

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 August 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor Mallaghan, Chair

Councillors Bell*, Black*, Brown, Clarke*, Corry*, Cuthbertson*, Glasgow*, Martin*, McFlynn, McKinney, D McPeake*, S McPeake*, Quinn* and Robinson

Officers in Attendance

Dr Boomer, Service Director of Planning
Mr McClean, Senior Planning Officer
Ms McKinless, Senior Planning Officer
Ms Scott, Council Solicitor
Mr Brown, ICT Support
Mrs Grogan, Democratic Services Officer

* 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

P097/22 Notice of Recording

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

P098/22 Apologies

Councillor Colvin.

P099/22 Declarations of Interest

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

P100/22 Chair's Business

The Chair acknowledged that there was a very short agenda in front of members tonight which was mostly likely a surprise to most people given the fact that there is quite a large amount of applications in the system. He said that he had been assured by the Planning Manager that due to the instalment of the new IT system, that this has helped to get quite a number of delegated cases processed. Whilst the agenda looks to be light tonight there still has been quite a number of applications approved and

issued to applicants over this last four weeks, but anticipated quite a long agenda being brought forward to committee in September.

The SD: Planning following on from the Chair's comments, referred to the implementation of the new IT system and said that this meant that new applications were not able to be entered for approximately 5 to 6 weeks. He advised that the first priority was to enter the older applications which were already done. The next priority had been to issue as many of the delegated decisions which had also been held back due to the change-over of the system. Clearly, any new system still demonstrates some teething issues, but was pleased to say that no major problems had arisen. He said that summer season was always awkward and felt that things will only progress properly from September onwards.

The SD: Planning updated members on staff changes within Planning Department and advised that Mr Bowman was now the Head of Strategic Planning and would be responsible for moving forward the Local Development Plan and to oversee major applications. Ms Doyle has now taken over the role of Mr Bowman's previous role as Head of Local Planning. Mr Marrison who is a Senior Planning Officer (SPO) in charge of Dungannon area still. He advised that the Planning Department had been operating from last November without a team lead in Magherafelt district and was pleased to say that Ms McKinless will now be taking over that role commencing 1 September to make sure that a proper management system is in place. He was also pleased to advise members that there were a few new temporary starts which will help get the department to grips with the backlog and hopefully improve performance.

The SD: Planning referred to performance and advised that comparative figures were now apparent where Mid Ulster stands in relation to other authorities across Northern Ireland for the financial year 2021/22, which was now available for viewing on the department's website. Statistics show that over the year Mid Ulster had received 1452 applications and despite being in a backlog situation, it did manage to determine 1423 which was the 3rd highest of all Councils in Northern Ireland. He outlined an example where Mid Ulster stood compared to neighbouring authorities and advised that most Councils receive between 900 and 1260 applications and only determine less than a 1000 and was satisfying to see that Mid Ulster was managing to keep things moving well. He felt that members would not be surprised to learn that Mid Ulster's approval rate was still the highest with over 99%, but this shouldn't look easy as this does not demonstrate the amount of work in which officers and members do in actually helping people through the whole application process to ensure that their developments were sustainable and be seen in the best light. There were 13 major applications which was the 4th highest in Northern Ireland and the highest out of any authority by a long way relating to industrial applications, which took on average 88 weeks to resolve. This underscored what was being talking about, the Public Accounts Committee calling on the Department for action to improve the planning system to try and start to clear some of this red tape which was causing delays. The remainder were local applications with the average time to determination being 16.6 weeks which in terms of our normal performance was poor due to the pandemic, but all that aside, Mid Ulster managed to rate 4th fastest in Northern Ireland, given the fact we had the one of the highest number of applications this was good.

In relation to enforcement, the SD: Planning advised that targets have all been met in concluding investigations and something which should be stressed, that if someone was under the misunderstanding that because officers encourage sustainable development they would be soft on unauthorised and harmful development, then he would say that they should think again. Mid Ulster had the 2nd highest number of successful prosecutions against harmful and unauthorised development which was over one quarter of prosecutions in Northern Ireland.

He concluded by saying that officers and members were very busy and referred to the small agenda brought before committee tonight and said that this was in many cases the size of an agenda which was brought by many local authorities in Northern Ireland on a monthly basis.

The Chair thanked the SD: Planning for his update and said that for anyone which attended the trip to Scotland to see the working of their planning system, was amazed to see that 7 applications was the entirety of their planning meeting. He welcomed the statistics and said that it just goes to show that for a small Council in the West how much work is actually going on here and commended Dr Boomer and all the Planning staff for their hard work. He said that as a committee and as Councillors, a lot is expected from our Planning Department and is good to see in black and white how statistics show the good outcome.

The Chair referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 5.1 - LA09/2021/1208/O - Dwelling & domestic garage on a farm at land approx. 55m S of 60 Annaghilla Road, Augher for Jeff & Laura Fitzsimmons.

Agenda Item 5.2 – LA09/2021/1659/F - Part retrospective application for existing storage unit and proposed storage unit at 40m SW of 68 Airfield Road, Toomebridge for Spraytec.

Proposed by McKinney
Seconded by Robinson and

Resolved That the planning applications listed above be deferred for an office meeting.

Matters for Decision

P101/22 Planning Matters for Decision

LA09/2021/1208/O Dwelling & domestic garage on a farm at land approx. 55m S of 60 Annaghilla Road, Augher for Jeff & Laura Fitzsimmons

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

LA09/2021/1659/F Part retrospective application for existing storage unit and proposed storage unit at 40m SW of 68 Airfield Road, Toomebridