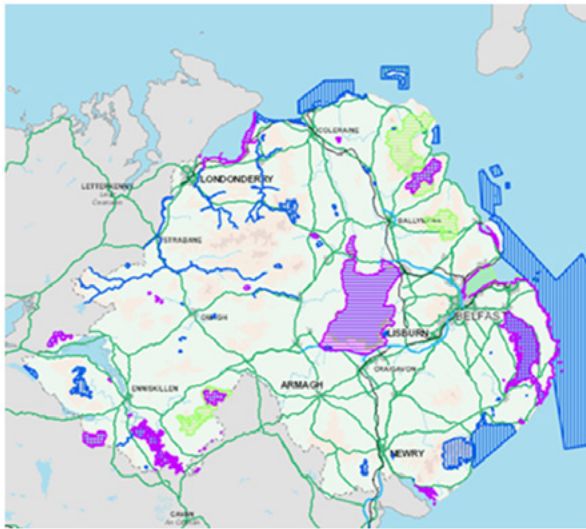
1.0	Purpose of Report
1.1	The purpose of this report is to inform and seek members agreement on a response to DAERA that will contribute to the development and delivery of a scientifically robust Operational Protocol to protect the natural environment and ensure sustainable development for consideration by an incoming Minister and future Executive.
2.0	Background
2.1	The Department for Agriculture, Environment and Rural Affairs (DAERA) has launched an eight-week Call for Evidence on its Future Operational Protocol to assess the impacts of air pollutants, such as ammonia, on the natural environment.
2.2	The recent consultation on the draft Ammonia Strategy was part of this programme of work and responses to the consultation are currently being considered by DAERA. The Call for Evidence is the next step in this programme of work.
2.3.	DAERA, in its role as the appropriate nature conservation body in Northern Ireland has a duty to provide advice to planning authorities and other competent authorities on the potential impacts of air pollution, including ammonia, from plans and projects on designated sites and protected habitats. The Northern Ireland Environment Agency (NIEA) performs this function for terrestrial/freshwater environments, on behalf of DAERA. This advice is provided through the use of an Operational Protocol.
2.4	The Call for Evidence closes on 15 September 2023.

3.0	Main Report
3.1	DAERA state that it is 'committed to doing everything it can to tackle the challenging and growing problem of ammonia emissions from agricultural activities and the impact on sensitive habitats and biodiversity across Northern Ireland. Current policy is to deliver a solution which achieves both a protected and improved environment and a sustainable agriculture sector. To achieve that balance is challenging and requires us to make sure we are providing policy advice to ministers on their return that is informed by robust evidence'.
3.2	A copy of the Call for evidence paper is attached in the Appendix with this report. It sets out the background to ammonia in NI, relevant Legislation, DAERAs current Operational Protocol for the assessment of ammonia, Options for new projects, options for the assessment of existing facilities and 'like for like' projects, PPC permits, Mitigation measures and Environmental economics.
3.3	<p>The paper invites responses to specific questions and indicates areas where the provision of additional evidence is felt applicable. In reviewing this particularly scientific paper we feel that our response should instead focus on reinforcing the following:</p> <ul style="list-style-type: none"> - That so far the Operation of a protocol and its interpretation has provided problematic for Local Councils as decision makers on planning applications. - That conflicting positions on previous operational protocols relating to ammonia and the impacts of Air Pollution between different Departments and bodies has only led to more uncertainty for applicants and delays in the determination of planning applications as well as the increased potential for legal challenge. - That Habitat assessments relating to the current state of designated sites potentially impacted upon by planning applications submitted to Mid-Ulster Council can be provided with clear ammonia concentrations and nitrogen deposition levels above Critical levels and loads. - Greater clarity and certainty is required for proposed developments which offer 'betterment' to ammonia levels or represent 'like for like' development proposals. - That instead of reliance on Operational protocols, that Strategic Planning Policy sets out clear Policy requirements for these types of developments thus providing at the outset assurance and clear direction for applicants and decision makers.
3.4	In concluding, the Council recognises that there is a growing problem relating to ammonia emissions in NI but the Department must deliver a solution which achieves both a protected and improved environment and a sustainable agricultural sector, a sector which is particularly important for the rural livelihood and economy

	of Mid-Ulster. It is also of increasing concern that the planning process is becoming embroiled in a separate regulatory process which is overseen by other bodies.
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	That members agree the suggested response to the call for evidence as set out above and that the Service Director is delegated to finalise the response.
6.0	Documents Attached & References
6.1	Appendix A – copy of DAERA call for evidence paper.

Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment

A Call for Evidence



Sustainability at the heart of a living, working, active landscape valued by everyone.



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk



Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment - A Call for Evidence

The cover page shows (clockwise, from top left): 1. SACs, SPAs, & Ramsars; 2. *Drosera intermedia* (oblong leaved sundew) 3. Healthy sphagnum moss - a key ecological indicator; 4. ASSIs. From DAERA's Natural Environment Map Viewer, <https://www.daera-ni.gov.uk/services/natural-environment-map-viewer>

Alternative Formats

You can get a copy of this document in other formats, such as:

- Paper copy
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- Other languages

To request an alternative format, please contact: Ammonia & Nutrients Policy Branch

- Email: ammonia@daera-ni.gov.uk
- Telephone: 028 9052 4528 and talk to a member of Ammonia and Nutrients Policy Branch.
- If you have a hearing difficulty you can contact the Department via Text Relay Dial: 18001 028 9052 4528.

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1. Introduction

The Department for Agriculture, Environment and Rural Affairs (DAERA) has been developing a way forward to tackle the challenging and growing problem of ammonia emissions in Northern Ireland. The Department's key objective is to deliver a solution which achieves both a protected and improved environment and a sustainable agriculture sector.

This Call for Evidence on the Operational Protocol is part of the ongoing programme of work within the Department to seek stakeholder views to help inform and shape proposals to address the issue.

Atmospheric nitrogen pollution, particularly ammonia emissions from agricultural activities, actively damages sensitive habitats and biodiversity across Northern Ireland. Latest NI statistics show agricultural ammonia emissions continue to increase.

Urgent action is required to prevent rising ammonia concentrations and deposition at sensitive habitats to avoid further deterioration in their condition. DAERA has a statutory duty to be proactive in addressing Northern Ireland's high ammonia emissions to protect our natural environment.

A draft Ammonia Strategy was developed under the leadership of the former DAERA Minister to help plan the way forward to reduce ammonia emissions from agriculture. A consultation sought views on the ammonia reduction programme of measures and the conservation actions to protect and restore nature. The consultation closed on 3 March 2023 and the responses are currently being considered.

DAERA, in its role as the appropriate nature conservation body in Northern Ireland has a duty to provide advice to planning authorities and other competent authorities on the potential impacts of air pollution, including ammonia, from plans and projects on designated sites and protected habitats. NIEA performs this function for terrestrial/freshwater environments, on behalf of DAERA. This advice is provided through the use of an Operational Protocol.

Before leaving office, the former Minister instructed officials to issue a Call for Evidence to enable any additional evidence to be provided for consideration alongside the relevant legislation in the development of an updated Operational Protocol for the assessment of air pollution. While ideally it would have been preferable to issue the Call for Evidence alongside the consultation on the draft ammonia strategy, it has taken longer than expected to finalise the Call for Evidence document.

This Call for Evidence presents available scientific evidence, taking account of legal requirements, and drawing upon expertise from subject area specialists. DAERA recognises that it may not have access to all evidence of relevance in the development of the future Operational Protocol.

Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment - A Call for Evidence

The aim of this Call for Evidence is to provide stakeholders with an opportunity to submit additional evidence that will contribute to the development and delivery of a scientifically robust, evidence-informed, Operational Protocol to protect our natural environment and ensure sustainable development, for consideration by an incoming Minister and future Executive.

This is your opportunity to help inform and shape the proposals to the next Minister for Agriculture, Environment and Rural Affairs.

2. Overview of the Call for evidence

What is DAERA's Operational Protocol?

DAERA, in its role as the appropriate nature conservation body in Northern Ireland as set out in The Conservation of Habitats and Species Regulations 2017, Section 5, has a duty to provide advice to planning authorities and other competent authorities on the potential impacts of air pollution, including ammonia, from plans and projects on designated sites and protected habitats. NIEA performs this function for terrestrial/freshwater environments, on behalf of DAERA. This advice is provided through the use of an Operational Protocol. The Operational Protocol is also used by NIEA in consideration of the air quality impacts on designated sites from intensive agricultural and industrial activities requiring a Pollution Prevention and Control (PPC) permit.

The Operational Protocol provided to competent authorities must be in line with legislation for protected sites including:

- (a) The Conservation (Natural Habitats etc.) Regulations (NI) 1995: Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), Ramsars¹.
- (b) The Environment (NI) Order 2002: Areas of Special Scientific Interest - ASSIs².

Why is a new Operational Protocol required?

The current Operational Protocol used by DAERA was developed in 2012, and a supplementary note was issued in 2018³. Since 2012, the body of scientific evidence on the impacts of air pollution on designated sites and protected habitats has greatly increased. Recent case law also must be taken into consideration. These factors underpin the need for a new Operational Protocol.

What types of projects will be assessed under the new Operational Protocol?

DAERA's new Operational Protocol (Sections 8 and 9) must include routes for assessment of both new projects (proposals for new developments), and existing projects (proposals for expansion of existing facilities, replacement 'like for like' projects, and variations and reviews of Pollution Prevention and Control Permits).

What is the purpose of the Call for Evidence?

The purpose of this Call for Evidence is to set out the evidence currently available to DAERA to inform the development of the new Operational Protocol to be used in the provision of advice and assessment of air quality impacts on the natural environment. Through the Call for Evidence stakeholders are invited to provide input into the development of the guidance by supplying any additional evidence and feedback for consideration.

¹ <https://www.legislation.gov.uk/nisr/1995/380/contents/made>

² <https://www.legislation.gov.uk/nisi/2002/3153/part/IV/crossheading/areas-of-special-scientific-interest>

³ <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/PRT%20-%20Supplementary%20Note%20to%20Standing%20Advice%20on%20Livestock%20Installations%20and%20Ammonia%20-%20Feb%202021.DOCX>

Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment - A Call for Evidence

What will happen following the Call for Evidence?

Following this Call for Evidence, DAERA will review all available evidence relating to the assessment of air quality impacts on designated sites and protected habitats. DAERA will then develop a new Operational Protocol to inform DAERA's planning advice and decision-making processes in the assessment of plans and projects, for an incoming Minister and new Executive to consider.

How is this Call for Evidence Presented?

This Call for Evidence sets out each of the factors for consideration in the development of DAERA's Operational Protocol and provides information on economics.

Areas where any additional evidence beyond that currently available to DAERA is sought are **shaded in yellow**. Areas where the provision of additional evidence is not applicable are **shaded in green** and are provided for information (e.g. internationally agreed Critical Levels and Critical Loads). Any feedback being provided on the areas shaded in green can be submitted as an answer to Question 17.

Stakeholder views are sought on options for assessment of new projects, and options for assessment of existing projects in sections 8 and 9. Further questions are asked in sections 10 to 12 on Farm Enterprise Economic Case Studies; Farm Mitigation Measures Case Studies and Costs; and Environmental Economics.

Additional Information

This Call for Evidence will last for 8 weeks, commencing on **Friday 21st July 2023**. Please ensure that your response reaches us before the closing date of **Friday 15th September 2023**. You may also wish to consider the following information sources:

1. DAERA's consultation on a draft Ammonia Strategy for Northern Ireland, available at <https://www.daera-ni.gov.uk/consultations/draft-ammonia-strategy-northern-ireland-consultation>
2. Reports/Case Studies presenting the outcomes of ongoing monitoring at eight Special Areas of Conservation (SACs) are available at: <https://www.daera-ni.gov.uk/articles/air-pollution-and-natural-environment-science-and-evidence>

Thank you for taking the time to consider this Call for Evidence. The Department welcomes your input on the development of DAERA's Operational Protocol for assessing the impacts of air pollution on the natural environment.

3. How to respond

This Call for Evidence uses the Citizen Space Hub, accessible via the relevant page on the DAERA website, as the primary means of response, in order to make it as accessible as possible. You may also reply by e-mail to: ammonia@daera-ni.gov.uk

When responding please provide the following information:

- Your name.
- Contact details (preferably email).
- The organisation you represent (if applicable).
- Your main area of interest.

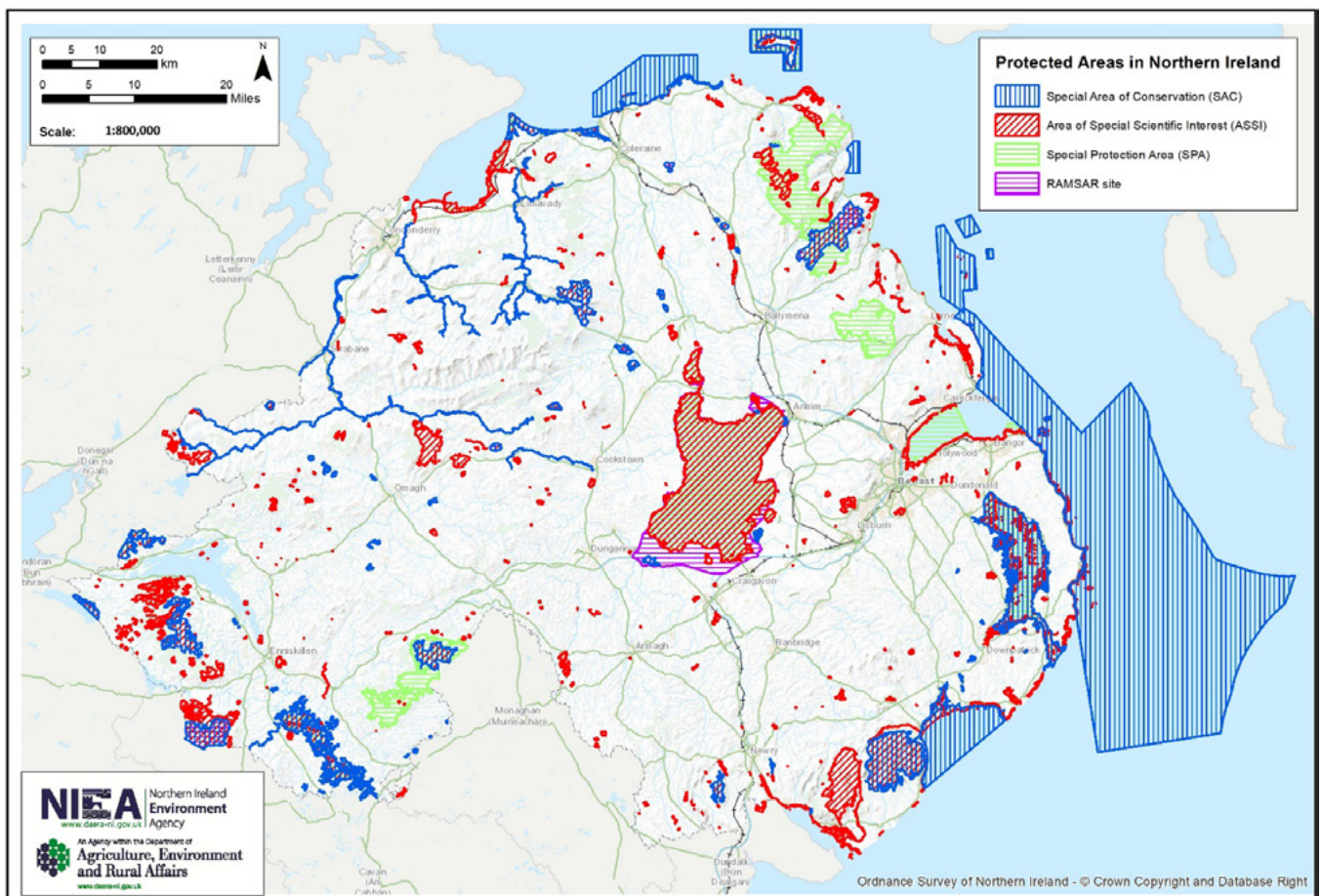
The consultation will run for an **8-week period from Friday 21st July 2023 to 15th September.**

The deadline for responses to this consultation is **23.59 on Friday 15th September 2023.** All responses should be received by then to ensure they can be fully considered.

If you require any further information, contact Kieran McManus on 028 9052 4528.

4. The background to ammonia in Northern Ireland

Northern Ireland has 394 sites designated for their high nature conservation value and their protection⁴, shown in Figure 1. Almost 250 of these are sensitive to the impacts of ammonia and atmospheric nitrogen. The vast majority of designated sites are currently experiencing ammonia concentrations and nitrogen deposition levels above the Critical Levels and Loads⁵ at which damage to plants and biodiversity will occur, illustrated in Figures 2 and 3. Priority habitats⁶, outside of designated sites are also experiencing exceedances.



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Figure 1. Map of Northern Ireland's designated site network.

4 <https://www.daera-ni.gov.uk/landing-pages/protected-areas>

5 Definition in Section 6.

6 <https://www.daera-ni.gov.uk/articles/northern-ireland-priority-habitat-guides>

Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment - A Call for Evidence

What are the latest ammonia and nitrogen deposition trends?

The NI Environmental Statistics Report 2023⁷ shows a continuing rise⁸ in total ammonia emissions in Northern Ireland to 32.0 kt in 2021.

The 'Trends Report 2022: Trends in Critical Load⁹ and Critical Level¹⁰ exceedances in the UK'¹¹ provides key information on UK ecosystems relating to air pollution targets and provides the means to develop targeted action for emission reduction policies. Key data from the Trends Report 2022 for designated sites in Northern Ireland are shown in Box 1 below. Figures 2 and 3 below show ammonia concentration figures from 2017-2019 and nitrogen deposition figures from 2018-2020 which are line with the most up-to-date modelling reported in the 2022 report (the 2022 report maps were not used due to a projection error).

Box 1

- **98%** of Special Areas of Conservation (SACs) and **83.3%** of Special Protection Areas (SPAs) had nitrogen deposition rates exceeding their Critical Load. These are NI's most important habitats.
- **95.7%** of Areas of Special Scientific Interest (ASSIs), which are nationally important sites, had nitrogen deposition rates exceeding their Critical Load for at least one feature.
- **100%** of SACs, **100%** of SPAs and **99.7%** of ASSIs in NI had ammonia concentrations greater than $1 \mu\text{g m}^{-3}$ (the long term annual average Critical Level for lichens and mosses and for ecosystems in which they are important).
- **27.8%** of SACs, **21.4%** of SPAs and **24.6%** of ASSIs in NI had ammonia concentrations greater than $3 \mu\text{g m}^{-3}$ (the long term annual average Critical Level for higher plants including heathland, semi-natural grassland, and forest ground flora).

7 <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/ni-environmental-statistics-report-2023.pdf> provisional data for 2021 to be finalised in the NAEI Air Pollutant Inventory Report in October 2023.

8 This is a material consideration in considering impacts from development.

9 Definition in Section 6.

10 Definition in Section 6.

11 https://uk-air.defra.gov.uk/library/reports?report_id=1087

Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment - A Call for Evidence

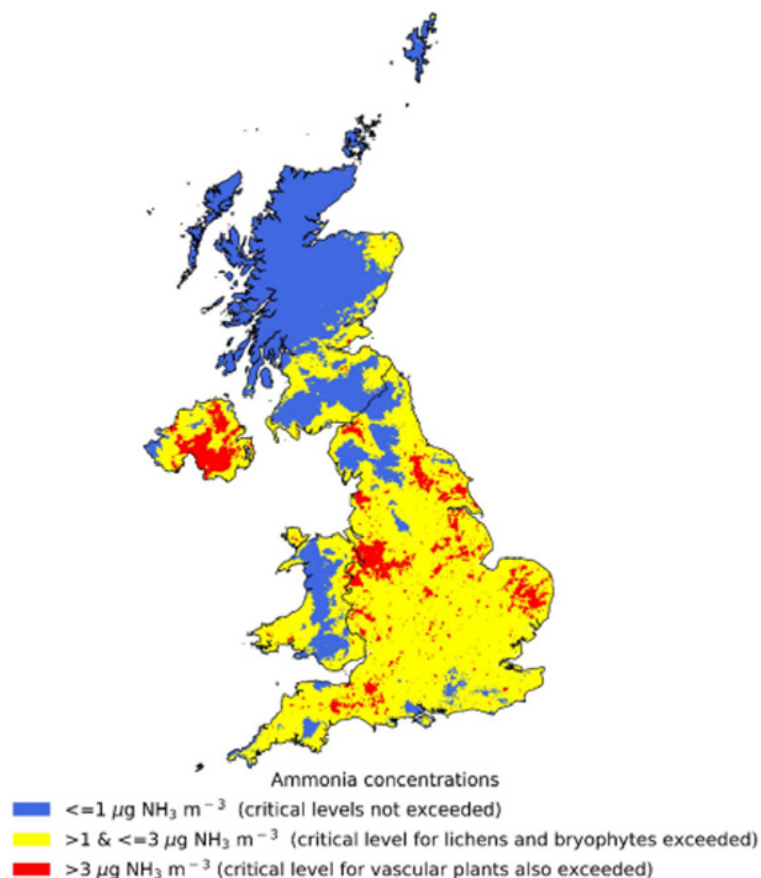


Figure 2. FRAME 1 x 1km ammonia concentrations for 2016-2018 (Trends Report, 2021).

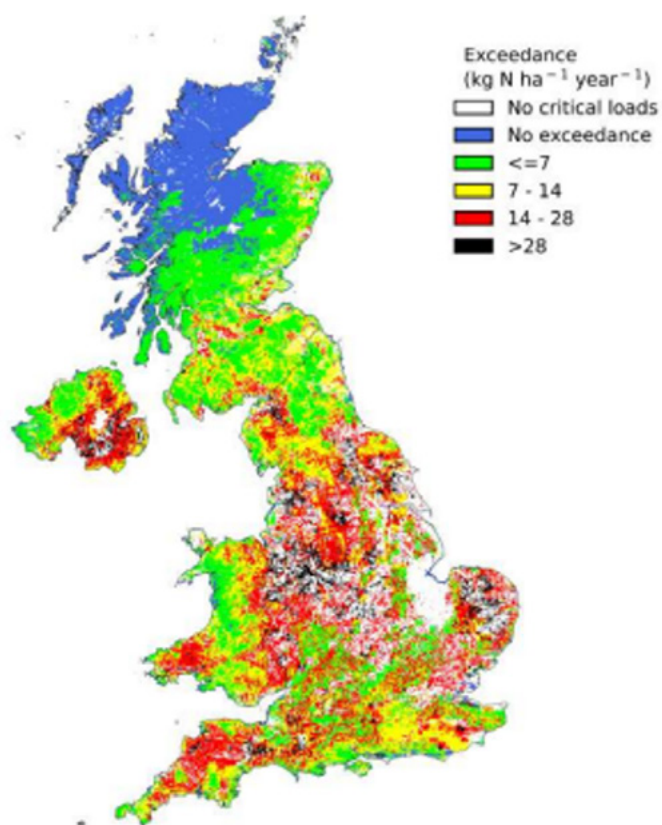


Figure 3. Average Accumulated Exceedance (AAE) in 2017-2019 of Critical Loads for nutrient nitrogen across the UK (Trends Report, 2021).

Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment - A Call for Evidence

What is the current status of habitats in Northern Ireland?

The Northern Ireland Environmental Statistics Report 2023¹² stated that 38% of habitats are in favourable condition, shown in Figure 4, with woodlands, heathlands, and bogs having the lowest proportion of features in favourable condition.

Figure 4. Condition of features within terrestrial protected sites by type of feature, year ended March 2023.

Feature Type	Number of Features	Number of Features in Favourable Condition	Proportion Favourable %
Habitats			
Bogs	53	13	25%
Coastal	52	19	37%
Freshwater	58	17	29%
Grasslands	102	65	64%
Heathlands	43	6	14%
Inland Rock	16	11	69%
Marine	46	50	87%
Fen, marsh & swamp	89	26	29%
Woodlands	80	6	8%
Habitats Total	539	203	38%

What are the ecological impacts?

Many ecosystems have evolved under low nitrogen inputs and, as a result, both species composition and ecosystem functioning are adapted to these nutrient-poor conditions. When nitrogen input exceeds the recommended Critical Levels and Loads, the effects can be significant, with observable species loss, changes in soil chemistry and habitat degradation resulting from nutrient enrichment (eutrophication), acidification (lower pH), or direct damage (toxicity)¹³.

Associated impacts include damage to and loss of sensitive species; changes to habitat structure; loss of species diversity and homogenisation of vegetation types; changes in flowering behaviour; and an increased sensitivity to abiotic and biotic stresses (such as disease, climate change, frost and drought)¹⁴.

There is also evidence that nitrogen deposition reduces the capacity of habitats, such as peat bogs, to store and sequester carbon. In addition to impacts on specific plant species and habitats, early evidence also suggests that habitat changes resulting from nitrogen deposition may also affect other taxonomic groups such as insects and birds¹⁵.

¹² <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/ni-environmental-statistics-report-2023.pdf>

¹³ Stevens, C.J., Smart, S.M., Henrys, P., Maskell, L.C., Walker, K.J., Preston, C.D., Crowe, A., Rowe, E., Gowing, D.J. & Emmett, B.A. (2011). Collation of evidence of nitrogen impacts on vegetation in relation to UK biodiversity objectives, JNCC Report 447.

¹⁴ IPENS Atmospheric Nitrogen Theme Plan, (2015). Natural England. Available from: <http://publications.naturalengland.org.uk/publication/6140185886588928>.

¹⁵ Feest, A., van Swaay, C. and van Hinsberg, A. (2014). Nitrogen deposition and the reduction of butterfly biodiversity quality in the Netherlands, Ecological Indicators 39: 115-119.

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Figure 5. Left: Algal slime is a commonly observed impact of excess nutrient nitrogen on trees around bogs in intensive agricultural landscapes. Right: Healthy sphagnum moss on left, degraded sphagnum on right as a result of excess nitrogen.

A Habitat Case Study of the Moninea Bog Special Area of Conservation (SAC) is presented in the draft Ammonia Strategy¹⁶ and illustrates the nature of the ammonia threat to ecosystems where lichens and bryophytes are essential to their integrity.

Case Study Reports presenting the outcomes of ongoing monitoring at eight Special Areas of Conservation (SACs) are also provided on the DAERA website¹⁷ alongside the draft Ammonia Strategy. Key findings of the monitoring included seasonal patterns being observed across all the sites. Land-spreading of slurries and manures caused an increase in measured concentrations at all sites (including upland sites), with a dominant peak in March/April and smaller secondary peaks in the autumn at some sites. Findings also showed that measured concentrations can be elevated over the summer months when ammonia emissions increase with warmer and drier conditions. Measured concentrations are generally lower during winter, which correlates with cooler, wetter conditions, and the closed spreading season under the Nutrients Action Programme Regulations.

¹⁶ <https://www.daera-ni.gov.uk/consultations/draft-ammonia-strategy-northern-ireland-consultation>

¹⁷ <https://www.daera-ni.gov.uk/publications/air-pollution-and-natural-environment-research-monitoring-reports>

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The draft Ammonia Strategy

The draft Ammonia Strategy, which underwent an 8-week consultation period from 4 January to 3 March 2023, sets out ambitious and achievable targets to drive the ammonia reductions required to help protect nature from the harmful effects of atmospheric nitrogen (including ammonia) emissions. The long-term target is to reduce ammonia emissions to a point where Critical Loads of nitrogen deposition and Critical Levels of ammonia are at a more sustainable place.

The draft Ammonia Strategy proposes two pillars for achievement of its targets:

- Pillar 1 is an ambitious and verifiable ammonia reduction programme which comprises a series of NI wide measures as well as targeted measures around designated sites.
- Pillar 2 is a suite of conservation actions to protect and restore nature, including habitat restoration, management, and monitoring.

A long-term implementation plan will be developed following analysis of responses received during the consultation period, to inform a reworked draft Ammonia Strategy for an incoming Minister and new Executive to consider.

The role of DAERA's Operational Protocol to assess the impacts of air pollution on the natural environment

The Operational Protocol is a further critical element to protect nature in Northern Ireland by informing planning advice and providing a decision-making framework for licensing and permitting assessments.

DAERA's approach to the assessment of impacts from air pollution on the natural environment must promote sustainability and prevent further damage to protected sites and sensitive habitats, ensuring no adverse impacts on the site selection features.

5. Legislation

The following legislation must be taken into consideration in the development of the future Operational Protocol to assess the impacts of air pollution. This list of legislation is not exhaustive; these are the main pieces of legislation pertinent to this document.

A. Conservation (Natural Habitats, etc.) Regulations 1995 (Northern Ireland) (as amended) ('Habitats Regulations')¹⁸

DAERA is responsible for compliance with The Conservation (Natural Habitats, etc.) Regulations 1995 (Northern Ireland) ('Habitats Regulations') as amended by The Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019, which is the relevant law with respect to habitats and species in Northern Ireland following EU Exit. A DAERA guidance document is available¹⁹. The Habitats Regulations set out legislative provisions for the protection of European sites (SACs and SPAs). These regulations require competent authorities, public bodies, and decision-makers to agree to a plan or project only after having ascertained that **it will not adversely affect the integrity of European site features**.

B. The Environment (Northern Ireland) Order (2002)²⁰

This order sets out legislation involving pollution prevention and control, air quality and Areas of Special Scientific Interest (ASSI). Article 28 includes the provisions relating to declaration of an area that is of special interest by reason of any of its flora, fauna, or geological, physiographical or other features. Articles 38, 39, 40 outline the provisions relating to the duty on the Department and other public bodies 'to take reasonable steps, consistent with the proper exercise of the body's functions, to further the conservation and enhancement of the flora, fauna or geological, physiographical or other features by reason of which the ASSI is of special scientific interest'.

The legislation underpinning the protection of ASSIs requires a decision to be taken within the framework of **whether a proposal is 'likely to damage'** which requires a greater weight of evidence (concerning the potential for damage) when compared to the tests which apply to European sites which are concerned with excluding a risk of damage.

C. PPC (IE) Regulations (NI) 2013²¹

This requires industrial and agricultural activities with high pollution potential to hold and maintain an environmental permit and meet certain environmental conditions.

D. The Wildlife and Natural Environment Act (2011)²²

This act sets out the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

¹⁸ <https://www.legislation.gov.uk/uksi/2019/582/made>

¹⁹ <https://www.daera-ni.gov.uk/publications/guidance-conservation-natural-habitats-etc-amendment-northern-ireland-eu-exit-regulations-2019>

²⁰ <https://www.legislation.gov.uk/nisi/2002/3153/contents>

²¹ [The Pollution Prevention and Control \(Industrial Emissions\) Regulations \(Northern Ireland\) 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2013/15/contents)

²² <https://www.legislation.gov.uk/nia/2011/15/contents>

Question 1. Do you have any comments or feedback on the legislation listed above, or any other legislation you feel should be considered?

E. Ramsar Convention²³

The Convention on Wetlands, called the Ramsar Convention, is an international intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. As part of the UK national site network, Ramsar sites are subject to the requirements of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) .

F. The Strategic Planning Policy Statement for Northern Ireland (2015)²⁴

The Strategic Planning Policy Statement for Northern Ireland (2015) (SPPS) sets out ways in which the environment must be managed in a sustainable manner in accordance with the Executive's commitment to preserve and improve the built and natural environment and halt the loss of biodiversity. These are based on the types of designated sites and are as follows:

1. SACs, SPAs, Ramsar sites - Planning permission will only be granted for a development proposal that, either individually or in-combination with existing and/or proposed plans or projects, has been determined not to adversely affect the integrity of the site.
2. ASSIs: Planning permission will only be granted for a development proposal that is not likely to damage the site, including the value of the site to the habitat network, or special interest of an ASSI.
3. Protected habitats or species: Planning permission should only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known: priority habitats; priority species; active peatland; ancient and long-established woodland; features of earth science conservation importance; features of the landscape which are of major importance for wild flora and fauna; rare or threatened native species; wetlands (includes river corridors); or other natural heritage features worthy of protection, including trees and woodland.

²³ <https://www.daera-ni.gov.uk/topics/land-and-landscapes/ramsar-sites>

²⁴ <https://www.daera-ni.gov.uk/articles/assi-guidance-public-bodiescompetent-authorities>

6. The factors to be taken into consideration

In developing DAERA’s future Operational Protocol for the assessment of air quality impacts of plans and projects on the natural environment, to inform planning, licensing, and permitting decision-making processes, a series of factors must be taken into consideration due to legal tests, case law, and evidence. Each of these factors must form part of the future Operational Protocol.

A list of each of the factors is provided in Table 1 for reference.

In Sections 6 to 9 of this document, areas where any additional evidence beyond that currently available to DAERA is sought are shaded in yellow.

In Sections 6 to 9 of this document, areas where additional evidence is not applicable are shaded in green and are provided for information (e.g. internationally agreed Critical Levels and Critical Loads). Any feedback being provided on the areas shaded in green can be submitted as an answer to Question 17.

Table 1. The factors to be taken into consideration.

A	The Proposal
B	Critical Levels and Critical Loads
C	Zone of Influence
D	Process Contribution (PC)
E	Thresholds
F	Site Designation
G	Conservation Objectives
H	Site-specific Survey
I	Strategic Approach
J	Room for Development
K	In-combination Assessment
L	Mitigation Measures
M	Exceedance Level
N	Outcome (issue advice/decision)
O	Habitats Regulations Assessment (HRA)
P	Exemptions requiring site specific consideration

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A. The Proposal

The proposal contains the key details of a project such as: the location of the proposal; the pollutant potentially being released: ammonia (NH₃), nitrogen oxide (NO_x) or other; whether it is an agricultural, industrial, road transport, or other pollutant source; the specific type of development proposal category (new development, replacement of existing facility: 'like for like' with no change in capacity; expansion of an existing facility; or a variation of an environmental permit).

B. Critical Levels and Critical Loads

Critical Levels and Critical Loads are a key policy tool for controlling pollution and determining the potential impacts on the environment. They have been established for habitats and vegetation types, based on the most up-to-date internationally agreed scientific evidence, to determine specific sensitivities to aerial pollutants. Definitions are:

- **Critical Levels²⁵ (CLE)** - “concentrations of pollutants in the atmosphere above which direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur according to present knowledge”. They are a measure of the sensitivity of habitats to ammonia concentrations (and other gases such as NO_x and SO_x).
- **Critical Loads²⁶ (CLO)** - “a quantitative estimate of exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur according to present knowledge”. They are a measure of the sensitivity of habitat to nitrogen deposition. Deposition is the transfer of a pollutant carried in the atmosphere to the biosphere i.e., where a pollutant settles onto a surface (vegetation or the ground).

Internationally agreed empirical Critical Loads for nutrient nitrogen, and Critical Levels for ammonia were reviewed²⁷ in 2022 to reflect new scientific information. Critical Levels remained unchanged and Critical Loads were mostly revised downwards i.e., many habitats have been found to be more sensitive, with new evidence.

The Critical Level for non-vascular plants (e.g., lichens and bryophytes) is **1 µg m⁻³ ammonia** as a long-term (several year) average concentration; for vascular plants the Critical Level is **3 µg m⁻³ ammonia**. Critical Loads can range from **2-30 kg N/ha/year** depending on the habitat's sensitivity to nitrogen deposition. The Air Pollution Information System (APIS²⁸) GIS map tool uses 1 km datasets to provide site-specific Critical Levels and Loads for habitats across the UK.

²⁵ Critical Loads and Critical Levels - a guide to the data provided in APIS | Air Pollution Information System

²⁶ Critical Loads and Critical Levels - a guide to the data provided in APIS | Air Pollution Information System

²⁷ https://www.umweltbundesamt.de/sites/default/files/medien/1410/publikationen/2022-10-12_texte_110-2022_review_revision_empirical_critical_loads.pdf and <https://unece.org/sites/default/files/2022-08/Item%20%20Conference%20Proceedings%20on%20Ammonia%20Dessau%202022%20FINALdraft.pdf>

²⁸ <https://www.apis.ac.uk/src/>

C. Zone of Influence

The zone of influence, or screening distance, is a specific distance beyond which it is unlikely that a particular emission source would have harmful impacts on a sensitive habitat. The zone of influence approach is used to enable competent authorities to safely exclude a project from further environmental assessment for a particular pollutant. The current Northern Ireland Operational Protocol uses a 7.5 km zone for livestock emission sources of influence for European sites (SACs & SPAs) and ASSIs. Other screening distances are used for NO_x emissions, for example, which are dependent on the pollutant's dispersion characteristics.

The zone of influence takes into consideration how emissions from a source disperse and are deposited in the surrounding area. This approach is used to ensure all plans or projects with the potential to have significant effects on sensitive habitats are considered appropriately. It must be evidence-based and in-line with the Precautionary Principle²⁹.

As there are no available studies to establish distances beyond which no adverse effect would occur to sensitive habitat from a mixed range of activities and across all possible scenarios, UK environment and regulatory agencies use scenario modelling to establish suitable zones of influence. The screening distance is based on modelled estimates of damaging pollution levels from individual installations at different distances from protected sites.

Detailed air dispersion modelling, undertaken by NIEA on Pollution Prevention and Control (PPC) pig facilities, showed Process Contributions of 3% of the Critical Level at an ASSI located 7.4 km from the facility.

Analysis of the Process Contributions ((PC), see section D below) from 618 planning applications at varying distances from a designated site submitted to NIEA from January 2012 to December 2022 showed:

- 53% of applications at 0 to 1 km had PCs of 1% or more of Critical Level.
- 20% of applications at 4 to 5 km had PCs of 1% or more of Critical Level.
- 16% of applications at 6 to 7 km had PCs of 1% or more of Critical Level.
- 10% of applications at 7 to 8 km had PCs of 1% or more of Critical Level.

The number of applications with PCs between 0.1-1% of the Critical Level generally increases with increasing distance. The number with PCs of 1% or more of the Critical Level generally declines with increasing distance. Note that only plans or projects with a designated site within 7.5 km of the development are recorded by NIEA within an internal database, therefore the category of 7 to 8 km has fewer planning applications because of this. These detailed modelling results show that while PCs tend to decline with distance from a designated site, PCs above 1% of the Critical Level can still be found at distances as far as 7 to 8 km from a designated site.

²⁹ The Precautionary Principle is embedded within the Habitats Regulations Assessment process. Under Article 6(3) an assessment must be carried out in light of the best scientific knowledge in the field. The assessment must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the plan or project on the site. "Where doubt remains as to the absence of adverse effects on the integrity of the site linked to the plan or project being considered, the competent authority will have to refuse authorisation" (DTA Habitats Regulations Assessment Handbook - <https://www.dtapublications.co.uk/>).

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A modelling study was undertaken by the UK Air Quality Technical Expert Group (AQTAG) using SCAIL Agriculture (<http://www.scail.ceh.ac.uk/cgi-bin/agriculture/input.pl>) to investigate a precautionary screening distance for the protection of our most sensitive plants, lichens and bryophytes. The exercise was based on poultry units below the PPC threshold (less than 40,000 layers) and it tested the emission contribution of varying bird numbers (1,000 - 39,000 layers) on natural habitats ranging from 250 m - 7500 m from a source. The investigation took into consideration NI-specific prevailing wind conditions and recommended 7 km as the screening distance based on the Process Contribution falling below 1% of the lower Critical Level ($1 \mu\text{g m}^{-3} \text{NH}_3$).

Other parts of the UK and Republic of Ireland currently use a screening distance of 5 to 10 km. Given the range of farm sizes, livestock types with higher emission factors³⁰ than laying hens, and varying sector types in NI (including larger PPC and non-PPC farms), DAERA consider that a **zone of influence of 7.5 km** facilitates the assessment of air pollution impacts in a consistent and proportionate manner across the NI farming sector.

Using a 7.5 km zone of influence for European sites (SACs and SPAs) and Ramsars includes 77% of Northern Ireland's landmass within the zone. Using a 7.5 km zone of influence for European sites (SACs and SPAs) and Ramsars includes 77% of Northern Ireland's landmass within the zone.

The zone of influence currently used by DAERA for mapped priority habitats outside of the designated site network under the current Operational Protocol is 2 km. Using of a 2 km zone of influence for mapped priority habitats in Northern Ireland includes 98% of NI's landmass within the zone.

A comparison of the zones of influence for designated sites in the UK and Ireland are shown in Annex A, Table 11.

Summary

- **The current zone of influence for European sites, Ramsars, and ASSIs in NI is 7.5 km.**
- **The current zone of influence for priority habitats outside of the designated site network in NI is 2 km.**

Question 2. Do you have any additional evidence that you can provide to be taken into consideration in the determination of appropriate zones of influence to be used within the Operational Protocol?

³⁰ Emission factors are used to estimate emissions to the environment from a source. For a further detail on UK Emission Factors for agriculture refer to: https://uk-air.defra.gov.uk/assets/documents/reports/cat07/2207140931_UK_Agriculture_Ammonia_Emission_Report_1990-2020_final.pdf

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D. Process Contribution (PC)

The Process Contribution (PC) is the additional pollutant loading to a receptor (e.g., designated site) as a result of the plan or project subject to assessment.

The PC depends on a range of factors including the type and scale of a proposal, whether mitigation techniques are being utilised, the distance to the receptor(s), surrounding land type, as well as meteorological factors. It is expressed as a raw figure ($\mu\text{g m}^{-3}$ or kg N/ha/yr) or as a percentage of the Critical Level/Load.

Out of a total of 618 planning applications received by DAERA from January 2012-December 2022, 22% had PCs of 1% of the CLe or above, 35% had PCs between 0.1-0.9% and 43% had PCs below 0.1% of the CLe. DAERA is aware that in many cases, planning applications are only submitted if they meet the current Operational Protocol thresholds so the figures presented will only be reflective of the applications received.

The PC is typically calculated by applicants/agents/consultancies using aerial dispersion modelling tools, which include both screening tools (e.g., SCAIL) and detailed models such as ADMS/AERMOD³¹.

A new UK Air Quality Assessment Service (previously known as UK AERIUS), led by the Joint Nature Conservation Committee (JNCC), is in development. This integrated tool will become a live government service that will enable the design and testing of different scenarios and accurate calculation of PCs from new and existing proposals, using detailed aerial dispersion modelling. The tool will be available for use by applicants, agents, consultancies, conservation advisers and decision makers.

Further information is available at the following links:

[UK AERIUS | JNCC - Adviser to Government on Nature Conservation.](#)

[UK AERIUS Pilot Tool - an integrated air quality assessment tool | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\).](#)

³¹ <https://www.daera-ni.gov.uk/ammonia-emission-dispersion-modelling>

E. Thresholds

Thresholds are used in environmental assessments in a number of different ways to determine if:

1. Further consideration is required;
2. There is potential for significant effects;
3. An effect is acceptable.

However, where thresholds are used, they must be supported by scientific evidence, which reflect the best available scientific knowledge in the field and which leave no room for doubt about environmental effects. This is reflected in the case law (e.g., Wealdon Judgement, 2017) which highlights that threshold-based approaches should be based on logical and empirical grounds.

Other important findings include:

- Likely in-combination effects should be taken into account at the screening stage;
- Existing conditions must be taken into account when conducting an in-combination assessment;
- Screening thresholds must be supported by sufficient scientific explanation i.e., professional judgment or instinct is not enough.

Annex A Table 11 sets out a comparison of air quality assessment guidance in UK and Ireland, including thresholds used.

Different types of thresholds are outlined below in the sequence in which they are considered:

i. De minimis/Nugatory Threshold

A de minimis effect can be described as 'inconsequential', 'nugatory' or 'trivial'. All such terms are synonymous and are used to describe contributions which can properly be ignored, irrespective of other considerations.

For DAERA's future Operational Protocol for the assessment of air quality impacts on designated sites, the figure of 0.1% of the Critical Level is proposed as the de minimis/ nugatory threshold. This is the level of contribution below which no conceivable impact on the designated site in question is likely to occur even when considered in-combination with emissions from other sources. Projects with emissions below this level would require no consideration.

ii. Significance Threshold

The Significance Threshold refers to the threshold above which there is potential for significant effects on the designated site. It requires an in-combination assessment.

iii. Site Integrity Assessment Thresholds

Site Integrity Assessment Thresholds, when used, allow decision makers to determine if an impact on a protected habitat is acceptable. Similar to significance thresholds they are required to be used 'in-combination' and take account of existing conditions. Given the extent of Critical Level and Critical Load exceedance in Northern Ireland the use of such assessment thresholds will be necessarily limited.

Available Evidence

The Decision-Making Threshold project, commissioned by the Joint Nature Conservation Committee (JNCC) on behalf of the UK-wide Inter-agency Air Pollution Group (IAPG) and Department for Environment, Food and Rural Affairs (DEFRA), provides an evidentiary basis for decision making thresholds to inform the assessment of air quality impacts on designated sites. The Main and Technical reports are available on the JNCC website: [Guidance on Decision-making Thresholds for Air Pollution: Main Report and Technical Report | JNCC Resource Hub](#)

There are two main thresholds detailed within the reports which are only relevant to the preliminary steps in the decision-making process (i.e., to determine if the impact is considered nugatory and therefore can be ignored): the Decision Making Threshold and Site Relevant Threshold, the latter of which enables specific circumstances at the site concerned to be taken into account and can offer a degree of flexibility as a result.

Plans and projects with contributions below the relevant threshold can be 'screened out' on the basis that their combined effect will not undermine a designated site's conservation objectives. Those with contributions above the relevant threshold will require further assessment.

Question 3. Do you have any additional evidence to be taken into consideration in the determination of thresholds to be used within the future Operational Protocol?

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F. Site Designation

The nitrogen-sensitive site designations covered by the current Operational Protocol are listed in Table 2 below. To ensure the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) were operable after the end of the EU transition period, changes were made by the Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019³². The terms used to refer to some sites have changed following EU Exit and are detailed in Table 2³³. Some sites will have more than one designation due to their characteristics. Legislation applying to the specific site designations is detailed in section 6.

Table 2. Site designations and changes in terms used.

Site designation	Old term	New term
Special Area of Conservation (SAC)	Were referred to as Natura 2000 sites.	Now referred to as part of the UK national site network or as European sites *.
Special Protection Area (SPA)	Were referred to as international sites alongside Ramsars.	
Ramsar sites	Were referred to as international sites alongside SACs and SPAs.	Now part of the UK national site network.
Areas of Special Scientific Interest (ASSIs)	No change	

*In this document the term European sites will be used to refer to SACs and SPAs.

Under the current Operational Protocol, designated sites, i.e., European sites, Ramsar sites, and ASSIs, are treated in the same manner for air quality assessments.

Maintaining a coherent network of protected sites with overarching conservation objectives is required to:

- Fulfil the commitment made by government to maintain environmental protections.
- Continue to meet international legal obligations, such as the Bern Convention³⁴, the Oslo and Paris Conventions (OSPAR), Bonn and Ramsar Conventions, and Convention on Biological Diversity (CBD).

Key summary principles of environmental protection according to site designation (further detail in section 6) are as follows:

For European sites and Ramsar sites, regulations require competent authorities, public bodies, and decision-makers to agree to a plan or project only after having ascertained that **it will not adversely affect** the integrity of European site features.

³² <https://www.daera-ni.gov.uk/publications/guidance-conservation-natural-habitats-etc-amendment-northern-ireland-eu-exit-regulations-2019>

³³ <https://www.daera-ni.gov.uk/publications/terminology-interpretation-conservation-natural-habitats-etc-amendment-ni-eu-exit-regulations-2019>

³⁴ UK Government Ministers have confirmed that former UK Natura 2000 sites in the national site network will continue to be the UK contribution to the Emerald Network, as part of the UK's commitment to the Bern Convention.

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For ASSIs decisions must be taken on whether a proposal is **'likely to damage'** which requires a greater weight of evidence (concerning the potential for damage) when compared to the tests which apply to European sites which are concerned with excluding a risk of damage.

The protection of priority habitats includes a requirement under The Planning (General Development Procedure) Order (Northern Ireland) 2015, for consideration where a development proposal is **likely to have an adverse effect on a Northern Ireland priority habitat or priority species**.

The DAERA NIEA Natural Environment Map Viewer is available to view the location of designated sites and priority habitats and species at <https://www.daera-ni.gov.uk/services/natural-environment-map-viewer>

G. Conservation Objectives

All European sites have Conservation Objectives. Article 6(3) of the Habitats Directive requires an assessment to be made in light of the Conservation Objectives for the site concerned. Conservation Objectives are determined by the overall status of the site defined by site 'Condition Assessment'. Condition Assessment monitoring follows the UK Common Standards Monitoring (CSM) approach to ensure NI monitoring is consistent with methods used throughout the UK. Further information on CSM can be found at JNCC (2004)³⁵.

The JNCC Statement on Common Standards Monitoring (JNCC, 2022³⁶) assesses interest features using one of the following condition categories: Favourable; Unfavourable; Unfavourable recovering; Partially destroyed; Destroyed.

The Conservation Objectives will either require the site features to be maintained in favourable condition or to be restored where damage has already occurred. Clearly defined **Conservation Management Plans (CMPs)** are currently being prepared for Northern Ireland's SACs³⁷.

These CMPs consider pressures and threats to a site (e.g. past drainage, tree planting, scrub encroachment, over/under grazing, invasive species, burning, nitrogen deposition etc) and set out measures aimed at delivering against each site's conservation objectives. Where ammonia/nitrogen deposition is identified as a pressure from APIS and site surveys, the key conservation measure will be to reduce emissions at the site level. A combined approach of country-wide measures to decrease wider regional background concentrations and deposition in addition to locally targeted measures at sites subject to high levels of local atmospheric N input, will be required in order to meet site conservation objectives.

Obligations under the Habitats Directive (Article 6(1))³⁸ require the necessary conservation measures to be put in place to restore protected sites that satisfy the ecological requirements of protected habitats and species on each site (SACs, SPAs, Ramsar). The development of Conservation Management Plans (CMPs) for our designated sites is a key mechanism for defining the necessary conservation measures to move site features towards favourable condition.

35 Condition Standards Monitoring Introduction to the Guidance Manual - <https://data.jncc.gov.uk/data/f6fef832-93f0-4733-bf1d-535d28e5007e/CSM-Introduction-2004.pdf>

36 JNCC A Statement on Common Standards for Monitoring Protected Sites (2022) (version 2.1) <https://data.jncc.gov.uk/data/0450edfd-a56b-4f65-aff6-3ef66187dc81/csm-statement-2022-v-2-1.pdf>

37 <https://www.daera-ni.gov.uk/publications/management-special-areas-conservation-faq>

38 https://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm [The Directive has been transposed into the Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019].

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The necessary conservation actions are based on detailed assessment of the site features, their condition, and the key pressures on the site. The results of these condition assessments are used to inform the management required to remedy adverse condition. Further detail including examples of site management typically identified in CMPs are outlined in the Ammonia Strategy section 5.3.

The development of CMPs for all Northern Ireland SACs aims to deliver:

- Designated sites in a healthy and robust condition delivering a wide range of benefits to people and nature.
- Improved efficiency through the use of up-to-date data and evidence about sites to prioritise and target management actions.
- Better working relationships between all sectors by coming together wherever possible to reach management solutions that meet the key objective of the favourable management of site features.
- The identification and implementation of realistic and time bound management actions which will bring about favourable condition of features.
- Better co-ordination of funding sources to deliver management actions in years to come.
- An increased understanding and appreciation of these sites by all sectors.

H. Site-specific Survey

A site-specific survey might be required to inform a decision where desktop-based information sources are insufficient to make an evidence-based judgement. Survey results will help a decision-maker better understand the level of risk that is presented to an ecological feature from a proposal alone or in-combination with others. Examples of when a site-specific survey might be required are listed below:

- To establish whether sensitive ecological features are actually located within a forecast pollution exceedance area. If so, a survey could establish how much of the feature is located within this risk area (e.g., % of the total habitat) so that the potential significance of an impact can be predicted.
- To determine whether there is evidence that an important feature already subject to a level of air pollution is being negatively affected.
- To determine, where pollution levels vary across a large designated site, whether negative effects begin to occur when certain levels of pollution are reached (i.e. identify a 'tipping point') - this might help to determine whether localised impacts of a project might push a specific area over that point.

New Projects Option 1 (Section 8) identifies the following scenarios where site-based survey data might be required:

- Where an ASSI only (excluding geological ASSIs) is affected.
- Where a European site is affected but the target against the air pollution objective is to 'maintain' or to 'restore' however there is uncertainty as the extent to which the proposal might undermine the delivery of the restore objective.

I. Strategic Approach

Consideration is needed of whether a strategic approach to drive emission reductions is in place and is achieving appropriate emission reductions at the designated site in question. The strategic approach comprises the proposed measures in Pillars 1 and 2 of the draft Ammonia Strategy and includes locally targeted emission reduction measures around designated sites.

A strategic approach to nitrogen recognises that action on any single source is unlikely to bring concentrations and deposition below critical levels and loads and restore a site to meet its conservation objectives. As a result, there is a need to consider the effects of a number of different sources acting together.

Site Nitrogen Action Plans provide one mechanism to understand the problem at an appropriate geographical scale and to work with stakeholders to implement mitigation and improvement approaches that are site specific. The Action Plans would draw on existing evidence and consider appropriate mitigation measures that can be implemented at the key source(s) in order to drive a reduction in atmospheric pollutant concentrations at the sensitive receptor (e.g., a habitat). These plans would aim to provide a timetabled trajectory towards favourable condition status and provide a firmer basis to undertaking environmental assessments for new developments.

The SNAP concept was developed under the Improvement Programme for England's Natura 2000 Sites (IPENS)³⁹ project, where it received support from a range of stakeholders. The Welsh Government is also putting in place plans to use SNAPs as a tool to define practical steps to reduce and mitigate atmospheric nitrogen impacts at a site level⁴⁰.

A SNAP approach will not be needed for all protected sites in NI and the need for one will be determined by the risk to the habitat from nitrogen deposition, particularly from local sources. For some sites, the SNAP approach is an optimal way forward. SAC Conservation Management Plans will indicate where nitrogen deposition is recognised as a key threat to achieving favourable conservation status. For other protected areas, site specific consideration will be required.

J. Room for Development

This concept originated from the Dutch nitrogen model, whereby reductions in background emissions can potentially provide 'room for development' for new facilities. In the New Projects Option 1 (Section 8) 'room for development' refers to capacity within the source group for sustainable development.

For example, if there is a strategic approach for the site it is necessary to identify whether the approach allocates any 'room for development' for new plans and projects if sufficient reductions have been made. If it does, and the proposal can be accommodated in this 'source group capacity' (through suitable reductions to the background), there might be a low risk allocated. If the strategic approach does not allocate a 'source group capacity', or if suitable reductions have not been made to background emissions, there is likely to be a high risk allocated.

³⁹ <https://publications.naturalengland.org.uk/search?q=atmospheric+nitrogen+theme+plan&num=100>

⁴⁰ <https://naturalresources.wales/media/676006/life-n2k-thematic-action-plan-air-pollution-nitrogen-deposition.pdf>

K. In-combination Assessment

A formal assessment of the effects of ‘other plans and projects’ which are relevant at the point at which a specific plan or project is subject to assessment. Under the Habitats Regulations, an assessment needs to take account of the effects from a plan or project ‘either alone or in-combination with other plans and projects’. Only when a proposal is considered potentially acceptable ‘alone’ does the need to consider its effects in-combination with other plans and projects arise.

A summary of relevant case law concerning in-combination assessments is included in Table 3 below (amended from Table 2.2. within the DMT Main Report ⁴¹):

Table 3. Summary of case law relevant to in-combination assessments

Court Decision	Implications
European Commission Parliamentary Question (2005)	An in-combination assessment must be practically feasible, and the in-combination provisions must be interpreted and applied in a proportionate manner.
Walton [2011] CSOH 131	A decision maker is entitled to exercise judgment over which other plans and projects to take into account and there must be a degree of flexibility to an in-combination assessment.
Sweetman (AG Opinion) Case C-258/11 (2012)	The need to avoid ‘legislative overkill’ and proposals with no appreciable effect can be excluded from further assessment.
Newry [2015] NIQB 65	It is possible to eliminate the need to undertake an in-combination assessment on the basis of professional judgement, having regard to advice from the Statutory Nature Conservation Body (SNCB).

In developing a new Operational Protocol, the following plans and projects may be relevant to an in-combination assessment:

- Application lodged but not yet determined.
- Projects subject to periodic review e.g. annual licences, during the time that their renewal is under consideration.
- Refusals subject to appeal procedures and not yet determined.
- Projects authorised but not yet started.
- Projects started but not yet completed.
- Known projects that do not require external authorisation.
- Proposals in adopted plans.
- Proposals in finalised plans formally published or submitted for final consultation, examination or adoption.
- Plans or projects which became operational after the most recent update of APIS background levels.

⁴¹ CHAPMAN, C. & KITE, B. 2021. Guidance on Decision-Making Thresholds for Air Pollution. JNCC Report No.696 (Main Report), JNCC, Peterborough, ISSN 0963-8091

Question 4. Do you have any additional evidence that you can provide to be taken into consideration in relation to in-combination assessments for use within the future Operational Protocol?

Question 5. Do you have any additional information on other types of plans and projects that should be considered in the future Operational Protocol?

L. Mitigation Measures

Definition

A mitigation measure is a measure which is intended to avoid or reduce harmful effects upon a designated site or protected habitat. The measures must relate directly to the proposal and seek to reduce or avoid an adverse effect which is otherwise anticipated to arise.

Key considerations:

- The need for documented evidence of the effectiveness of the proposed mitigation measures.
- The time taken for measures to become effective, reach their maximum effectiveness, and the timeframe over which they will remain effective without maintenance, remedial action or replacement e.g.:
 - Changes to slurry spreading techniques can be delivered in a short timescale and have an almost immediate effect.
 - Tree shelter belts can take longer to become effective but are an accepted mitigation measure and where included in a development will be given appropriate credit; further detail is provided in Section 4.1.8 of the draft Ammonia Strategy.

The Draft Ammonia Strategy⁴² details, in Pillars 1 and 2, a proposed series of voluntary and mandatory mitigation measures across NI and at designated sites with additional evidence provided via AFBI seminars (links on the draft Ammonia Strategy consultation page). Emerging technologies with potential to reduce ammonia emissions and deliver are detailed in Section 4.1.2 of the draft Ammonia Strategy. DAERA's Science Workstream, established within its Project Board on Ammonia Reduction, incorporates leading scientific experts on ammonia from across the UK and advises on novel ammonia reduction technologies.

DAERA's 'Code of Good Agricultural Practice for the Reduction of Ammonia Emissions'⁴³ is a guidance document which explains how farmers, growers, land managers, advisers and contractors can minimise ammonia emissions from agriculture.

⁴² <https://www.daera-ni.gov.uk/consultations/draft-ammonia-strategy-northern-ireland-consultation>

⁴³ <https://www.daera-ni.gov.uk/publications/code-good-agricultural-practice-reduction-ammonia-emissions>

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The 'Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs'⁴⁴ provides information on techniques and technologies for on-farm processes and activities.

The 2022 UNECE Guidance Document on Integrated Sustainable Nitrogen Management provides further information on mitigation measures⁴⁵.

Further detail on Farm Mitigation Measures Case Studies and Costs is provided at Section 11 of this Call for Evidence alongside initial results from the DAERA commissioned AFBI Horizon Scanning project examining mitigation measures and technologies for ammonia reduction.

M. Exceedance Level

The degree to which the levels of a pollutant are greater than the Critical Load or Level for the specific habitat is called the level of exceedance.

Figure 6 shows the Critical Level exceedance of $1\mu\text{g NH}_3 \text{ m}^{-3}$ and $3\mu\text{g NH}_3 \text{ m}^{-3}$ at ASSIs based on the most recent data available. The map illustrates that the Critical Level for the majority of ASSIs is $1\mu\text{g NH}_3 \text{ m}^{-3}$ which is determined by the type of vegetation present. The map also illustrates that ammonia levels across almost all ASSIs are exceeding the Critical Level above which damage to plants is likely to occur.

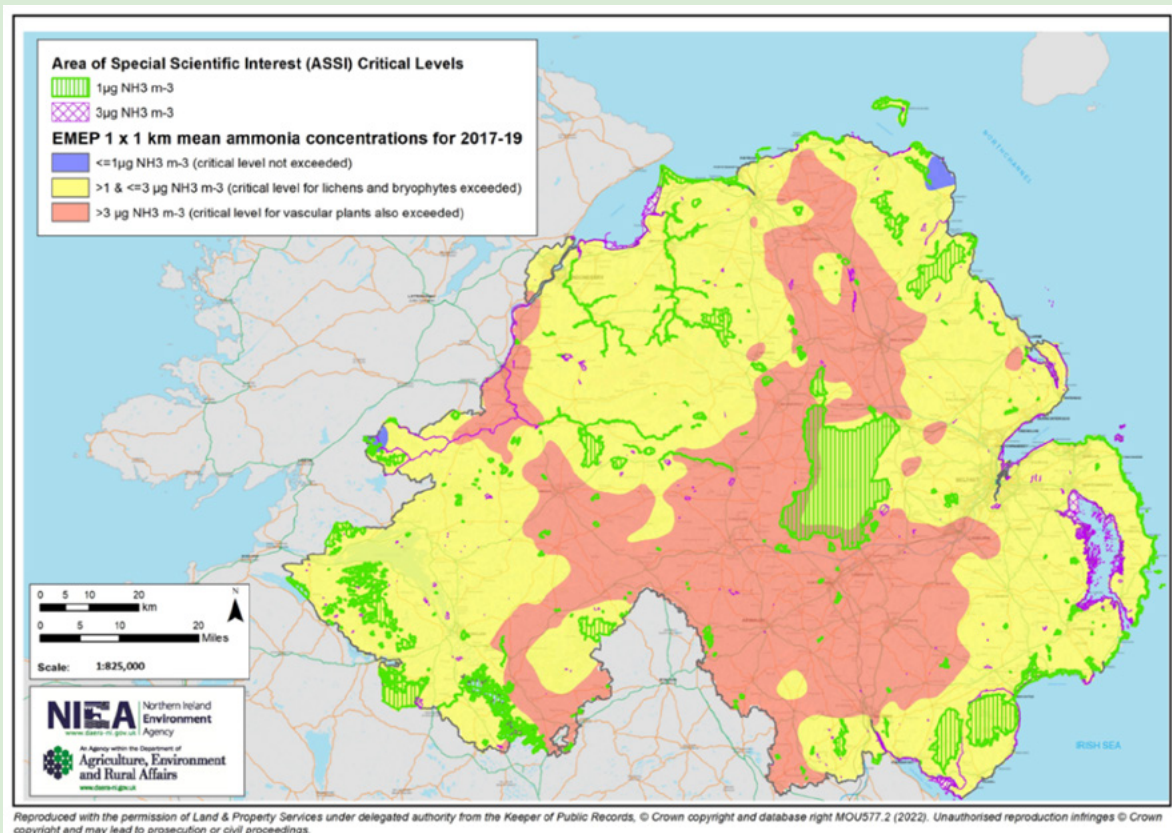


Figure 6. Spatial representation of the levels of exceedance of Critical Levels of ammonia at ASSIs in Northern Ireland 2017-19.

44 <https://publications.jrc.ec.europa.eu/repository/handle/JRC107189>.

45 <https://unece.org/environment-policy/publications/guidance-document-integrated-sustainable-nitrogen-management>

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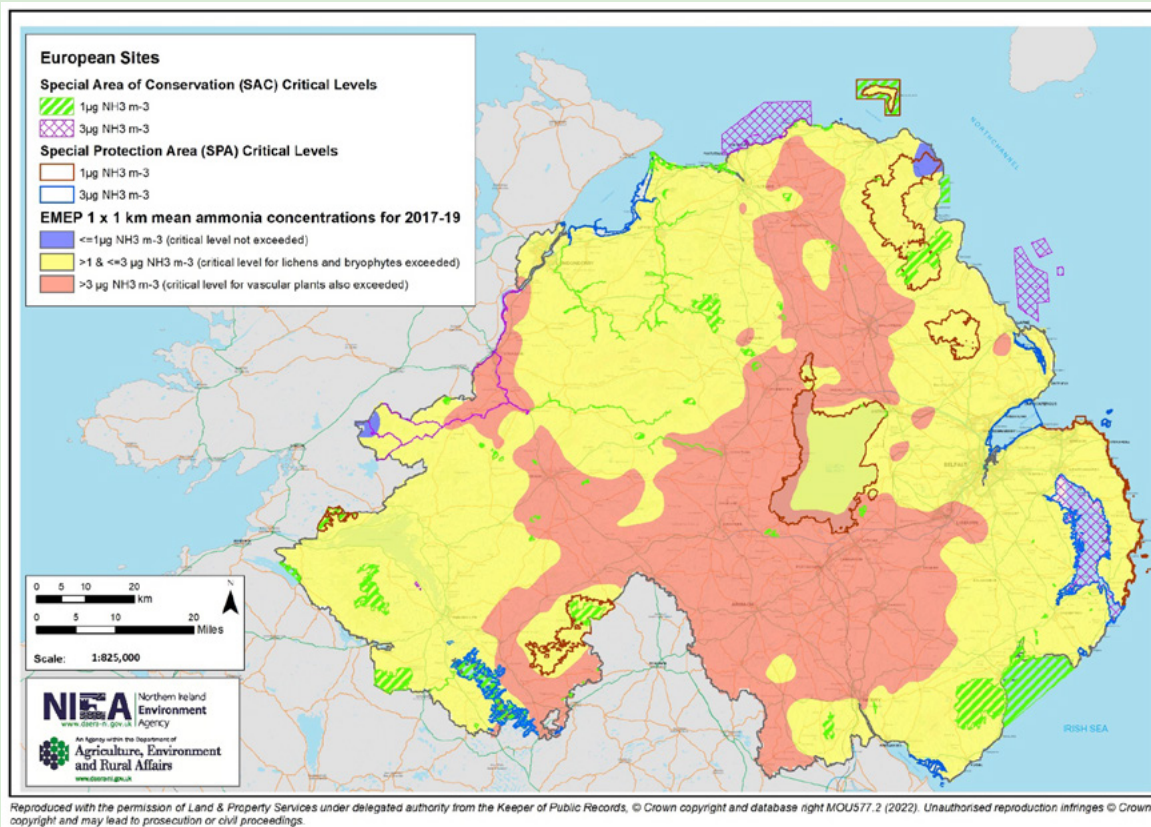


Figure 7. Levels of exceedance of the Critical Level of 1µg NH₃ m⁻³, and 3µg NH₃ m⁻³ at European sites across Northern Ireland based on the most recent data available.

Figure 7 shows the Critical Level exceedance of 1µg NH₃ m⁻³ and 3µg NH₃ m⁻³ at European sites across Northern Ireland based on the most recent data available. The map illustrates that majority of SACs have a Critical Level of 1µg NH₃ m⁻³. SPAs have of a Critical Level of 1µg NH₃ m⁻³ or 3µg NH₃ m⁻³ depending on the type of vegetation present. The map also illustrates that ammonia levels across almost all European sites are exceeding the Critical Level above which damage to plants is likely to occur.

M. Outcome (issue advice/decision)

This will be in the form of advice from the appropriate nature conservation body (NIEA Natural Environment Division) to a competent authority (e.g., Planning Authority) or a decision on potential air quality impacts from a competent authority.

There is a legal requirement for competent authorities to carry out a Habitats Regulations Assessment (HRA) for plans and projects with European/Ramsar sites within their zone of influence. This process determines if the emission source under consideration could infringe on the conservation objectives of a European site or significantly impact its current quality.

The Operational Protocol will serve as NIEA Natural Environment Division's advice on carrying out a HRA or environmental assessment (for ASSIs), providing a scientifically robust process that competent authorities can follow to consider potential air quality impacts on designated sites in their decision making.

The level of risk to a receptor associated with the project will form part of the outcome. A high, moderate, or low risk category is assigned as part of the advice issued through the New Projects Option 1 approaches presented in Section 8.

O. Habitats Regulations Assessment (HRA)

A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and changed by the Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. A HRA is used to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.

All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration - typically referred to as the 'Habitats Regulations Assessment screening' - should take into account the potential effects both of the plan/project itself and in-combination with other relevant plans or projects.

Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

P. Exemptions requiring site specific consideration

Under the future Operational Protocol, a limited number of designated sites may be subject to exemptions such as those listed below and require site specific consideration ⁴⁶. When assessing new proposals, where an exemption scenario applies, further consideration and a more detailed assessment may be required. This will be informed by data on ammonia concentrations and nitrogen deposition, habitat and species records and surveys, where appropriate.

Exemptions include:

- ‘Clean’ or ‘pristine’ sites (i.e., those with very low existing levels of air pollution) where there is reason to doubt the improving background trend.
- Sites with sensitive epiphytic or epilithic components that are, or form an important part of, a qualifying feature of the site and which are at or just below their Critical Load/Level.
- Sites with an existing exceedance of Critical Loads/Levels where there is evidence of an impending risk of extinction (due to air pollution) of a species that forms an important part of a qualifying feature.

46 Caporn, S., Field, C., Payne, R., Dise, N., Britton, A., Emmett, B., Jones, L., Phoenix, G., Power, S., Sheppard, L. & Stevens, C. (2016) Assessing the effects of small increments of atmospheric nitrogen deposition (above the critical load) on semi-natural habitats of conservation importance. Natural England Commissioned Reports Number 210. <http://publications.naturalengland.org.uk/publication/5354697970941952>

Payne, R., Campbell, C., Britton, A., et al. (2019). What is the most ecologically-meaningful metric of nitrogen deposition? Environmental Pollution pp 319-331.

Rowe, E., Stevens, C., Vieno, M., Dore, A., Hall, J., Sutton, M., Mills, G., Evans, C., Helliwell, R., Britton, A., Mitchell, R., Caporn, S., Dise, N., Field, C. & Emmett, B. (2014) Measures to Evaluate Benefits to UK Semi-Natural Habitats of Reductions in Nitrogen Deposition. Final Report on REBEND Project (Defra AQ0823; CEH NEC04307). https://ukair.defra.gov.uk/assets/documents/reports/cat10/1511251351_AQ0823_REBEND_Final_report.pdf

7. DAERA's current Operational Protocol for assessment of air pollution

DAERA's current Operational Protocol (2012) criteria:

- A **zone of influence of 7.5 km** from a designated site (Natura 2000/Ramsar sites and ASSIs) within which developments must be screened to determine likely significant effects, and a **2 km zone of influence for priority habitats outside of designated sites**.
- For a proposal within the 7.5 km zone of influence, a **threshold of 1% of the Critical Level** for the designated site was set. Where the Process Contribution from the proposal at the designated site is equal to or above this, then it is considered that there is the potential for negative impacts from air pollution.
- Where a proposal alone contributes less than 1% of the Critical Level then it could be considered for approval, irrespective of whether or not the pollution levels are exceeded for the designated site.
- Where the Critical Level of the designated site is exceeded, and the ammonia contribution of the proposal is greater than or equal to 1% of the Critical Level, then the proposal is assessed 'in-combination' with other relevant plans or projects of ammonia contributing to the designated site.
- Where the Critical Level of the designated site is exceeded, then **an additional 10%** of this level is permitted as a Process Contribution from the proposal, in-combination with other ammonia-emitting plans or projects. This includes other plans and projects post January 2012 with a PC of 1% or above (of the Critical Level).
- For non-designated sites that contain priority habitats within 2 km of a proposed ammonia emitting facility, up to 50% of the ammonia damage threshold is permitted.

8. DAERA’s Future Operational Protocol - Options for Assessment of New Projects

DAERA undertook a process of extensive development and review of options for the assessment of new projects. Following this process Options 1 and 2 are presented below for consideration in this Call for Evidence, in line with the legal and scientific principles set out in Sections 4 and 5.

Option 1 Framework for Assessment of New Projects, and process flowchart.

- 1) Continued application of a **7.5 km zone of influence** around designated sites. Different zones of influence apply for sectors other than agriculture⁴⁷.
- 2) Use of a **de-minimis threshold of 0.1% of the Critical Level or Load**, below which no further air quality assessment is required.
- 3) If the proposal contributes more or equal to 0.1% of the Critical Load or Level, a **Site Relevant Threshold** can be applied. This threshold will consider the risk of proliferation and local contribution from the source group (e.g., agriculture/transport etc) at the site. The Site Relevant Threshold can range from 0.1-1% of the Critical Level or Load (Table 4 below).

Table 4: Site Relevant Thresholds

% local contribution from ‘source group’	High risk of proliferation⁴⁸	Low risk of proliferation
>50%	0.1%	0.5%
30-50%	0.2%	0.5%
20-30%	0.5%	1%
10-20%	0.8%	1%
0-10%	1%	1%

- 4) If the proposal contributes less than the Site Relevant Threshold (SRT), it is screened out of further assessment (low risk). If the proposal contributes more than the SRT, a **detailed assessment is required**, informed by:
 - Whether mitigation measures might reduce emissions to an acceptable level.
 - The site-specific conservation objectives for air pollution.
 - The use of available desk-based information such as designated survey information; or a site survey can be undertaken.
 - Whether a strategic approach is in place to help achieve the conservation objectives for the site concerned, or if it has provided ‘room’ for sustainable development.

⁴⁷ Dependent on emission profiles. Other types of air pollution can be considered using the framework e.g. NO_x.

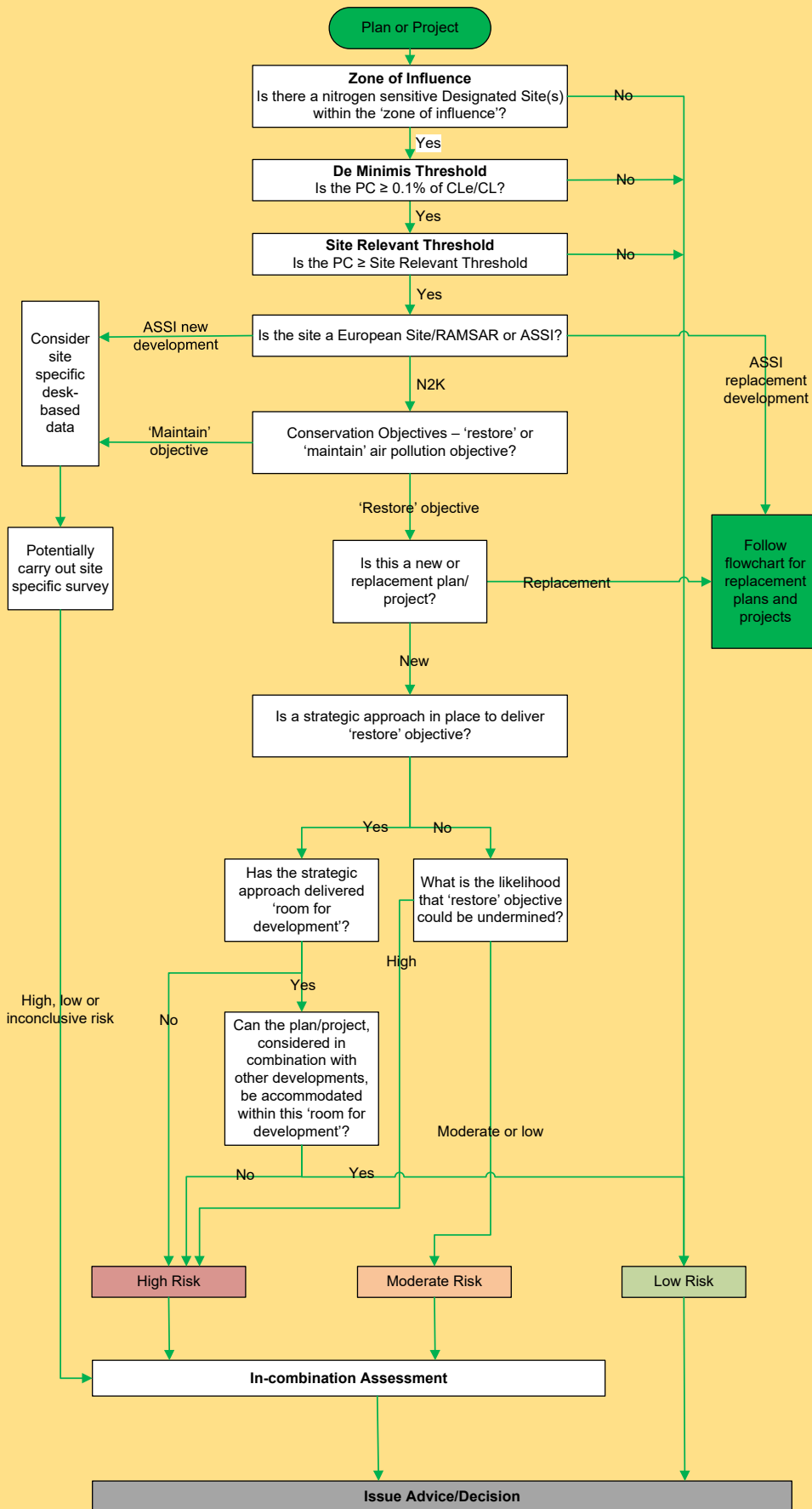
⁴⁸ Proliferation refers to the likelihood of expansion/increased development pressure in the NI agriculture sector.

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- 5) The **in-combination threshold will likely be no greater than 1%** and will take into consideration the contribution from other relevant plans and projects if their effects have potential to act in-combination with those of the proposal. Only other plans and projects which, themselves, exceed the 0.1% and Site Relevant Threshold will be relevant to the in-combination assessment.
- 6) Following consideration of the likelihood that the proposal could undermine the conservation objectives/damage site features, advice will be issued, and **proposals will be assigned a risk category: high, medium, or low risk.**

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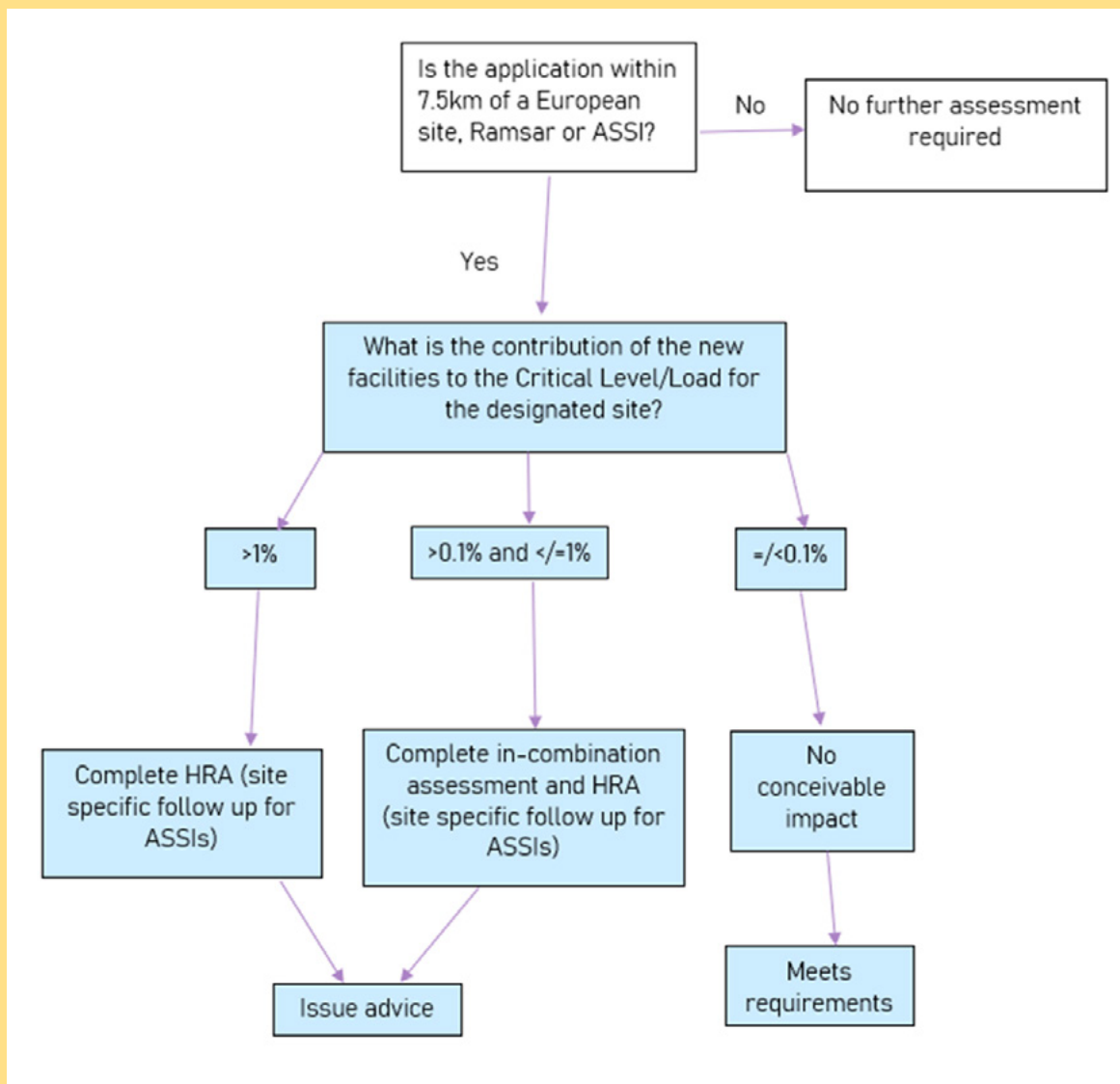
Option 1 Process flowchart for assessment of new projects



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Option 2 Framework for Assessment of New Projects and process flowchart

1. Continued application of a **7.5 km zone of influence** around designated sites. Different zones of influence apply for sectors other than agriculture.
2. Use of a **de-minimis threshold of 0.1% of the Critical Level or Load**, below which no further air quality assessment is required.
3. If the proposal contributes more than 0.1% of the Critical Load or Level and less than or equal to 1% an **in-combination assessment and a Habitats Regulations Assessment/ Environmental Assessment (for ASSIs)** is required.
4. If the proposal contributes more than 1% of the Critical Load or Level a **Habitats Regulations Assessment/Environmental Assessment (for ASSIs)** is required.



Option 2 Process flowchart for assessment of new projects.

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Question 6. Do you have any comments, feedback, or evidence on:

Option 1 Framework for Assessment of New Projects, and process flowchart?

Question 7. Do you have any comments, feedback, or evidence on:

Option 2 Framework for Assessment of New Projects, and process flowchart?

SUPPLEMENTARY QUESTION ON PRIORITY HABITATS

Background

Currently for non-designated sites that contain priority habitats within 2 km of a proposed ammonia emitting facility, up to 50% of the ammonia damage threshold is permitted. No change is currently proposed to this zone of influence or threshold.

Question 8. Do you have any comments, feedback, or evidence on priority habitats?

9. DAERA's Future Operational Protocol - Options for assessment of replacement of existing facilities, 'like for like' projects, and variations including reviews of PPC permits

DAERA undertook a process of extensive development and review of options for the assessment of existing facilities, 'like for like' projects, and variations including reviews of PPC permits⁴⁹. Options 1 and 2 were developed and presented below for consideration in this Call for Evidence, in line with the legal and scientific principles set out in Sections 5 and 6.

Option 1 Framework for replacement of existing facilities, 'like for like' projects, and variations including reviews of PPC permits, and process flowchart.

1) Where a proposal relates to an expansion, variation or replacement to an existing operation or activity, consideration needs to be made of the likelihood that the proposal might undermine the ability to deliver the conservation objectives. Where there is an existing emission source relating to the proposal, the granting of permission might offer opportunities to reduce existing emissions which might actively contribute to the achievement of conservation objectives (explained in Section 6, part G).

The central question is **whether the continuation of the existing activity (at current or reduced emission levels) might undermine the ability to achieve the conservation objectives**. To maximise the potential for the most favourable assessment, the project will need to be designed to minimise emissions. However, it may not be assumed that a replacement facility with lower emissions would automatically gain a favourable risk assessment for the designated site(s) in question. This is because DAERA has a legal duty to not only prevent future environmental damage but to reduce existing pollution pressures to levels which avoid deterioration of the habitats and species in question. If an ongoing activity, albeit with a reduction in emissions, has the potential to compromise the objective of restoration, or make it appreciably more difficult to achieve favourable conservation status, it will not be possible following an appropriate assessment to dismiss the ongoing risk of an adverse effect on site integrity. Therefore, any reduction in emissions must be both reactive, i.e. sufficient to address existing levels and proactive, sufficient to prevent future damage. To grant a consent, permission or other authorisation that continues or legitimises existing environmental damage is unlawful.

2) The decision will be influenced by factors including:

- The distance and relative pollution contribution from the existing operation to the site.
- The scale of exceedance at the site concerned and the overall reduction in existing pollution which will be required to achieve the conservation objectives.

⁴⁹ <https://www.legislation.gov.uk/nisr/2013/160/regulation/17/made>

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- Action taken, or to be taken, on other sources which might be relied upon to secure the integrity of the site.

3) Two options are available to determine required emissions reduction. This approach considers the entire farm holding for calculation of emission reductions:

- Option A - A **flat-rate option** whereby all replacement facilities are required to reduce ammonia levels by a **minimum of 30%**.
- Option B - A **'distance from site' option** whereby the minimum reduction in emissions required is determined by the distance to a designated site, as presented in Table 5 below.

Table 5: Assign a minimum facility improvement requirement

Distance from site	Minimum improvement
< 0.5 km	60%
0.5 - 1 km	50%
1 - 2 km	40%
2 - 4 km	30%
4 - 7.5 km	20%

4) After the minimum improvement has been applied, the decision-maker needs to determine **the likelihood that the ability to deliver the conservation objectives will be undermined by the continuation of an ongoing, improved activity**, as per Table 6 below. The contribution from the existing source is that after any improvements/reductions have been taken into account.

Table 6. Assigning likelihood that ability to deliver restore objective will be undermined by continuation of an ongoing activity.

Contribution from existing source / activity as % of nitrogen Critical Load/Level	Reduction required to achieve nitrogen Critical Load		
	1-5 kg/ha/yr	5-10 kg/ha/yr	>10 kg/ha/yr
>50%			
30-50%			
20-30%			
10-20%			
0-10%			

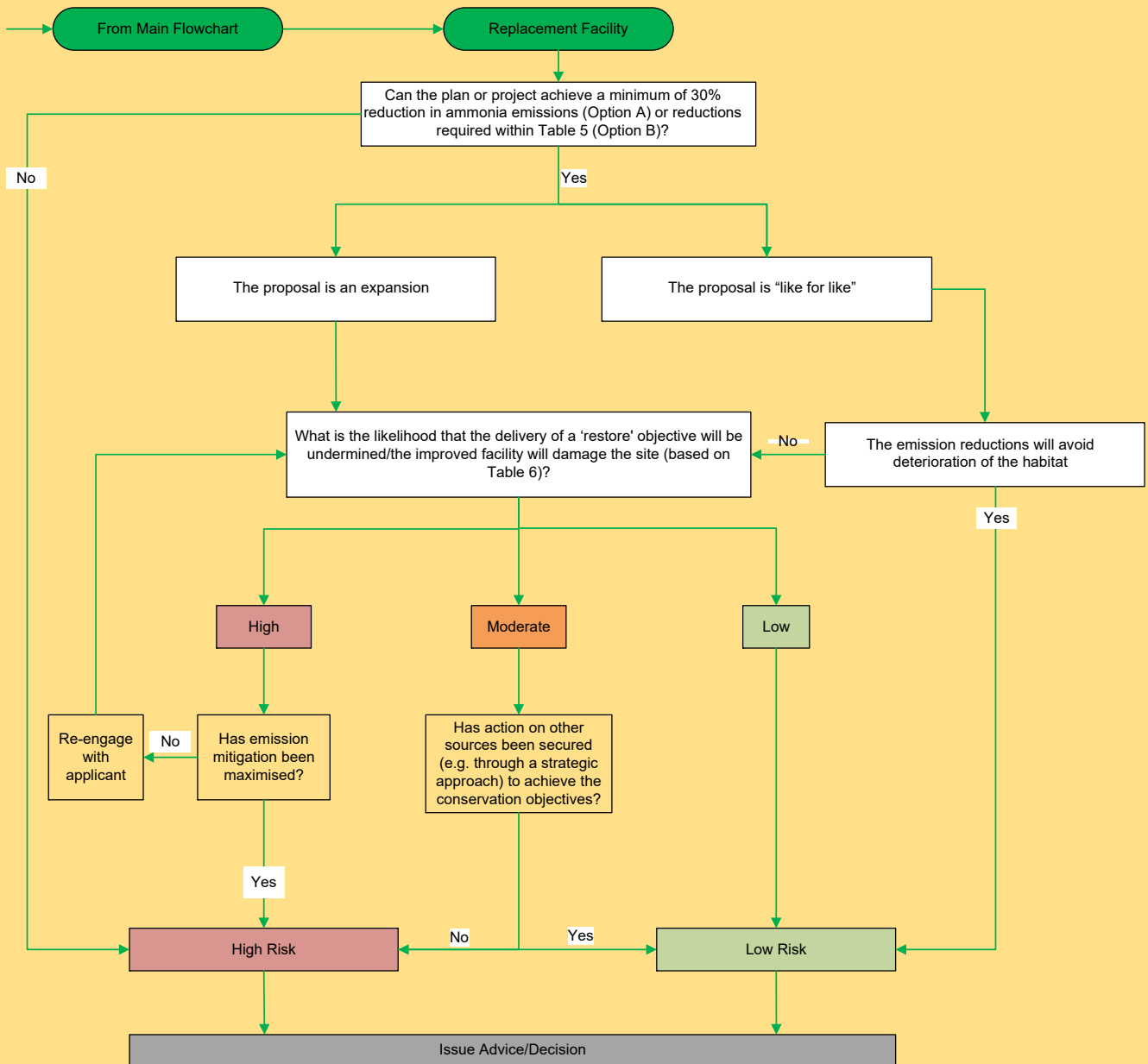
High likelihood that the delivery of the conservation objectives will be undermined by the proposal.

Take account of action taken, or to be taken, on other sources which might be relied upon to secure the delivery of the conservation objectives.

Low likelihood that the delivery of the conservation objectives might be undermined by the proposal.

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Option 1 Process flowchart for replacement of existing facilities, 'like for like' projects, and variations including reviews of PPC permits.



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Option 2 Framework for replacement of existing facilities, 'like for like' projects, and variations including reviews of PPC permits.

1. This option enables approval of replacement and expansion facilities, and existing PPC licensing through delivery of farm specific ammonia emissions reductions, determined by the farm's contribution to site Critical Level.
2. This approach only takes into consideration the source of emissions, i.e. the farm; it does not consider the site conservation objectives.
3. In this method the contribution of a specific farm/facility to the site is used to determine the required emissions reduction. The principle is that the facilities making the largest contribution to ammonia emissions at a site are required to make the largest reductions.
4. Table 7 below shows proposed reduction requirements according to contribution to site Critical Level of ammonia.

Table 7. A farm-specific emissions reduction approach.

Contribution of the facility* to site Critical Level	Reduction required from facility
$\geq 100\%$	Case by case consideration
50-100%	50%
25-50%	25%
$<25\%$	12.5%

*the facility is the entire farm holding for calculation of emissions reductions.

Question 9. Do you have any comments, feedback, or evidence on:

Option 1. Framework for replacement of existing facilities, 'like for like' projects, and variations including reviews of PPC permits, and process flowchart?

Question 10. Do you have any comments, feedback, or evidence on:

Option 1A. Flat-rate emissions reduction approach (flat-rate option) whereby all replacement facilities are required to reduce ammonia levels by a minimum of 30%?

Question 11. Do you have any comments, feedback, or evidence on:

Option 1B. Distance from site emissions reduction approach ('distance from site' option) whereby the minimum reduction in emissions required is determined by the distance to a designated site, as presented in Table 5?

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Question 12. Do you have any comments, feedback, or evidence on:

Option 2. Framework for replacement of existing facilities, 'like for like' projects, and variations including reviews of PPC permits?

Question 13. Do you have any comments, feedback, or evidence on:

Option 2. Farm-specific emissions reduction approach whereby the facilities making the largest contribution to ammonia emissions at a site are required to make the largest reductions?

10. Farm Enterprise Economic Case Studies

Data presented in the Farm Enterprise Case Studies are the most up to date available and are taken from the Statistical Review of Northern Ireland Agriculture 2021⁵⁰ for physical data, and from Farm Business Data 2022⁵¹ for financial data unless otherwise stated. The financial data from the Farm Business Data report relates to the production year beginning January 2022 (unless otherwise stated) and is based on price information available at the time of preparation (Summer 2022).

The Farm Enterprise Case Studies set out the potential gross margin for the establishment of a new separate enterprise using average enterprise size figures. This approach is used to enable relative comparison between distinct sectors on the basis of the average size of enterprise within each sector. Fixed costs are not included in gross margin calculation and include farm running costs e.g. conacre, labour, depreciation, machinery running costs, electricity, repairs, insurance, miscellaneous costs.

Limitations to the approach taken in Farm Enterprise Case Studies

The Case Studies aim to illustrate, in a simplistic manner, the economic impact of the specified enterprises not being established by the farm business due to not obtaining planning permission.

To assess the overall impact of a change to a farm business then either a whole or partial farm budget would be required to assess the overall financial impact of not introducing the new enterprise for the business. These budgets would cover extra income, costs saved, lost income, and extra trading costs.

In comparing a whole or partial farm budget against the Case Studies presented, only the extra income and some of the extra trading costs have been taken account of in the assessments. No consideration has been taken of the extra trading fixed costs; and the lost income and costs saved from the enterprise displaced by setting up the alternative enterprise (i.e., the net margin of the displaced enterprise already using the land, labour capital of the farm). These are the limitations of the Case Studies, and must be borne in mind.

The Case Studies also focus solely on the economic impact for the farmer and do not take account of the broader economic, environmental, and societal impacts of establishing the enterprises illustrated. The environmental economics section sets out further information for consideration in terms of the broader impacts of the enterprises.

A. Dairy Case Study

The average number of dairy cows on NI dairy farms in 2021 was 98. Using the Farm Business Data report gross margin⁵² data the potential gross margin for a 98-cow dairy farm was calculated for different calving patterns at an average level of performance, with associated variation in seasonality of milk production.

⁵⁰ <https://www.daera-ni.gov.uk/publications/statistical-review-ni-agriculture-2007-onward>

⁵¹ <https://www.daera-ni.gov.uk/publications/farm-business-data-2022>

⁵² Gross margin of an enterprise is its enterprise output less its variable costs. It does not include fixed costs.

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At a farm level, not taking into account fixed costs which vary significantly from farm to farm, there is a potential range of gross margin per annum not realised from £103,880 to £125,734 if farms wanting to commence this typical level of dairy production were not able to obtain planning permission to do so. This equates to a gross margin per cow from £1060 to £1283 per annum.

B. Beef Case Study - suckler cows

The average number of beef cows on NI farms in 2021 was 17. Using the Farm Business Data report gross margin data, the potential gross margin for a 17-cow beef farm in this category was calculated across a range of suckler cow production systems with calves sold and not finished for beef.

At a farm level, not taking into account fixed costs, there is a potential range of gross margin not realised from £170 to £1819 for lowland suckler cows and £1411 for hill suckler cows, if farms wishing to commence this typical level of suckler cow production were not able to obtain planning permission to do so. This equates to a gross margin per cow from £10 to £107.

C. Beef Case Study - finishing beef cattle

As data are not available for the average number of animals in a beef finishing unit the data are presented on a per head basis for systems requiring winter housing.

At a farm level, not taking into account fixed costs, there is a potential range of gross margin not realised from -£81 to £235 per head for the range of types of finishing beef cattle systems, if farms wishing to commence this typical level of beef production were not able to obtain planning permission to do so.

D. Poultry Case Study - laying hens

The average flock size for laying hens was 9438 in 2021. Using Farm Business Data report gross margin⁵³ data the potential gross margin was calculated for a 9438-laying hen flock in this category at a typical performance level, for both enriched colony and free range.

For enriched colony laying hens miscellaneous costs are included in the gross margin calculation and include electricity, water, insurance, repairs, maintenance, and sundries. Labour, rent and depreciation are not included in miscellaneous costs⁵³. For free range laying hens, miscellaneous costs are comprised of electricity, water, insurance, repairs, maintenance, litter and sundries. Labour, rent and depreciation are not included in miscellaneous costs.⁵³

At a farm level the potential gross margin not realised at the typical performance level is £32,750 for an average sized enriched colony laying unit and £66,537 for an average sized free range laying unit if farms wanting to commence these types of systems were not able to obtain planning permission to do so. The gross margin per bird was £3.47 for the enriched colony laying unit and £7.05 for the free-range laying unit.

⁵³ <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Farm%20Business%20Data%202022.pdf>

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E. Poultry Case Study - broilers

The average flock size for broilers was 53,693 in 2021. Using the Farm Business Data report margin data, the potential margin was calculated for a 53,693-hen broiler unit in this category at a typical performance level.

For broilers miscellaneous costs are included in the gross margin calculation and include litter, medication, electricity, gas, cleaning and washing, insurance, maintenance, repairs and sundries. Labour, rent and depreciation are not included.

At a farm level, not taking into account fixed costs, the potential margin not realised is £29,090 if a farm wishing to commence this typical level of broiler production were not able to obtain planning permission to do so. The margin per 1000 birds was £541.79.

F. Pig Case Study - a sow unit rearing and finishing pigs

The average number of sows (including gilts) on pig farms in 2021 was 186. Using the Farm Business Data report gross margin data, the potential gross margin was calculated for a 186 sow unit in this category at a typical performance level.

At an enterprise level, not taking into account fixed costs, the potential margin not realised is £91,884 if a farm wishing to commence this typical level of pig production were not able to obtain planning permission to do so. The typical gross margin per sow (including gilts) was £494.

Question 14. Do you have any comments, feedback, or evidence on the Farm Enterprise Case Studies presented?

11. Farm Mitigation Measures Case Studies and Costs

11.1 Farm Case Study Mitigation Modelling

Results of Farm Case Study Modelling examining the impact of implementing a combination of reduction strategies on emissions at individual farm level are available in Annex C of the draft Ammonia Strategy consultation document, available at <https://www.daera-ni.gov.uk/consultations/draft-ammonia-strategy-northern-ireland-consultation> A summary of the results of the Farm Case Study modelling is given below.

A. Dairy Mitigation Measures Case Studies Summary

Mitigations applied were: reduction in Crude Protein (CP) of concentrate feed (18% to 16%); increase in scraping frequency; move from slurry storage under house to outdoor covered storage; move from slurry spreading by splashplate to trailing shoe; Substitute use of straight urea fertiliser with stabilised urea fertiliser; increase Days Grazing from 186 to 200 (Only applicable for the Grazing/Housing Systems modelled).

A minimum of 42% reduction in ammonia emissions was observed in all scenarios. Zero grazing systems produce more ammonia, and mitigation measures resulted in a 57% drop in ammonia emissions. The expected milk yield for fully housed systems is higher, so per litre of milk the modelled zero grazing systems produce around 33% more ammonia emissions than the grazing/housing systems.

B. Beef Mitigation Measures Case Studies Summary

Mitigations applied were: increase in Days Grazing by 14 days; installation of slat mats with scrapers (achieving c. up to 49% reduction); moving to trailing shoe slurry spreading from inverted Splashplate; replacing straight urea application with stabilised urea (except in Less Favoured Area scenario where no fertiliser application modelled). Reductions in total annual ammonia emissions across the scenarios ranged from 34-42%.

C. Pig Mitigation Measures Case Studies Summary

Mitigations applied were: 5% improvement in Feed Conversion Ratio for an 11% reduction in N excretion; manure Storage: outdoor covered stores; slurry spreading via trailing shoe, associated with a 60% reduction in landspreading emissions.

Results showed that the mitigation strategies outlined reduce ammonia emissions for the sow (250 places) and weaner (1125 places) system described from 3.9 tonnes to 2.1 tonnes NH₃ per annum, a 45% reduction. The finishing pig (1500 places) system had a baseline of 8.1 tonnes NH₃ per annum which was reduced to 3.6 and 1.7 tonnes, reductions of 55% and 79% respectively, under the two different mitigation scenarios tested.

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Reduction in N excretion, by both a reduction in dietary CP and Feed Conversion Ratio improvement, are a powerful and cost-effective strategy for reducing NH₃ emissions from the manure management chain. Significant reductions are also achieved by end of line techniques such as slurry spreading by trailing shoe.

A move from under-slat slurry storage to outdoor covered stores achieves proportionally more reductions in the pig sector than in the cattle sector, due to the higher total ammonia nitrogen content of pig slurry, compared with cattle slurry, and the fact that pig slurry does not crust as readily as cattle slurry which often forms a crust and a natural barrier to a proportion of the NH₃ emission from storage.

D. Poultry Mitigation Measures Case Studies Summary

Mitigations applied were: reducing N excretion by 12% by achieving a 5% improvement in the Feed Conversion Ratio; reducing N excretion a further 10%, achieved by reducing crude protein (CP) by 1%; in-house litter drying to increase litter dry matter (DM) associated with a 30% reduction in Emission Factor.

Results showed that the mitigation strategies applied achieved a 24-26% ammonia reduction across all scenarios. A 5% improvement in broiler Feed Conversion Rate, applied across broilers / layers in all scenarios and which would result in a 12% reduction in N excretion, is seen as a realistic prospect within c. 5 years.

Air scrubbers offer significant reduction potential (up to 90% reduction of housing emissions) for both pigs and poultry facilities but were not modelled as these are seen as cost-inhibitive. Scrubbers are most effective in mechanically ventilated accommodation and not as effective in free-range systems.

Unless incorporated rapidly into tilled land it is difficult to reduce emissions from the landspreading of poultry manure, making NH₃ reductions during landspreading on grassland inherently difficult. Other options may include acidification of poultry manure by aluminium sulphate (alum), as used in the USA, which may incur reductions of over 70% from storage and landspreading.

11.2 The Cost of Ammonia Mitigation Measures - Dairy Cattle

A recent AFBI Horizon Scanning Study (unpublished) used the National Ammonia Reduction Strategy Evaluation System (NARSES) model to conduct ammonia emission modelling for a dairy farm with different nutrient management scenarios and technologies. Nitrogen flows were modelled and ammonia emissions estimated from a number of different farm management / nutrient management systems for dairy slurry, to estimate the partitioning of nitrogen through the various fractions / outputs that the systems produce and through the subsequent management and landspreading of these. The cost of the mitigation measures were determined for each of systems per kilogram of ammonia abated. Initial results from the Horizon Scanning Study are shown below for three systems.

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System 1 - The Baseline Scenario.

The baseline scenario used for comparison was a 100 cow dairy herd in a fully confined system.

The modelling assumptions for this baseline were:

1. 110.8 kg N excretion per cow per annum (51% assumed to be Total Ammoniacal Nitrogen).
2. 1993 m³ slurry produced per annum (54.59 kg per cow per day).
3. Fully enclosed system 365 days housed.
4. 50% of slurry stored under house, 50% in outdoor stores (not lagoon).
5. 100% of slurry assumed to be 4 - 6% DM.
6. 100% of slurry spread to grassland.
7. 100% of slurry spread by splashplate.
8. No N fertiliser emissions considered in scenarios.

Table 8 shows the ammonia loss figures for System 1, with a total of 3604 kg NH₃-N lost per year.

Table 8. System 1 - The Baseline Scenario - ammonia losses per year.

	House	Store	Landspreading	Total
NH ₃ Loss (kg-NH ₃ -N)	1919	291	1394	3604

System 2 - The Baseline Scenario plus on-farm mitigations.

The following mitigations were applied to System 1:

1. Reduced crude protein diet (20% reduction in TAN excretion).
2. Increased scraping frequency in house (20% NH₃ reduction in housing emission factor).
3. Covered slurry stores (80% reduction in NH₃ with fixed store cover, only applies to outdoor store, i.e. 50% of slurry).
4. All slurry spread by trailing hose (dribble bar) (30% NH₃ reduction over splashplate).

Table 9 shows the ammonia loss figures for System 2, with the total loss of NH₃-N reduced from 3604 kg/year to 2295 kg per year, which is a 36% reduction (1309 kg reduction).

Table 9. System 2 - The Baseline plus on-farm mitigations - ammonia losses per year.

	House	Store	Landspreading	Total
NH ₃ Loss (kg-NH ₃ -N)	1254	146	895	2295

The modelled costs for System 2 ranged from £2.98 to £4.79 per kg per year for ammonia abated, giving **a total cost range for 100 cows of £3901 to £6269 per year for the 36% reduction**. The range in cost is due to potential economies of scale in larger units.

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System 3 - The Baseline Scenario plus on-farm mitigations and in-house acidification.

The following additional mitigation measures were applied to System 2:

1. In-house slurry acidification system with an outdoor store where slurry pH is monitored and acid added to regulate to a target pH (5.5 - 6). Slurry is pumped from store through the under house tank and circulates back to the store (50% reduction in housing NH₃ emission factor assumed).
2. Covered slurry store (95% reduction in NH₃ with fixed store cover on acidified slurry assumed).
3. Acidified slurry spread by trailing hose (dribble bar) (60% NH₃ reduction over splashplate assumed).

Table 10 shows the ammonia loss figures for System 3, with the total loss of NH₃-N reduced from 3604 kg/year in System 1 to 979 kg per year, a 73% reduction (2625 kg reduction).

Table 10. System 2 - The Baseline plus on-farm mitigations - ammonia losses per year.

	House	Store	Landspreading	Total
NH ₃ Loss (kg-NH ₃ -N)	470	89	420	979

The modelled costs for System 3 ranged from £4.58 to £8.32 per kg per year of ammonia abated, giving **a total cost range for 100 cows of £12,023 to £21,840 per year for the 73% reduction**. The range in the cost is due to potential economies of scale in larger units.

11.3 The Cost of Ammonia Mitigation Measures - Pigs and Poultry

Air scrubber in pig housing - The total cost of an air scrubber system in pig housing, for a system which exhausts air through one point, to be 'washed' with acidified water then forced through a biological filter, is estimated at £250,000 to £300,000 (depending on the size of the unit), with running costs of the system estimated at £2 to £3 per pig per year (CAFRE).

Slurry acidification in pig housing - the cost will depend on the type of acidification system used (in house or in field, and whether it is a new build or is retro-fitted into an existing house).

Air scrubber in broiler housing - The cost of air scrubbers for broiler houses is estimated to be approximately £150,000 per house with a 20% increase in running costs (DAERA).

Question 15. Do you have any comments, feedback, or additional evidence on the Farm Mitigation Measures Case Studies and Costs presented?

12. Environmental Economics

12.1 Cost of restoration of habitats

Habitat restoration costs are provided for peatland restoration as they are more readily available than for other habitats at present. The mean estimate of restoration cost per hectare for peatland was £1712 (median £1026) in a March 2022 update based on the Peatland Action Programme in Scotland⁵⁴.

DAERA's current figures for peatland restoration anticipate an average cost of between £1000 to £2000 per ha but the potential range of cost is wide due to site-specific variations in the range and type of work needing to be completed.

A further cost to be taken into consideration is the additional costs to landowners arising if stocking rates are reduced or farming activities are required to change on areas of peatland restoration.

Habitat restoration measures will not be effective if levels of ammonia continue to be exceeded at sites requiring restoration. Other cross-cutting DAERA strategies in this area include the Peatland Strategy and Biodiversity Strategy.

12.2 Use of a damage costs approach

A number of methods are currently available in the UK for air quality appraisal⁵⁵. These include: the impact pathways approach (IPA); the damage costs approach (a set of monetary impact values per tonne of emission); and an activity costs approach (monetary value per kWh energy used).

The IPA is the best practice approach to valuing changes in air quality, using atmospheric modelling to estimate the impact of changes in the ambient concentrations of air pollutants for a range of outcomes. Completion of a full IPA is resource and time intensive, requiring estimates of emissions, dispersion, population exposure, and outcomes.

The Department for Environment, Food and Rural Affairs (Defra) have developed 'damage costs' to enable proportionate analysis when assessing relatively small impacts on air quality.

Damage costs are a set of impact values, measured per tonne of emission by pollutant, which are derived using the more detailed IPA. These values estimate the societal costs associated with small changes in pollutant emissions. They can be combined with emission change forecasts to provide an approximate valuation of the aggregate impacts of a policy. The IPA 2023 damage cost value (central estimate, 2022 prices) for ammonia is £9,667 per tonne.

⁵⁴ https://sefari.scot/sites/default/files/documents/Peat%20Cost%20Report%202022_Glenk%20et%20al.pdf

⁵⁵ <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>

12.3 Cost-benefit analysis of agricultural ammonia emission abatement options for compliance with air quality regulations

A 2019 paper (Giannakis et al, 2019⁵⁶) in the Environmental Sciences Europe Journal using cost-benefit analysis of ammonia emission abatement options indicated that the costs of compliance by the agricultural sector with the commitments of the European air quality regulations were “much lower” than the economic benefit. The study’s conclusion was that “monetisation of the health benefits of NH₃ emission abatement policies and the assessment of the implementation costs can help policy makers devise effective air pollution control programmes.”

Question 16. Do you have any comments, feedback, or additional evidence on the environmental economics information presented?

Question 17. Final Question - Do you have any other comments, feedback, or additional evidence on the information presented in this Call for Evidence?

⁵⁶ <https://enveurope.springeropen.com/articles/10.1186/s12302-019-0275-0>

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Annex A

Table 11 - Comparison of air quality assessment guidance in UK and Ireland.

(The table has been populated using published guidance documents and discussions with the relevant bodies. Please note, the application of these approaches may vary in practice. Several of the approaches are currently under review.)

	Applicable Sites	Zone of Influence for Designated Sites	Screening Threshold for proposal alone (% of CLe/CL)	In-combination Assessment and Plans/Projects Included	In-combination Threshold (% of CLe/CL)	Distance from Designated Site in which Detailed Modelling Automatically Required
NI (DAERA) Current Operational Protocol (est.2012, Standing Advice 2017).	All designated sites (SACs, SPAs, Ramsar sites, ASSIs).	7.5 km	1%	Includes other sources of 1% or above the background post Jan 2012.	10%	-
Scotland (SEPA, 2018).	All designated sites (SACs, SPAs, Ramsar sites, SSSIs).	10 km	4% using screening tool. >4% alone detailed assessment required	Includes other intensive agricultural sources.	20% (using screening tool). >20% IC detailed assessment required.	-
Scotland (Nature Scot).	All designated sites.	10 km	<4% using screening tool. <1% with detailed modelling and PEC<CLe/CL.	All other sources not within the existing background levels.	No IC threshold. Applying a case specific approach considering the current background levels.	-
England (Environment Agency, 2018).	SACs, SPAs, Ramsar sites.	5 km	4% using screening tool.	Includes other intensive agricultural sources.	20% using screening tool. >20% - no set criteria. Applying a case specific approach, based on whether there is headroom.	250m
	SSSIs.	5 km	20% using screening tool.	Includes other intensive agricultural sources.	50% using screening tool. >50% - no set criteria. Applying a case specific approach.	250m

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	Applicable Sites	Zone of Influence for Designated Sites	Screening Threshold for proposal alone (% of CLe/CL)	In-combination Assessment and Plans/Projects Included	In-combination Threshold (% of CLe/CL)	Distance from Designated Site in which Detailed Modelling Automatically Required
England (Natural England).	SACs, SPAs, Ramsar sites.	Up to 15 km depending on nature of development.	Typically applying 1% for all sources - but 1% is applied in-combination if project alone generates <1%.	All other sources.	No IC threshold. Typically applying a case specific approach.	-
Wales (NRW, 2018).	All designated sites (SACs, SPAs, Ramsar sites, SSSIs).	Different Zol for different proposals.	1%	All other sources.	If PC + Other Sources is above 1% of the CLe/CL, the PEC is taken into consideration. If PEC exceeds CLe/CL control measures considered to reduce emissions. If no control measures, refusal. If PC + Other Sources below 1%, screened out.	SCAIL can only be used where a development is >250m from a site.
ROI (EPA, 2023).	SACs, SPAs.	0.5 km or 10 km for 3 sites; Slieve Beagh SPA, Kilroosky Lough Cluster SAC & Lough Oughter SAC & SPA.	PC of $\leq 0.3\text{kgN/ha/yr}$ (does not apply for proposals within 10km of the 3 sites listed to the left). $\leq 4\%$ of CLe and $\leq 5\%$ of CL (screening); $\leq 1\%$ of CLe/CL (detailed assessment).	All below threshold installations within 5 km of European Site; all licensed installations within 10 km of European Site; all installations (EPA licensed and unlicensed) within 10 km of 3 sensitive sites.	20%	500m

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Information Sources for Annex A Table 10

1. Northern Ireland

NIEA Standing Advice Note 19. Livestock Installations and Ammonia (June 2017): [standing advice 19 - livestock installations and ammonia - final - june 2017.pdf](#) (daera-ni.gov.uk) and *Supplementary Note* (updated Feb 2021): [PRT - Supplementary Note to Standing Advice on Livestock Installations and Ammonia - Feb 2021.DOCX](#)

2. Scotland

SEPA IED-NCP-P-02 *Guidance on the Assessment of Ammonia Emissions from PPC Intensive Agricultural Installations on Designated Conservation Sites* (Sept 2018): [Guidance on the assessment of ammonia emissions from PPC intensive agricultural installations](#) (sepa.org.uk)

Scottish Natural Heritage (now NatureScot) *Considering air pollution impacts in development management casework* (April 2017): <https://www.nature.scot/sites/default/files/2018-08/Guidance%20-%20Considering%20air%20pollution%20impacts%20in%20development%20management%20casework.pdf>

3. England

DEFRA & EA *Intensive farming risk assessment for your environmental permit* (updated May 2018): [Intensive farming risk assessment for your environmental permit - GOV.UK](#) (www.gov.uk)

Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001 - Published, 2018): <https://publications.naturalengland.org.uk/publication/4720542048845824>

4. Wales

NRW Guidance Note 20: *Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units. Technical guidance for determining environmental permit application or responding to planning application consultations* (Published Oct 2017, reviewed Dec 2018): [NRW Guidance Note 20](#)

5. Ireland

EPA *Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 sites from Intensive Agriculture Installations* (March 2023): [Assessment-of-Impact-of--Ammonia-and-Nitrogen-on-Natura-sites-from-Intensive-Agriculture-Installations-2023.pdf](#) (epa.ie)

Freedom of Information (FoI), Confidentiality of Responses and Sharing of Information

DAERA are unable to reply individually to the points you may raise as part of your reply. Your response, and all other responses to the consultation, may be disclosed on request. 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 consultations and this will provide you with guidance on the legal position about any information submitted by you in response to this consultation.

Section 8(e) of the Data Protection Act 2018 permits processing of personal data when necessary for an activity that supports or promotes democratic engagement. Information provided by respondents to this stakeholder engagement exercise will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation. For more information and to view the DAERA Privacy Statement please go to: <https://www.daera-ni.gov.uk/publications/daera-privacy-statement-document>

The FOI Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential, information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential. If you do not wish information about your identity to be made public, please include an explanation in your response including any harm you believe such a disclosure might cause.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the FOI Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- The Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature, acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office or visit the ICO Website.

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Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 1 August 2023 in Council Offices, Circular Road, Dungannon and by virtual means

Members Present

Councillor S McPeake, Chair

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

Officers in Attendance

Dr Boomer, Service Director of Planning (SD: PI)
Ms Donnelly, Council Solicitor
Mr Marrion, Senior Planning Officer (SPO)
Mr McClean, Senior Planning Officer (SPO)**
Ms McCullagh, Senior Planning Officer (SPO)**
Ms McKinless, Senior Planning Officer (SPO)
Mr O'Hagan, Head of ICT
Mrs Grogan, Committee and Member Services Officer

Others in Attendance

LA09/2019/0179/F	Chris Cassidy***
LA09/2019/0179/F	Martin Grainger***
LA09/2022/0314/F	Carol Gourley
LA09/2022/0194/F	Tracey Kelly***
LA09/2022/0314/F	Maeve Conway***
LA09/2022/0624/F	Frankie Mc Grath***
LA09/2022/0624/F	Declan Diamond***
LA09/2022/0624/F	Lisa Shannon***
LA09/2022/1106/F	Carol Gourley
LA09/2022/1419/O	Karson Tong***
LA09/2022/0624/F	Gordon Noble, Dfl***

* 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 7.00 pm.

P079/23 Notice of Recording

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

P080/23 Apologies

Councillor Martin

Ms Doyle, Head of Local Planning (HLP)

P081/23 Declarations of Interest

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

P082/23 Chair's Business

Dr Boomer, Service Director of Planning (SD: PI) wished to draw members attention to performance and advised that last year was very difficult due to a large backlog of applications due to Covid and the added difficulty of implementing the new IT system. Even though this was the year that our performance was poorest and not at the level we wished to achieve, it was still around the level where other authorities were hitting which was around 20-21 weeks per application. Clearly there is a huge push at the moment as a result of the Audit Office investigation looking into planning in trying to improve performance and with a lot of things, the best way to do this is to start at home. He said that although these were not the official figures, he was pleased to see that from a ropey start in April, where on average it was taking 19 weeks to determine an application, that figure is now down to an average of 13 weeks in May and June 14.8 weeks, with our target being 15 weeks. He stated that it was getting back to the levels in which we should be at and although we may wish to be the top authority which is prepared to spend extra time addressing concerns on an application, it is good to be in the top 3 or 4 or certainly the top half in relation to processing times.

The SD: PI said that from what he could see, which was more promising than last month, we issued about 50% more applications which were received which meant that the total number is going down. This is tricky at the moment as summer time is when staff and consultees go on holidays, but if we can keep up this that level of performance, he hoped by Christmas that the backlog would be cleared and we would be back to our usual performing ways.

The SD: PI said that it was worth noting that this was not just for local applications and quite good to see this year receiving 3 major applications and got out 7 decisions on the largest ones. In terms of enforcement, we have also been hitting our targets as we had a huge backlog of enforcement cases due to Covid as it was difficult to investigate and go to places, but we are starting to get through twice as many cases, than ones which were being opened. The SD: PI said that he was hopeful that staff will continue to keep this up and anticipated being back fighting fit by the end of this year.

The SD: PI referred to agenda for determination and sought approval to have the following applications withdrawn and deferred from tonight's meeting schedule for an office meeting –

LA09/2023/0025/F – Retention of agricultural shed to store machinery adjacent to 26A Brookmount Road, Ballinderry Bridge, Cookstown for Francis Rocks

LA09/2023/0170/O – Site for new replacement dwelling to the rear of and approx. 30m E of 87 Kinrush Road, Cookstown for Maurice McKenna

Resolved That the planning applications listed above be deferred for office meetings.

The SD: PI referred to Agenda Item 6.3 – LA09/2022/0194/F – 2 Agricultural sheds for machinery and feed storage, including photo voltaic panels on southern facing roofs at approx. 40m SW of 14 Bancran Road, Draperstown for Mr D Hegarty – he advised that an objector had requested a deferral and in the past he does not normally recommend a deferral from the objector but rather that they be given the opportunity to present their views to the Planning Committee as they are the decision makers. The SD: PI said that this would be something he would be recommending this evening.

Matters for Decision

P083/23 Planning Applications for Determination

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

LA09/2022/0528/RM Dwelling & garage at 20m S of No. 2 Kinturk Road, Moortown for Colm Hagan

Members considered previously circulated report on planning application LA09/2022/0528/RM which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/0528/RM be approved subject to conditions as per the officer's report.

LA09/2022/1400/O Housing Development at lands opposite 56 Castlecaulfield Road, Donaghmore for Trustees of Donaghmore Parish

Members considered previously circulated report on planning application LA09/2022/1400/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2022/1400/O be approved subject to conditions as per the officer's report.

LA09/2022/1470/F Compost manufacturing facility unit at 10A Ferry Road, Coalisland for Evergreen Horticulture

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2022/1470/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Kerr

To accept the recommendation for approval.

Councillor Cuthbertson advised that he had received correspondence from an objector last week regarding this application. The member had replied back to him to make him aware that he could request speaking rights by 12 noon on Friday. The objector came back to say that this was not suitable, the member then advised the objector to send the information directly to the SD: PI as he had a number of objections and enquired if the SD: PI had received the correspondence.

The SD: PI advised that he was not aware of receiving any correspondence relating to this application.

Mr Marrion (SPO) advised that the application was before the committee because there were objections received on it.

The Chair enquired if Mr Marrion (SPO) was content that the objections received to date have been fully considered.

Mr Marrion (SPO) said that nothing had been received recently and nothing new from 22 June 2023.

The SD: PI said it was important to consider what was being said and felt that the member was not breaking any rules by reading out the email.

The member advised that he would email a copy of the letter so the SD: PI could read it.

The SD: PI asked that this matter be deferred to later in the meeting until he had an opportunity to read the email.

The committee returned to the discussion at 9.11 pm.

The SD: PI advised that the key area of dispute was in relation to Roads Service and they have responded by saying they feel that it's acceptable. The objector felt that it was incorrect as they had to endure the Ferry Road being blocked on a continuous basis and people taking risks having to pass rows of lorries to get past in an area where they were parked illegally on the main road. The SD: PI advised that the objectors feel that this road is not capable for the use it's getting due to the recent matter of sink holes a little further up. The objectors are requesting that the issue of transport is brought up and request that it be investigated further and that an independent transport assessment is completed. The SD: PI stated that he did not have a strong view on this but would say that Roads Service is providing us with a professional assessment and not working on behalf of the developer or objector.

In response to a query, Mr Marrion (SPO) advised that nothing new has been raised as vehicle movements have already been addressed within the report.

Proposed by Councillor Mallaghan
Seconded by Councillor McConnell and

Resolved That planning application LA09/2022/1470/F be approved subject to conditions as per the officer's report.

LA09/2022/1475/F **The application forms part of the overall Clogher Active Travel scheme being developed by MUDC & DFI. The scheme will link existing footpaths on the Station Road and the Ballymagowan Road to create a link around the area. This application contains the formalisation of 2 existing entrances along this section being changed into vehicle entrances as part of the works. D01 & DO1A – Change of an existing pedestrian entrance into a vehicle entrance D02 & D02A – Change of an existing field entrance gate into vehicle & commercial vehicle entrance for HGV's/timber lorries to access the existing timber yard business at 2 Properties Entrance Formalisations – One at 47 Station Road, Clogher and the other at 57A Station Road for Mid Ulster District Council**

All members present declared an interest in the above application as related to Mid Ulster District Council.

Members considered previously circulated report on planning application LA09/2022/1475/F which had a recommendation for approval.

The Service Director of Planning (SD: PI) said that it had been brought to his attention that landscaping should be included as a condition and asked the SPO to update members present on that condition.

Mr Marrion (SPO) advised that this was in relation to the landscaping which was to be provided. He stated that existing landscaping was to be removed to provide a footpath and new landscaping being proposed which was detailed on one of the landscape drawings with the application. The condition is that the landscaping be provided in accordance with the details on the approved drawing within vertical planting season following commencement hereby approved.

Proposed by Councillor McConnell
Seconded by Councillor Robinson and

Resolved That planning application LA09/2022/1475/F be approved with subject to conditions as per the officer's report including landscaping.

LA09/2023/0025/F Retention of agricultural shed to store machinery adjacent to 26A Brookmount Road, Ballinderry Bridge, Cookstown for Francis Rocks

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

LA09/2023/0066/RM Two storey dwelling & detached garage at 70m SE of 43 Fallylea Lane, Maghera for Mr Michael & Leanne Warnock & McCrystal

Members considered previously circulated report on planning application LA09/2023/0066/RM which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0066/RM be approved subject to conditions as per the officer's report.

LA09/2023/0087/O Dwelling and detached domestic garage at site approx. 50m E of 90 Screeby Road, Fivemiletown for Mr Ian & Gillian Browne

Proposed by Councillor Robinson
Seconded by Councillor McConnell and

Resolved That planning application LA09/2023/0087/O be approved subject to conditions as per the officer's report.

LA09/2023/0170/O Site for new replacement dwelling to the rear of and approx. 30m E of 87 Kinrush Road, Cookstown for Maurice McKenna

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

LA09/2019/0179/F To continue 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 (Clarification of Operations to be carried out before and after 7am) at lands 70m S of 177 Annagher Road, Coalisland for Dmac Engineering

Mr Marrion (SPO) presented a report on planning application LA09/2019/0179/F advising that it was recommended for refusal. The SPO referred members to previously circulated addendum regarding correspondence related to DMAC Engineering.

The Service Director of Planning (SD: PI) advised that this was quite a tricky and unusual issue as he had been listening very carefully to what was being said. He

referred to Environmental Health investigations which occurred last year and the notion of allowing this unvetted would be very foolish as it was not really a debate on whether we encourage economic activity verses neighbouring amenity, what the debate is about is whether one can mitigate against the adverse effects on neighbours in order to allow the activity.

The SD: PI said that he was highly conscious that Mr Cassidy and Mr Grainger had requested to address the committee, but they had already used their Request to Speak on previous occasions but could very much guess what they would be saying. In addressing the two agents, the SD: PI referred back to the last time discussion took place on this application, it was deferred because he wished to explore in greater depth on whether a condition could be used similar to that used for Creagh Concrete which has not resulted in further problems as far as he was aware since mitigation. The sort of condition talked about would be something to the effect that if this was being allowed, replacing the condition would be made to say that between 6am - 8am the activity at the site shall be restricted to cleaning and prepping of machines and that no loading, unloading or operating of machinery take place either at the building or onsite, over this period workshop doors remain closed apart from allowing pedestrian access.

The SD: PI enquired if this would be a condition in which Mr Cassidy would be agreeable to.

Mr Cassidy advised that this was pretty much the condition he had suggested but the only change would be from 6am – 7am, not 6am – 8am. In response to a query Mr Cassidy advised that 7am is stated on the condition at the moment which he was very happy with.

Mr Marrion (SPO) read out condition no. 12 which is on the permission at the moment:

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 14:00 hrs on Saturdays nor at any time on a Sunday.

Mr Cassidy stated that the factory does not open Saturday at all or a Friday.

The SD: PI said that he was highly conscious that members would try and find a way forward but was also highly conscious that Environmental Health have come back with their concerns in recognition of the level of objections. He said that he was not convinced that Environmental Health have considered the use of that condition and asked members to refer this back so Officers can pose this question directly to Environmental Health and ask them if they feel that this condition is unacceptable then to provide us with the empirical evidence on that.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani and

Resolved That planning application LA09/2019/0179/F be deferred for further consideration. Consultation with Environmental Health to take place on proposed condition.

LA09/2021/1083/F Two storey with lower ground floor replacement dwelling and associated courtyard domestic garages and outbuildings at 9 Mackenny Road, Cookstown for Mrs Wilma Brownlee

Members considered previously circulated report on planning application LA09/2021/1083/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1083/F be approved subject to conditions as per the officer's report.

LA09/2022/0194/F 2 Agricultural sheds for machinery and feed storage, including photo voltaic panels on southern facing roofs at approx. 40m SW of 14 Bancran Road, Draperstown for Mr D Hegarty

Ms McKinless (SPO) presented previously circulated report on planning application LA09/2022/0194/F which had a recommendation for approval.

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

Councillor Mallaghan left the meeting at 7.31 pm and returned at 7.34 pm.

Ms Kelly thanked the committee for allowing her the opportunity to voice her concerns on behalf of her family regarding this proposal. She advised that her family have lived at their house for over 40 years and are used to normal farming activities with many farmers living with their sheds and garages close to them and if this proposal goes ahead, they will have to live with ongoing third-party farming activities on their doorstep. She advised that they did not want to stand in the way of progress but why does this proposal have to be located so close to her family home when clearly there are other lands available further away from her home. Ms Kelly advised that Environmental Health are limited in their response as they can only comment on the proposal in front of them, but it was clear to see from their response that they are in agreement as they actually say "*given the proximity of this proposal there is a potential for residential amenity to be adversely impacted due to the activities associated with the business, in light of this Environmental Health department recommends in order to retain quality residential amenity and not place restrictions on farming activity, that a suitable separation distance is provided. It's difficult to be restrictive in the distance applied in this department's view, a minimum separation distance of 75m should be applied*". Ms Kelly wished to stress to members that they are using the words "residential amenity" to be adversely impacted due to activities associated with the business and due to the potential for odour and noise pollution, Environmental Health cannot support this application given the current separation

distance. Ms Kelly said that these are the experts in their field and does not think that they would make these comments lightly. A lot of this has been made a suggestion about applying the conditions, the proposed will be used for machinery and field crop storage purposes only and shall be no storage of slurry, manure, silage within the curtilage of the proposed development somehow makes the proposal acceptable and asked how this could be when it is located 30m from her family home. She stated that farming was a 24/7 activity and weather dependent it goes into the night and indeed throughout the night and this could result in third-party activities going on all hours and just have to find this acceptable as Planning has deemed to approve this proposal. She asked how this could be right when there are other proportions of land available to the applicant to situate these sheds and yard. Ms Kelly said that this proposal no matter where located was going to create noise and nuisance but as a family they are asking why it has to be located so close to their family home when this farm has nothing to do with them and in fact it was closer to their family home than to the applicant's and asked how this could be justified. The case officer mentioned double skin insulated panels being used on the shed to help absorb any sound, Ms Kelly advised that no evidence has been found to show how much sound it would absorb and this may be beneficial for the shed located at the recommended 75m away, but the shed that is 30m away from their family home it won't, also this cannot be the fact for the proposed yard, you cannot put double insulated panels on it. The proposed drawing is showing the yard to be only 50m away from the family home when the recommended 75m from Environmental Health. Ms Kelly also noted that within the case officer's report the applicant intends to store crops namely barley, wheat, oats and willows and it was her opinion that once these crops be brought into harvest the need to reduce the moisture content is carried out by mechanical means and enquired if this required the need for a blower and extract system to be installed resulting in noise and nuisance and enquired if this had been clarified with the applicant.

In conclusion, Ms Kelly said that she would appreciate if the committee would take into consideration the affect this proposal will have on her family life and also Environmental Health's comments as they are the experts and do not support this proposal. She cannot see how putting these suggested minimal conditions on this application will make any difference. Ms Kelly said that she would appreciate if the committee would take time to consider all her points regarding the detrimental impact this would have on her family life and felt that an office meeting would have been beneficial to set out their concerns on this proposal and would still be open to this option or even a site visit.

The Service Director of Planning (SD: PI) felt that the objector had put across her view very eloquently and when he looked at the existing farm holding and the fact that there was a laneway going down the road, it does pose the question, why not put those buildings behind the group of existing buildings and existing house. The SD: PI did have some sympathy with what's being said but equally that whilst a condition can be attached to it, it's always hard to regulate what's going on and whether it would be nuisance or not. The SD: PI felt that the best thing that could occur is that something could be accommodated in such a way that this could be used for a range of farming activities as needs arrive. However, he also understood i.e. the farmer needs the building for tractors and had argument that although he only

owned 50 acres or something similar, that he had a lot of farm equipment and needed the buildings to store it.

The SD: PI said that rather than an office meeting, and whilst he wouldn't suggest this normally straight away, he wouldn't see any harm in members having a look to see if they were content with the position as shown or possibly deciding it may be better in a different position. He felt that due to the arguments it may be beneficial for Ms Doyle, Head of Local Planning (HLP) to also have a look at it.

The Chair felt that this would be a useful proposal and although the recent drawing was helpful, felt that nothing beats being out on site.

Councillor McFlynn sought legal advice on where the Council stands on this as the recommendation states that the agricultural sheds should not be closer than 75m and enquired if this was the case here where it was too close.

The SD: PI stated that the 75m was a general rule of thumb, rather than a regulation as it normally felt that a normal agricultural building if 75m away should be ok as there would be enough to disperse the smells, but obviously if talking about something more intensive, a much bigger distance may be required. Environmental Health has provided 2 approaches to this, on one hand they are saying it should be 75m, but if it was just farm machinery that would be ok. He advised that the SPO was out and looked at the site and it was her opinion that the land levels with those conditions were ok and he trusted her view. The SD: PI said that in his own mind there should be a conclusion to keep everyone happy here and best way in his opinion would be for members to go and have a look for themselves and make that informed decision.

Councillor Black said that he had listened intently to what the objector had said about not being against the application in principle and felt that it was important for members to have a look at this proposal and make a final decision.

Proposed by Councillor S McPeake
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2022/0194/F be deferred for a members' site visit.

LA09/2022/0314/F Retention of 2 additional fun farm buildings with the reconfiguration of parking and turning areas (approved LA09/2017/1704/F) and the utilisation of the existing access lane, with improvements to the existing access, to serve the business (lane approved under LA09/2017/1704/F not to be built) at 250m NE of 260 Drum Road, Cookstown for Martin McDonald

Councillor Mallaghan declared an interest in the above application.

Councillor Clarke declared an interest in the above application.

Ms McKinless (SPO) presented previously circulated report for planning application LA09/2022/0314/F which had a recommendation for approval. She referred to previously circulated addendum which included correspondence from Mr Keith Buchanan MLA.

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

Ms Conway advised the committee she was representing her family which has used this lane to access their farmlands for over 30 years. As stated within the planning report, the laneway which is a single track also provides access to a former sand and gravel pit which appears to be redundant in addition to third party farmlands, there are no passing bays on the laneway and this is bounded by mature trees to the southeast on a standing mature woodland former landfill site to the northwest. Currently the sand and gravel pit is active with lorries transporting products and farmlands heavy machinery with no passing bays on the laneway. Within the report it states that there is an expectation that the quarry and the fun-farm liaise to ensure satisfactory arrangements are in place, how can this committee satisfy itself that the expectation between the quarry operator and fun-farm operator liaise to ensure satisfactory arrangements are in place. Safety is not an expectation; it is a requirement as there is no physical room for this traffic to meet above the possible 20m section if at all provided as it was a single-track lane. Environmental Health report focused on access to the quarry by visitors etc and not traffic on the laneway. As stated within the report the access works which were required under LA09/2017/1704/F included the widening of the first 20m to a width of 8m as per condition has not been provided. Ms Conway enquired if this Council was content that this amount of traffic, agricultural, industrial and pleasure which all share this laneway including visitor attraction entering and existing onto a shared site one track laneway. The DfI report clearly and rightly indicates they are concerned to, from the laneway onto the public road, but the laneway is causing serious access issues to their lands and businesses, DfI will have limited concerns over private laneway safety that will lay with this committee. It is concerning that a safe access route to this visitor attraction:

- a) not built under LA09/2017/1704/F with no enforcement carried out
- b) that this application in part is to remove that degree of safety to this site

Ms Conway stated as the enforcing authority as both planning and visitor attractions both Environmental Health and this committee will share the responsibility if this decision is made and can they satisfy themselves that the applicant has a legal right of way up the lane in question, never mind alter the lane and under whose ownership. She suggested that the committee visit the site and satisfy themselves that there are no issues concerning safety that will come back on this committee.

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

Ms Gourley advised that as previously stated by the SPO McDonald's fun-farm has been approved, established and operated for a few years and bringing much needed

tourism to the Mid Ulster area. Admittedly, the negative condition of the 2017 approval for access improvements were not carried out prior to operations beginning but following receipt of enforcement notice last summer, these works have now been completed to the satisfaction to both the Enforcement team and DfI Roads. In terms of who actually owns the lane which was critical, Ms Gourley advised that at the centre of this dispute Mid Ulster Council has been supplied with maps showing that the lane was jointly owned by Mid Ulster Council and Dan McDonald (applicant's father) neither of the objectors own any part of the lane, Dan McDonald bought this farm ground in 1970's and actively farmed it since, his son Martin started the fun-farm business as a farm diversification project. Note, owners of the quarry to the rear of the fun-farm site have only a right-of-way along the lane, no other party is permitted to use the lane, agricultural traffic should not be on the lane. The farmlands that the farmer accesses were bought without access being in place 10 years ago and not 30 years ago and had asked the applicant for confirmation of this. The applicant Mr McDonald alleges that the quarry no longer benefits from planning permission and this matter has been raised with Mid Ulster Council's Enforcement team and was his belief that excavation taking place is doing so outside the approved boundary and is digging down 20m more than what was previously approved. The late objection which arrived this morning from Mr Keith Buchanan MLA raises concerns with regards to safety along the lane with heavy traffic from the quarry for visiting traffic to the fun-farm, if the quarry is unauthorised, then lorries should not be on the lane. Ms Gourley felt that Planning should not concern themselves regarding land titles, nor protect the interest of one landowner against the other, this is clearly a civil, personal dispute between two neighbouring landowners, a civil matter to be resolved by legal advisors, it does not fall under the remit of Planning nor Mid Ulster Planning Committee. Deferring this application again for a site visit is negatory as a site visit would be entirely pointless as people were unlikely to be onsite at the exact time when the fun-farm is open, people visiting and quarry traffic coming up and down the lane. DfI are the accompanying authority, and they have no issues of safety and delaying it tonight will only drag this case out for another few months with no sign of agreement being reached between parties. Ms Gourley advised that the application meets policy, full consideration has been given to the relevant matters and urged members tonight to agree to this approval and let a decision be issued to allow this fun-farm to bring welcome tourism to the Mid Ulster area.

The Service Director of Planning (SD: PI) enquired why the applicant did not build the access the way it was originally approved.

Ms Gourley said that first and foremost it was a financial issue and for anyone visiting the fun-farm, including herself and her children, the applicant doesn't ask for an entry fee, it's a small-scale business and nothing like the large fun-farm businesses you see across Northern Ireland and the only profit the applicant makes is selling ice-cream to the kids. The expense of creating a new laneway and also the fact they part own the lane, is within his right to use the lane.

The SD: PI said that whilst listening to the objector, the notion of passing bays was presented and to provide a couple of those could be done quite easily by throwing down a few stones and asked if there was anything to prevent the applicant from doing this.

Ms Gourley stated that she had forwarded on photographs today to the SPO showing a large grass verge along the laneway where a car can pull in and park easily if a lorry was emerging from the quarry and this could be indicated on the drawings.

The SD: PI felt that this would be a very good idea. He said that he had listened to the objector and ultimately this had been raised by her and asked why this has not been done. The SD: PI said if this could be accommodated that this would make sense for everyone concerned as it was evident that clearly there was a dispute taking place between the parties and he did not intend standing in the middle on whether to take enforcement action against this person or that person and the only thing that he does know is that it won't work well for anybody. He said the best thing to do here is to try and accommodate everyone including the Council as we are interested in everybody's safety.

The SD: PI requested that there be revised drawings showing passing bays and these only need hardcore or gravel.

Ms Gourley said that the request could be accommodated and asked would it be possible not to delay a decision being reached tonight.

The SD: PI said that in his opinion that nothing would be lost in delaying the decision as it wasn't a case of an enforcement notice being used in preventing the fun-farm from operating and was a logical way of resolving the matter.

The Chair advised if this was as straight forward as the SD: PI alluded to, drawings being provided to the Officers that clearly shows the implementation of passing bays, created and constructed within the width of the lane both sides and if that satisfies the Officers then an approval could be issued.

Councillor Black advised that he had listened intently to what all parties has said and in his own head has tried to sort the wheat from the chaff so to speak, there has been a lot of comments made and would agree some of those are civil issues and obviously isn't something that we need to take on board from a Planning perspective. However, he felt there were a couple of things that needs to be looked at here, reference made to no safety concerns relating to Dfl and there has 20m provided here, but obviously lane would be much further up to get the vehicles to their destination. There was a comment made that Council are the body responsible for visitor attractions and does put an onus on us as a committee to make sure there are no other things that we need to be concerned with. The member felt that the SD: PI made a reasonable suggestion in relation to passing bays which might alleviate some of these problems but felt that it would be valuable for us as a committee to look at this in person to make sure that a solution put forward for passing bays does resolve the issue. The member felt that this would provide members with an opportunity to satisfy ourselves as a committee that there was nothing else we needed to be taking on board here due to the safety concerns which have been raised which might come back and cause concerns at a later date. The member felt that it would be important to look at this in conjunction with the revised plan provided and proposed that a members' site visit be arranged to give us time to do that.

The Chair said that whilst he appreciated what the member had stated, he also was listening attentively to Ms Gourley in support of the application, and she convinced him that being onsite wasn't actually going to benefit us much as it was an civil matter regarding the ownership of the laneway and reiterated his suggestion if the drawing could be provided and satisfy the planning officers that passing bays can be accommodated within the lane, then this was sufficient for him for an approval and doesn't have to come back to committee for decision.

Councillor Mallaghan said that he had already declared an interest in the application and wished to explain to the committee why. He advised that he had met all parties within this dispute in a roll to try and bring it to some sort of conclusion. He said that there was no doubt that a fun-farm in Kildress would be a great thing and has over this last number of years built up a good bit of tourism infrastructure in the Kildress area with Davagh and everything else and the more attractions we bring in the better which means people can stay longer and do more. The member advised that there were also other people trying to work on this lane and make a living like everyone else and the issue here is that if the lane was no longer blocked in the future, all these objections would fall away immediately, and this was really the issue here. He felt it was time to draw a line in the sand and if McDonalds would agree to let other people use the laneway, he felt that all these objections could be withdrawn, and everyone could move on and live happily ever after. He said that his Grandfather used to have a saying "*you will have your neighbours when you won't have your friends*" and this would be a big advantage here if everyone could work on their relationship a bit better to try and work with each other, work together, look out for each other, do business together to try and move this forward. The longer this goes on for all parties, the more expensive and difficult it is going to get and everyone should give good consideration at this stage to burying the hatchet to resolve the matter.

Councillor Cuthbertson seconded Councillor Black's proposal.

Councillor Cuthbertson referred to the laneway where it was said that Mid Ulster District Council had a role in this and enquired if the applicant had to consult with the other owner in relation to altering or widening the lane, constructing bays or would there be a role for Mid Ulster Council to be consulted on.

The SD: PI said that he would take the view as this was private and and we have a request to declare it as a public public right-of-way, but it is private land therefore any dispute on the access is a private matter between the parties concerned. In relation to the issue of safety, we know from Roads Service they adopt a cautious approach to a protected route and thus they have not considered lightly. Roads Service would only be concerned if a private laneway impacted on the main road, which in this case they are satisfied. The Council still has a duty of care to consider safety of those on the laneway and it's crystal clear from the objector that they would be content if there were passing bays implemented which can be seen as a logical way of resolving this dispute.

The Chair advised that he put forward his proposal to agree the recommendation with the conditions attached but no seconder has been reached.

He stated that there was another counterproposal to carry out a members' site visit and would leave up to members to make the decision.

The SD: PI said members may feel there was a benefit to having a site visit, but he wouldn't be continually encouraging them to arrange site visits as this Council has a lot of deferred applications, equally said that when there is a dispute between parties which is fairly strong, it makes good sense to have a look at things as this will be on record.

Ms Gourley advised that she could have the amended drawings submitted before members carry out their site visit.

Resolved That planning application LA09/2022/0314/F be deferred for a Members site visit. Agent to submit additional information.

LA09/2022/0624/F Section 54 application for approval LA09/2017/0487/F to remove the requirement of road widening & provision of an additional footpath along the entire frontage of the development as safe access on both approaches to the development have now been provided in accordance with the approved stamped drawings at Clonoe O'Rahilly GFC, 93 Washingbay Road, Coalisland for Clonoe O'Rahilly GFC

Members considered previously circulated report on planning application LA09/2022/0624/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Kerr

To accept the recommendation.

The Chair advised that Mr Gordon Noble from Dfl was in attendance and invited him to address the committee.

Mr Noble advised that the footway was approved as part of the original application in 2017 and this application was to remove that condition from that. From Dfl's point of view they are consistent to the approach they are taking from this, the baseline of the footway across the frontage was agreed through the applicant's planning consultant and through the Planning committee with subsequent conditions. He said that it was standard practice for Dfl when any application comes forward that they look for consistency of getting frontage development across here. In this particular case in the development of this site there is intensification of use whenever the site is being developed, this gives Dfl a reason to ask for these infrastructure upgrades which are then required from this. The site as developed will be extra footpath and extra users. Even though Mid Ulster District Council Active Travel Scheme had already provided an access to the eastern side for the village out, Dfl are still of the opinion the footway across the actual frontage to join the two western and eastern accesses

should be conditioned to be part of the overall development. It wasn't Dfl Roads who created the need for this footway, it was the development that created the need for it. In terms of development management practice note, there is 6 conditions which should be met:

- Necessary
- Relevant to Planning
- Relevant to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other respects

Dfl's main aim is to travel by a sustainable mode which they were moving towards to try and reduce the dependency on cars to get to various sites. In keeping with the general principle 5 of PPS13 Transport and Land where applicants are required to bear the cost of the transport infrastructure in regard to their development. Due to multi use development this is relevant Dfl Roads have no objections to the vehicular access to the site, the only issue they have is that a continuous footpath should be provided along the south side of the Washingbay Road for the convenience and safety of pedestrians.

Mr Noble said that he would like the committee to take on board their responsibility when they were making their decision as they were potential asking pedestrians to cross the road twice to get across the road to use the opposite footway and then cross back again which would not be a safe method of travel for pedestrians or cyclists.

In summary Dfl Roads position is that the road linkage across the frontage should be continued to be included as granted in 2017 application and would suggest that Section 54 is not approved at this point and time.

Councillor Cuthbertson said that it may be useful to hear from the Case Officer in relation to how the decision was made to recommend the application for approval when going against the recommendation from Dfl Roads on safety concerns.

Mr Marrion (SPO) referred to what Mr Noble alluded to and stated that his application relates to the condition for the need for a continuous footpath link along the south side of Washingbay Road in association with planning permission granted for facilities at the site. The SPO took members through the overhead map of the site indicating access and pedestrian access points. The applicants have advised that they have provided access for pedestrians who would be accessing the site which has been done in a safe manner including widening the footpath and setting the wall back to the east side of the site as well as crossing points on the Washingbay Road. On the west side of the site, they have provided pedestrian access as well as crossing points on the Washingbay Road which provides linkages to the continuous footpath on that side of the road. Mr Marron (SPO) agreed with what Mr Noble stated, that this had been completed as part of the Active Travel Scheme and as far as the applicant's aware this has been agreed with Dfl as part of that scheme. Dfl Roads have advised that they are not content with this, and they have requested the footpath be provided in its entirety across the frontage. Dfl Roads have rolled back on their request on the full standard of the footpath, they

said that they will accept this standard, but they would require details to be able to approve those. The SPO said that Mr Noble alluded to their 6 tests for planning conditions as set out within the report and in this case he didn't think it was necessary for this development as the applicant has provided access for pedestrians from the two desire lines either side of it, anyone from the west would be coming from the opposite side anyway and then crossing the road to access the site from the west and anyone coming from the village to the east will be coming towards the access into the site. The SPO said that it would be logical to provide a footpath link across the frontage of the site here whether or not it is necessary is the question that needs to be asked and stated that there was no further development to the west which is zoned within the settlement limits, there is nothing else within the direction that would be a significant traffic generator for pedestrian traffic which would require anything to be put across the frontage. Mr Marrion (SPO) referred to overhead map advising that there is a hard verge towards the village, surfaced over as part of the road improvements along Washingbay Road and the other side of that is a verge which goes up to the access point, which is there already. Mr Noble alluded to any future developers being held to ransom, the SPO advised that there was ground there and was up to those developers to come forward at any point in the future to provide those. Mr Marrion (SPO) advised that this was his reasoning for not requesting that and although he can see DfI Roads Service point and position that it would be desirable to have that and logical also, but this really comes down to not being necessary for this development.

The SD: PI enquired if the Club were time locked into when the works needs to be completed.

Mr Marrion (SPO) advised that the condition at the moment is a pre-commencement condition, planning permission was granted for this in August 2018, co pre-commencement condition must be met before the end of August this year or else the planning permission will not have commenced on time and would have to be reconsidered.

The SD: PI enquired if this would be consequence for the Club if they are drawing down funding for this work.

Mr Marrion (SPO) said as far as he was aware the Club were applying for funding; they have advised that they are ready to start and the only thing that is preventing them from starting is that the pre-commencement condition hasn't been met.

The SD: PI suggested that a compromise might be that the Club be required to put the pavement in along their part frontage but not all of the frontage.

Mr Noble said that this would be something that could be considered as reasonable if the Club put in the 2m wide footway across their own frontage.

The SD: PI advised that this was how planning treat most private developers, they would deal with their own site.

Councillor Mallaghan advised that Mr Noble made reference within his remarks about intensification and whilst these would be improvements at the Club, it would

remain the same size, same number of members, same number of users but only better facilities. The member stated that within his own Club, they had spent a lot of money developing the site, but there was going to be the same number of users each week, each month and would like to get a bit of background on this.

Mr Noble in replying to member's query advised that when a facility is upgraded there may be the same number of users, but this would intensify as they would be using the facilities more frequently when there is a better gym and better training facilities.

Mr Noble in response to the SD: PI's query advised that DfI Roads would still like to see some kind of pedestrian linkage footway along the access from the west to the east as the desired line isn't always through the actual site along the front. Consideration could be given for the Club constructing a footway along the area in which they own and whatever width available along the grass verge along the two private dwellings and full access when you go to the other point controlled by the Club again. Mr Noble said that he was aware of these being pre-commencement conditions and was also aware how useful this would be to the village, so there could be an option to change this into a pre-operation condition which would help the Club to draw down the funding.

Councillor Clarke said that by listening to this debate he thought of a different situation that he was aware of. He referred to a local very busy community village where there is a 30m stretch of footpath which has never been put in place by DfI themselves and continuously on Roads Service's forward planning and never done. If DfI haven't got the money to do 30m, he felt it was a bit oppressive to ask a Club to do that on land that they don't actually own.

Councillor Quinn said that this issue has been ongoing for years and sitting here tonight listening to a lot of talk about compromise, the Club have already compromised on this. This restriction was placed quite a number of years ago, the Club for years have been trying to get it removed because it was stopping them from getting money and investment into what will be a fantastic facility for the local area. The Club reached a compromise where they knocked down part of the wall, they were then helped by the Council to form part of a footpath to essentially create two entrances into this site, second entrance was for most of the traffic flow and footfall coming from, they put the money in and was led to believe that this would be enough and now tonight DfI are saying that it's not enough and wanting more of a footpath being built that they have already funded, through private land that the Club doesn't own. The member stated that this would be a footpath that people would not be using because people will be using the brand-new entrance which will be designed for pedestrians. This will be a state-of-the-art facility for the community and this footpath is the only thing that is holding them back. It is a struggle to get money and although he understands DfI Roads objections, the Club has done everything that has been required of them and it's ridiculous as there are smaller footpaths in the country that DfI have not funded for.

Councillor Carney advised that this has been developed through Active Travel and is more than sufficient to ensure safe access for traffic coming from the east and west of the Club as set out in the case officer's drawings. The ground required comes

across two private properties and requires them to give substantial parts of their front gardens and this footpath will only service those two homes which does not benefit anyone as there is two access points which pedestrians can safely use. The member felt what was being asked here tonight would be an unnecessary burden for the Club who have been raising the funds for a new development and given the currently circumstances with the cost of living and budget crisis it's an ask for the Club as it will not add to their development.

Councillor Kerr stated that the proposal has been recommended for approval and should proceed. The member felt that any further delay of the development would be to the detriment of Clonoe GAA Club and if this was approved here tonight there would be no further delay to O'Rahilly Club's plans for development as he was aware of them having several projects which currently, they were working on which was going to cause a lot of finance. The member felt that best way to proceed tonight was to approve the recommendation so not to further delay progress being made and does not believe suggestion made by Dfl regarding the footway will have much of a footfall for local residents as the infrastructure is already in place to deal with pedestrians and traffic which is sufficient.

Councillor Cuthbertson said that a member had made reference about a delay on this proposal and felt that we should not be taking the blame as the original application was halfway between 2017 and approved early 2018. This application to remove the condition of approval was only submitted in 2022 and felt that Council hasn't delayed anything for 5 years. The committee seen fit in 2018 to approve the application with this condition on it on the advice of Dfl Roads at the time and felt that it would be totally unwise to cast adrift what Mr Noble is saying and felt there was room for negotiation on it as it was mentioned earlier that there was potential for agreement to not insist on the full standard which would probably be a narrower footpath. The member referred to the case officer's update on access points but he was not familiar with the location and felt that the committee could not determine where a child is going to cross the road and it good to see that there were no accidents to date but going forward if we totally cast aside what Dfl are saying on a safety issue and something happens down the road, he felt that people would be pointing the finger of blame on us. The member felt that the two parties should sit down and reach a compromise, whether it be a footpath in front of the development or to a lesser standard but felt there was a need to have some sort of an agreement.

The SD: PI said that it was quite clear that most members sitting around the table here tonight feel that it would be unreasonable to stop the development.

Councillor Mallaghan stated that this was not a counterproposal as such but sought more clarification on the issue. The member referred to the time issue and said if this was not going to be sorted out tonight then it would expire this month and this would cause great expense for the Club in one regard. He referred to the intensification again for a second time as he felt there would be no intensification of use at this site because anyone who was a member of a GAA Club will know, you could built the Taj Mahal at your club and still have difficulty getting new members coming in as there was a certain threshold of people to join a club. The member advised that he looked at the maps and there is a footway on the opposite side of the road and made a crossing point on the Coalisland side and the new Active Travel

scheme, a brand-new entrance at the Clonoe side. The member said that this facility was very well catered for in terms of pedestrians walking to and from their club, in fact there were other places around the country having this sitting outside their premises would be more than happy with it. He said that he would always take DfI concerns into consideration but in these circumstances, there are private properties that sit in between and felt it was generally wholly unnecessary to put this in place and would guarantee that no-one steps foot on it which proves how unnecessary it would be. The member felt that whilst it is important to take good consideration of everything which committee has been told here, it was his opinion that the people who are going to access this club on foot are very well catered for as the provision is already there.

The SD: PI said from what he was drawing from what was said was agreeing to his option of putting in some sort of footway at a later date and felt that what was being said was the most sensible way to proceed along the frontage.

Councillor Mallaghan proposed to accept the recommendation for approval tonight.

Mr Noble in response to SD: PI enquired when the committee talks about protecting the line does that mean that there would be sufficient space left for the Department or someone else to provide a 2m footway in the future or are we still talking about the Club constructing a 2m wide footway along their ground or something standard across the two private houses.

The SD: PI would suggest getting a drawing shaded and between Mr Noble and the case officer to identify the area protected so there is no obstruction.

The SD: PI felt that there was control here as people on the other side of the road will go to the GAA Club and no evidence that this is a road hazard to date and in his view that this area is protected.

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

Mr Diamond advised that he was the agent supporting the Club on traffic and transport matters through the application. He stated that he wished to clarify a few points. Firstly, comment around the original approval and was correct to say that the condition was applied at the original time but the ground conditions have changed since that time as pointed out by others as the Active Travel Scheme was implemented prior to the original approval and the pedestrian approvals put in place after that approval. A standardised footway has been built, tactile paving has been provided, pedestrian guard rails have been installed which would safeguard that element of safety of children running onto the road, speed bumps provided along the Washingbay Road to reduce traffic speeds, which has improved accessibility for walking and wheeling trips. DfI's position is that the removal of planning conditions would mean a safe means of access, but they fail to recognise that a safe access has been achieved with the recent improvement works. He asked members to note that these improvement works have created a safer means of access and the proposal put forward by the Department advising that they would access a

substandard less than 2m footway and the question he would raise is how would a substandard safer than what was currently on the ground.

In response to a query, Mr Noble advised that the scheme which was implemented through Mid Ulster Council for the Active Travel Scheme was actually funded by DfI and this was where the two access points came from and asked if the SD: PI was enquiring if he thought it was dangerous.

The SD: PI said that he was asking if the Active Travel Scheme made getting to that Club safe.

Mr Noble agreed that it did make it safer.

Councillor Clarke seconded Councillor Mallaghan's proposal.

Councillor Kerr said that as far as he was aware there were a few more speakers in attendance here tonight who were also in favour of the application and asked that they also be given an opportunity to address the committee.

The Chair advised that the total time of 3 minutes speaking on the application by the agents had been used.

Councillor Kerr said that he would like to hear the other speakers to help him make his mind up.

The Chair said that he would allow 1 minute only as time had already been exceeded discussing this case.

The Chair welcomed to the committee Ms Lisa Shannon and invited her to address the committee.

Ms Shannon said that her company were the planning consultants for the applicant and wanted to fully endorse the case officer's recommendation to approve the application as it was both key to the planning history and the recent infrastructure improvements in the area are key considerations. She said that there were a number of subsequent planning approvals on the site which confirms development on the original approval can proceed without the need for any additional onsite infrastructure improvements. In regard to intensification, the non-material change was a much lesser scheme than what was previously granted in terms of parking spaces and recreational area. She said that it was felt unnecessary to provide the full footpath link which has been agreed by planning officers, pedestrians have already been provided for with safe pedestrian access from both directions due to those recent infrastructure improvements. She agreed with comments made previously on it being unfair for a voluntary organisation being required to undertake these works with no additional benefit to the works already undertaken.

Councillor Mallaghan confirmed that his proposal was to accept the condition as it was and that the wording in it covers what exactly with Dr Boomer had alluded to in terms of protecting the line as it has to be dealt with when the drawings come back at a later date.

The Chair asked if the original proposers, Councillor Carney and Councillor Kerr if they were happy to agree to Councillor Mallaghan's proposal.

Councillor Carney and Councillor Kerr both agreed.

Councillor Cuthbertson stated that he wished to put it on record that he was not happy to go against DfI Roads Service advice in this instance.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0624/F be approved subject to conditions as per the officer's report.

LA09/2022/1106/F Replacement Dwelling and Carport at 5 Greenvale, Cookstown for Mr Odran McCracken

Members considered previously circulated report on planning application LA09/2022/1106/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1106/F be approved subject to conditions as per the officer's report.

LA09/2022/1288/O Replacement dwelling as a result of a fire damaged house at 15 Finulagh Road, Castlecaulfield for Ryan McGurk

Members considered previously circulated report on planning application LA09/2022/1288/O which had a recommendation for approval.

Proposed by Councillor McElvogue
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1288/O be approved subject to conditions as per the officer's report.

LA09/2022/1419/O Single detached Bungalow with associated external private amenity space and garage at lands to the W of 4,5,6 & 7 Riverdale Drive, Cookstown for Mr Sammy Lyle

Ms McKinless (SPO) presented a report on planning application LA09/2022/1419/O advising that it was recommended for refusal.

Councillor Clarke left the meeting at 9.04 pm and returned at 9.06 pm.

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

Mr Tong thanked the committee in allowing him the opportunity to be here tonight. He said that he had received the case officer's report and wished to look into the reasons for refusal. He referred to CTY2A and CTY13 of PPS 21 and said that the reason that this was here because it appears to be a very restricted site but if members look at the fenced off area of 75m sq. was put out there because within the Creating Places recommendations was twice the size of the recommended requirement for that scheme, but when members look at the overhead map of shaded green area which was all within the applicant's ownership, this could be extended if required. The other reason given was the proximity to the main Dungannon Road. Since the writing of the report the condition between the site and road itself has actually been improved by DfI Roads for new cycle and footpath way and this has created a natural buffer zone between the road and site itself. There is a precedent of a dwelling in a very similar condition at Westland Road South where amenity space was bounded by two roads at an actual roundabout with the site area being less on this proposal here which had actually been granted approval in June 2018. He concluded by saying that all the dwellings in the cul-de-sac were individual with different garden sizes and would welcome a further site meeting.

Councillor Black said that by listening to what both the case officer and the agent alluded to it may be worthwhile having a site visit for members to determine for themselves.

Proposed by Councillor Black
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/1419/O be deferred for a members site visit.

Councillor Mallaghan left the meeting at 9.10 pm and returned at 9.14 pm.

Councillor McElvogue left the meeting at 9.11 pm and returned at 9.14 pm.

P084/23 Receive Report on DfI Notice of Opinion on LA03/2021/0940/F.

The Service Director of Planning (SD: PI) presented previously circulated report to advise members of DfI's Notice of Opinion to approve an application which seeks the non-compliance with conditions number 07 and condition number 12 of planning approval LA03/2021/0940/F.

DfI have invited any requests for an opportunity to appear before and be heard by the Planning Appeals Commission, or a person appointed by the Department for the purpose of a hearing, in writing, within 8 weeks from the date of service of the Notice.

Councillor Clarke said the first thing he has been made aware of in relation to nighttime working and various species which may be affected by it that RSPB have not been consulted. The member found it remiss of any application of all important aspects of nature and not something to be pushed to the side. There are concerns, NED has concerns as this is a major change to an approval which has been granted

with two conditions attached and now asking for them to be removed. The member stated that these two conditions were very important as we all know how important Lough Neagh and its environs is to the bird population, the diving ducks etc. the area where this work is carried out is where there is a lot of activity so much so that no active survey has been done, because it cannot be done, they are aware of quite a number of species which operate within that area in the night-time. He said he had read through the document and the amount of palaver, 66 pages and quite a number of these pages is totally irrelevant as it wasn't about what the conditions area, it was stated that it was a small area, and this is totally irrelevant if it is having a serious impact on the population of wildlife which survives in that area. He said that although it is a small area of Lough Neagh it is still a large area, its stated about the importance of a shore, this wouldn't be there without a Lough and felt that there was a lot of nonsense put forward. The member said that he has went through the report and this was typical of what happens, an application is made and granted in this sort of field conditions and the first thing you do is try and remove the conditions, but these conditions are put in for a reason and those reasons have not changed since then. The member referred to item 6.20 where there is a reference to a Tourism Opportunity Zones (TOZs) – Washingbay, Mountjoy, Traad Point and the Battery but only in relation to the shore and felt that without the Lough there would be no shore. Traad Point is property belonging to this Council which is hoped to be the subject of enhancement in the near future and very close to this site. The member felt that this Council shouldn't be taking a flippant attitude to this proposal to remove 2 of the conditions.

Councillor Varsani felt that there were a number of considerations in this regard. Firstly, sand removal from the Lough was taking place for some 70 years without the proper permissions and it was her belief that this was before 2017. The industries were forced to make an application which was good and proper, we are not talking about banning sand extraction at this point and was important to remember that this was in context in what was quite a long and protracted series and process of trying to find out what should and should not be going on on the Lough. The member said that it was her understanding that there was an exhaustive previous procedure leading up to permission being granted, however it was her understanding that there have been 46 potential planning breaches in relation to sand and gravel extraction from Lough Neagh in the two years preceding now. There is an onus on ourselves to proceed with caution, the precautionary principle which has been upheld by the court of appeal says we cannot move forward with processes or development if we are now sure about the harm that they may do. Within the report and as previously pointed out by Councillor Clarke there is a lot of discussion within the report, but some is flannel. If you read about what they are saying about the bird surveys, they note the inability to differentiate birds much beyond a 100m range, she asked does birds not fly and what is this supposed to tell us and seems to indicate that there is not enough information at hand. In other words, if experts don't know, how are we suppose to know. Further to this, there has been numerous warnings from across the globe and her locally about the ramped up industrialised extraction of sand, particularly from Lough Neagh and other places across the world. Fisher folk report serious depletion of one's plentiful stock in the Lough, particularly in the areas where this extraction is taking place, in fact the reference they make, the Lough Neagh Fisherman's Cooperative Society call the areas "dead zones", and this is what is being currently talked about. We also know that monitoring reports which have been

requested have been withheld as they are deemed commercially sensitive, so information out there that we do not have our hands on. As previously stated, no Stormont department or any other agency currently carries out regular surveys of the Lough bed, an expert from Newcastle University, Dr Chris Hackney did some research on the scarring at the beds where the dredging has taken place, there are now scars up to 56ft or 17m noted and previously it used to be 13ft deep which is now considerably larger. Permission has been granted for sand extraction and not saying to rescind that, what we are saying is that we need to be extremely careful and when there is so many different elements that are unknown, then there is a need to work on the precautionary principle. The member stated that one of the current objectors has said that negation of the previously exhausted considerations amounts to salami slicing and would find it very hard to disagree with that, where permission is granted, it's disregarded, and they ask for different permissions and would be important to proceed with the upmost caution.

Councillor McFlynn concurred with all the sentiments previously made as Lough Neagh is very precious to us and the people of Doss as mentioned within this report, which is on the outskirts of Toome and also Traad Point down at Ballymaguigan. The member advised that there was a bird nature reserve at the site where a local group has been enhanced and wish to retain it the way it is. She referred to the blue/green algae which has appeared right around the Lough and has now travelled down the North Coast to Portrush and Castlerock. The member said if we were going to allow pollution to happen to the Lough, it was going to take 20 to 30 years to bring it back to the way it was before. Approval is there is allow a certain amount of time for the dredgers to go in and should be taken very seriously that they are trying to remove those conditions to dredge all night and continue to pollute the Lough and drive wildlife away. A recent visit to the Fisherman's Cooperative in Toome Eel Fishery, traders and fishermen have indicated that the eel catch is not as good as it used to be, and the pollen fish is also depleting. The member said it saddened her just because industry states that we should align more dredging that we should allow it and felt that it was wrong to continue to destroy the environment of Lough Neagh. She felt that it would be important to make a note to contest this threat in anyway, then the Council should do that.

The SD: PI said that his knowledge of the ecology of Lough Neagh is very weak and would very much welcome the view which has been put by members. He felt the starting point was the precautionary principle as it was a conservation nature reserve of importance. Clearly members have identified concerns that the evidence base has not been adequately in order to inform the decision. Furthermore, the SD: PI knows that this permission may exist but there are unauthorised extractions outside of that i.e. the planning agreement and the supervision of the Lough has not been adequate to stop pirate extraction.

The SD: PI said all that this committee wants is a thorough examination of the issues and suggested writing a very quick holding response to say that we are greatly concerned given the precautionary principle that in applying conditions, that they were applied be necessary based on the evidence provided, we are not satisfied that enough information has been gathered in order to justify this change and would be an erosion of the actual permission given. As a result of this Mid Ulster District Council feels that a public enquiry needs to be held in order to examine the evidence

base. The SD: PI also suggested setting up a member working group to work with Mr Bowman to look further at what the cases and issues are as he wouldn't want to write anything without having any substance.

Councillor Clarke proposed the suggestion made by the SD: PI and wished to say a few things above and beyond what has already been said. The member said that SES (Shared Environmental Services) identify disturbance by barges in the hours of darkness to several species of diving duck wintering on Lough Neagh. He referred to point 6.37, NED has also raised concerns due to the large aggregation of three diving duck species regular occur in proximity to four of the onshore processing sites and the extraction area itself. The member stated that concerns has been raised and the first ultimate one was a body which should have been consulted with was RSPB which were unaware of it and felt that we need to move forward on that basis.

The SD: PI said that he would liaise with Mr Bowman (Head of Strategic Planning – HSP) to convene a meeting to get assistance from Councillors Clarke, Varsani, McFlynn and any other Councillor who may wish to be involved.

Councillor Kerr said that some of the previous members had spoken very articulately and would strongly oppose the removing of any condition as protecting the Lough was very important. The Lough provides a great benefit to the Mid Ulster community as a whole and the recent emerging of algae which is causing great concern for humans, pets and wildlife as it was dangerous and damaging. He felt that the suggestion made would be very worthwhile for members of the Planning committee to try and fact-find and articulate an argument to force the applicants to come up with better answers as all the information needs to be provided to local representatives and the public who has a great interest in the preservation of the Lough.

The Chair felt that Councillor Kerr put forward a very articulate comment which reminded him of once discussing wind turbines and birds with the Permanent Secretary, with the Minister being very dismissive of the impact on bird life and not one example of where a protected species has been killed by flying into a wind turbine. The SD: PI took the Minister to one side and advise him that the reason for that is because the area was a habitat for protected species but if a massive turbine is implemented on the habitat, this would be like a massive scarecrow and therefore the birds will not come and degrade our species in our environment. He felt that sometimes common sense goes out the window as people be looking for the wrong thing.

The SD: PI asked if Councillor Kerr would be interested in being involved the the working group.

Councillor Kerr advised that he would be very interested in being involved.

The Chair advised that it may be worthwhile inviting all the Planning Committee members but wanted to thank those members that spoke in great detail as it was obvious they had went through the report, read it and spoke to other outside agencies, found faults and brought their findings back to committee and were indebted to those members who spent that time in doing this as Council would be

richer and better off for that. He said that when the holding statement and the voice that there should be a public enquiry but when we can inform ourselves and information made towards that or make the argument more detailed, we will have that discussion through a work, task and finish group on this issue.

Proposed by Councillor Clarke
Seconded by Councillor Kerr and

Resolved Agreed that:

- (a) A working group be set up with Planning Committee members and Mr Bowman (Head of Strategic Planning) on concerns relating to the possible removal of pre-approved conditions relating to Lough Neagh.
- (b) Dr Boomer write to Dfl with a holding response summarising the general concerns, request an examination and inviting the Department to address our concerns.

Matters for Information

P085/23 Minutes of Planning Committee Meeting held on 4 July 2023

Members noted minutes of Planning Committee held on 4 July 2023.

Councillor Cuthbertson referred to item P071/23 and where it was resolved *“to progress the decision of the Planning Committee to have a start time of 5pm for its Committee meetings going forward”*. The member said that this also got a hearing at the full Council meeting in July, the Chief Executive did say that if there was consensus or general agreement in the Planning Committee that they would have the authority to do that. Regrettably, at last month's Planning Committee or full Council meeting, members were not furnished with the results of the survey that took place last month, but since that he had found out the results for their preferred time:

- 7pm – 4 committee members in favour
- 6pm – 5 committee members in favour
- 5pm – 7 committee members in favour

Councillor Cuthbertson stated that the way it was presented alluded to the majority of members being in favour of a 5pm start time, whilst in fact it was only 43% of members that was in favour and not the general consensus of the committee. The member felt that this committee was somehow misled on this and should be put on hold and revisited again. He felt that the next meeting in September should remain at a 7pm start time until this is resolved.

The Chair said that he disagreed with the member as the majority view was for a 5pm start time. He said that we were not going to get a view accurately balanced given the numbers of this committee and that was why the survey was carried out to see what the majority wanted, the majority was 7 which was nearly 50% and felt that time was being wasted on this and this matter was not being opened up again and that was his final decision.

Councillor Cuthbertson stated that the figures were not presented to neither of the two meetings.

Councillor Robinson concurred with Councillor Cuthbertson in that the figures were not presented to either of the two meetings. He advised that it was stated at the full Council meeting that the majority had voted for 5pm, this was untrue as the majority did not vote for 5pm, there were 9 members who voted for the other two times.

Councillor Mallaghan advised that the 9 members did not vote for the other two times, 4 voted for 7pm, 5 voted for 6pm and 7 voted for 5pm, so therefore most members voted for 5pm. The member stated that this was proposed and seconded and went through our minutes which was adopted at the full Council meeting in July, so the decision has already been made.

The Chair advised that he also had indicated that this could be reviewed after 3 or 4 months and in his view the meeting should have been enacted tonight but it was unsure whether the issue had to go to the P&R committee or not. The survey was carried out and the majority of the respondents replied and in his view 7 is more than 4 or 5 and this is the way it is.

Councillor Black said that he respected the Chair's position to have the final say but felt that Councillor Cuthbertson had made a valid point as it wasn't the majority of the committee that voted for the 5pm start time and whether it be now or at a future date, he felt the easiest way to resolve this is rather than have three options, that we have two options, then it would be clear to see what the majority of the committee vote for. The member felt that the outcome of 43% isn't entirely accurate on the general consensus of the committee and lean towards to having it reviewed, but if this direction of travel is not being considered, felt that it should be narrowed down to two options in the future to avoid this happening again.

The Chair in conclusion on this matter advised that today there was a note issued from PCSP with four preferred times for a start time for meetings and when a clear preferred option has been made, would members be requested to do it again for a second time to facilitate the other two or three. He stated that the decision has been made which can be reviewed at a later date.

Councillor Cuthbertson proposed to make a vote again.

Councillor Mallaghan advised that a decision has been made by committee and cannot be reviewed for 6 months which was evident within the standing orders.

The Chair concluded the discussion closed.

Live broadcast ended at 9.50 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P086/23 to P088/23.

Matters for Decision

Matters for Information

P086/23 Confidential Minutes of Planning Committee held on 4 July 2023

P087/23 Enforcement Cases Opened

P088/23 Enforcement Cases Closed

P089/23 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.52 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting.
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute.
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item.
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.

- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 1 August 2023

Additional information has been received on the following items since the agenda was issued.

Chairs Business –

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.5	Additional agricultural information	Members to note
6.1	Letters of support for Francie Molloy MP and Keith Buchanan MLA, decision for Creagh Concrete	Members to note
6.4	Correspondence from Keith Buchanan MLA	Members to note
6.8	Correspondence from Francie Molloy MP	Members to note

Affidavit

To Whom it May Concern,

I am writing to confirm the following information:

- 1) I, Mr David Porte, take 5.21HA of land (3 fields) in conacre from Mr Francis Rocks on a yearly basis, renewed in November of each year for an agreed sum.
- 2) I understand that at one month's given notice, at the end of any year, Mr Francis Rocks can hold onto part or all his conacre lands.
- 3) Mr Rocks, from November to March annually, carries out land maintenance i.e., fencing repairs, hedge cutting, drainage works and reseeding of any part of otherwise damaged land.
- 4) I would also add that as I live some distance away; Mr Francis Rocks assists with the welfare of my livestock and when I am short-handed, with the use of his own farm equipment, assists with the farming operations.

Mr David Porte:

Date:

David Porte

21-7-23

Mr Francis Rocks:

Date:

Francis Rocks

21-7-23

Affidavit

To Whom it May Concern,

I am writing to confirm the following information:

- 1) I, Mr Andrew Patterson, take 2.37HA of land (2 fields) in conacre from Mr Francis Rocks on a yearly basis, renewed in November of each year for an agreed sum.
- 2) I understand that at one month's given notice, at the end of any year, Mr Francis Rocks can hold onto part or all his conacre lands.
- 3) Mr Rocks, from November to March annually, carries out land maintenance i.e., fencing repairs, hedge cutting, drainage works and reseeded of any part of otherwise damaged land.
- 4) I too would also add that as I live some distance away; Mr Francis Rocks assists with the welfare of my livestock and when I am short-handed, with the use of his own farm equipment, assists with the farming operations.

Mr Andrew Patterson:

Date:

Andrew Patterson

22/7/23

Mr Francis Rocks:

Date:

Francis Rocks

22/7/23



APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: LA09/2015/1239/F

Date of Application: 10th December 2015

Site of Proposed
Development:

Creagh Concrete Products Ltd
Blackpark Road
Toomebridge

Description of Proposal:

Removal and alteration of Conditions 2, 3 and 6 of previous approval H/2007/0546/F relating to noise and operating hours

Applicant: Creagh Concrete Products Ltd
Address: Blackpark Road
Toomebridge
BT42 3SL

Agent: JPE Planning
Address: 1 Inverary Valley
Larne
BT40 3BJ

Drawing Ref: 01

Mid-Ulster Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. Building TF1 as shown on submitted drawing ref: PD-001 and dated 03/11/15 shall not be used:



- At any time on a Sunday
- Prior to 05:00hrs and after 22:00hrs Monday to Friday.
- Prior to 05:00hrs and after 15:00hrs Saturday's

Reason: In the interests of ensuring protection to neighbouring amenity from noise and disturbance.

2. All doors of Building TF1 as shown on submitted drawing ref: PD-001 and dated 03/11/15 shall remain in the closed position, no vehicle movements in or out of the building shall take place between the hours of 05:00hrs to 07:30 hrs and in the evening from 19:00-22:00 hrs on any day.

Reason: In the interests of ensuring protection to neighbouring amenity from noise and disturbance.

3. The vibrating plant located in Building TF1 as shown on submitted drawing ref: PD-001 and dated 03/11/15 shall not be used between the hours of 05:00- 07:30 and 19:00-22:00hrs on any day.

Reason: In the interests of ensuring the protection of neighbouring amenity from noise and disturbance.

4. No metal hammering shall take place within Building TF1 as shown on submitted drawing ref: PD-001 and dated 03/11/15 between the hours of 05:00- 07:30 and 19:00- 22:00hrs on any day.

Reason: In the interests of securing protection to neighbouring amenity from noise and disturbance.

5. The predicted noise levels detailed in the table below should not be exceeded at the relevant properties.

Receiver location	Predicted Noise Level (dB LAeq, 1hr)	
	Daytime	Night-time
H1: 20 Blackpark Road	38	29
H2: 22 Blackpark Road	39	30
H3: 26 Blackpark Road	40	31
H4: 32 Blackpark Road	40	31
H5: 70a Creagh Road	28	20

Reason: In the interests of securing protection to neighbouring amenity from noise and disturbance.



6. Within 4 weeks of a written request by the Planning Authority, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator shall, at their expense employ a suitably qualified and competent person, to assess the level of noise immissions from the development. Details of the noise monitoring survey shall be submitted to the Planning Authority for written approval prior to any monitoring commencing. The Planning Authority shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: In order to address any future noise complaint.

7. The operator shall provide to the Planning Authority the results, assessment and conclusions regarding the noise monitoring required by Condition 6, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Planning Authority under condition 6 unless, in either case, otherwise extended in writing by the Planning Authority.

Reason: To permit the Council to assess the results of any noise monitoring.

8. With the exception of Conditions 2,3 and 6 of Planning Permission H/2007/0546/F all other Conditions of Planning Permission H/2007/0546/F shall be complied with.

Reason: To ensure compliance with previous Planning approval H/2007/0546/F.

Dated: 7th September 2017

Authorised Officer



Martina Grogan

From: Buchanan, Keith <keith.buchanan@mla.niassembly.gov.uk>
Sent: 28 July 2023 14:24
To: Planning@Midulstercouncil.org
Cc: Chris Boomer; Phelim Marrion
Subject: Ref application LA09/2019/0179/F Item 6.1

Mid Ulster Planning Committee

Dear Members,

Re: Item 6.1. LA09/2019/0179/F

To continue 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 (Clarification of Operations to be carried out before and after 7am) at lands 70m S of 177 Annagher Road, Coalisland for Dmac Engineering

I write in support of this application. My support is based on personal knowledge having twice been walked around the inside and outside of factory. Both visits occurred in the early hours of the morning. I was shown measures which included shut doors to the factory which the company has put in place to limit any noise emanating from the factory. My visit also included being shown the objectors properties so I had a full overview of any accompanying noise generated. On both my visits the factory was fully operational.

Standing immediately outside the factory and within the car park the only noise I observed was road traffic noise from the main Annagher Road. Standing in the bottom yard beside the objectors property the only noise I heard was of birdsongs and road drone in the distance to the south.

Having read the case report being presented to members I note it states that 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.

Having further read the report the suggested conditions which may allow this to be approved have not been included for consideration. I feel sight of these would be important so an informed decision can be made.

The company I know are a large employer within the Mid Ulster Area and every effort should be made to help them maintain their successful business.

I would welcome any comments members make and will make myself available should any further clarification be required.

Yours faithfully,

Keith Buchanan MLA.

Keith Buchanan MLA

2 Queens Avenue
Magherafelt
County Londonderry
BT45 6BU

Tel: 028 7930 0295 / 028 7930 0296

keith.buchanan@mla.niassembly.gov.uk

Also on [facebook](#) and on twitter [@buchanan_dup](#)



Francie Molloy MP

Mid Ulster

28th July 2023

Dear Members,

Re: LA09/2019/0179/F

To continue 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 (Clarification of Operations to be carried out before and after 7am) at lands 70m S of 177 Annagher Road, Coalisland for Dmac Engineering

I write in support of this application. My support is based on personal knowledge having been supportive of this factory from the onset. I have regularly walked around the inside and outside of factory in the early hours of the morning. I am aware of measures DMAC have put in place which includes 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. I am also aware that one person has the keys to all the main doors and is responsible for ensuring these are not opened before 7:00am. All fans associated with the spray booths are on timers and do not activate until 8:00am.

The proposed change of opening times is limited to a few staff to allow the factory to be set up for the majority of staff starting at 7am and facilitates a 4 day week similar to all other engineering factories within the Mid Ulster area.

I am also aware of the objectors properties and have regularly stood outside them to listen to any perceived noise.

Standing mediavally outside the factory and within the car park the only noise I observed was road traffic noise from the main Annagher Road. Standing in the bottom yard beside the objectors property the only noise I heard was of birdsongs.

Having read the case report being presented to members I note it states that 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.

Having further read the report the suggested conditions which may allow this to be approved have not been included for consideration. I feel sight of these would be important so an informed decision can be made.

The company I know are a large employer within the Mid Ulster Area and every effort should be made to help them maintain their successful business and to retain their workforce they wish to start earlier.

I would welcome any comments members make and will make myself available should any further clarification be required.

Yours faithfully,

Francie Molloy MP

Martina Grogan

From: Buchanan, Keith <keith.buchanan@mia.niassembly.gov.uk>
Sent: 31 July 2023 18:50
To: Chris Boomer
Cc: Karla McKinless; Malachy McCrystal
Subject: Planning application LA09/2022/0314/F

I am contacting you with respect to application number LA09/2022/0314/F with reference solely to site access and access for other lane users agricultural and commercial users, I have concerns regarding safety aspects with this application which I have indicated below,

As stated in the 5th May report The laneway, which is a single track laneway, also provides access to a former sand and gravel pit which appears to be redundant in addition to third party farmlands. There are no passing bays on the laneway and this is bounded by mature trees to the south east and a semi-mature woodland/former landfill site to the north west.

The sand and gravel pit is active with Lorries transporting product and farmlands has activity with heavy machinery with no Passing Bays on the laneway.

The 4th April EH report

As the enforcing authority for visitor attractions the fun farm falls to Council and the operator of the fun farm was written to outlining our concerns and his duties under Article 5.

A number of enforcement options were considered including issuing a prohibition notice. A prohibition notice was not issued at this time, instead the operator identified and implemented a number of physical and managerial controls to reduce the risk. It is recognised that restricting access to the quarry is difficult given that it is under different ownership. However there is an expectation that both the quarry and fun farm operators liaise to ensure satisfactory arrangements are in place.

How can this committee satisfy itself that the “expectation” between the quarry operator and the fun farm operator liaise to ensure satisfactory arrangements are in place. Safety is not an expectation it is a requirement, there is no physical room for this traffic to meet above the possible 20mt section “if at all provided”, it is a single track lane. The EH report focused on access to the quarry by visitors etc, not traffic on the laneway.

As stated in page 3 paragraph 2 of the Deferred committee report. The access works that were required under LA09/2017/1704/F, which included the widening of the first 20m to a width of 8.0m as per Condition 05, have not been provided.

To ensure safety and adequate access for all lane users, to put this amount of traffic into the same space most certainly will result in an accident, at that point I will be referring back to this communication, what happens to traffic after the current proposed 20mt stretch?

As stated in page 3 paragraph 2 of the Deferred committee report. As the enforcing authority for visitor attractions the fun farm falls to Council and the operator of the fun farm was written to outlining EH concerns and his duties under Article 5. A number of enforcement options were considered by EH including issuing a prohibition notice.

As enforcing authority for visitors attractions, are Council content that this amount of traffic, Agricultural, Industrial and pleasure, all sharing this laneway and the visitor attraction traffic entering and the exiting the site onto a shared single track laneway?

The DFI report is clearly and rightly only concerned with access to and from the laneway onto the public road, but the laneway has and is causing serious access issues for other users to their lands and businesses. DFI will have limited concerns over private laneway safety, that will lay with this committee, it is concerning that a separate safe access route to this visitor attraction, was A, not built under LA09/2017/1704/F with no enforcement carried out, B, that this application in part is to remove that degree of safety to this site, As the enforcing authority in both planning and Visitor Attractions Council both EH and this committee will share the responsibility of this decision.

Can the council satisfy its self that the applicant has a legal right of way up the lane in question?

never mind the right to actually alter a lane?

and Under who,s ownership?

I would suggest that the committee visit the site and satisfy itself that there are no issues concerning safety that will come back on this committee if approved, without the opportunity took to visit.

Regards keith Buchanan MLA.

Keith Buchanan MLA

2 Queens Avenue
Magherafelt
County Londonderry
BT45 6BU

Tel: 028 7930 0295 / 028 7930 0296

keith.buchanan@mla.niassembly.gov.uk

Also on [facebook](#) and on twitter [@buchanan_dup](#)

Martina Grogan

From: Karla McKinless
Sent: 31 July 2023 15:06
To: francie.molloy.mp@parliament.uk
Cc: Chris Boomer; Phelim Marrion
Subject: RE: LA09/2022/1419/0

Good Afternoon Francie,

This is one of my cases. It falls outside Phelims area.

At Feb 2023 Planning Committee Members agreed to defer the application for an office meeting with Dr Boomer. It was not deferred for a Members Site Visit. At the office meeting Dr Boomer instructed that I carry out a site visit to help inform my deferred consideration of the application. I carried this out towards the end of Feb.

Karson has applied for speaking rights via our committees section and is listed to speak tomorrow night according to the documentation I have received.

If the applicant wishes to request a Members Site Visit it will have to be directed to Members tomorrow night at Planning Committee as it is a decision they make. Karson may want to make this request during his 3 minute allocated time slot for speaking.

I hope this provides more clarity around the confusion.

Kind Regards

Karla McKinless

DM Team Lead - Cookstown, Magherafelt, Carrtogher & Moyola
Project Manager – Planning IT Project Team
Mid Ulster District Council
50 Ballyronan Road
Magherafelt, Co. Derry
BT45 6EN

Email: karla.mckinless@midulstercouncil.org or planning@midulstercouncil.org
Tel: 03000132132 or 02879397979
Ext: 23503



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council



From: MOLLOY, Francie <francie.molloy.mp@parliament.uk>

Sent: Monday, July 31, 2023 12:48 PM

To: Phelim Marrion <Phelim.Marrion@midulstercouncil.org>

Subject: LA09/2022/1419/0

Good afternoon Phelim

I am contacting you regarding application: LA09/2022/1419/0.

The applicant stated that this was deferred previously and was under the impression that a site meeting would occur. It then came as a surprise last Thursday that he was informed that it is up for refusal at tomorrow night's meeting.

His architect, Karson Tong has requested speaking rights for this, there is confusion whether this has been granted. For this reason, I would be grateful if you could clarify if the request to speak has been granted and given that a site meeting hasn't occurred, is there any possibility of another deferral to allow this to happen.

Many thanks for your attention on this matter.

Regards,



Francie Molloy MP

Mid Ulster Constituency Office

30F Fairhill Road

Cookstown

Co. Tyrone

BT80 8AG

028 8676 5850

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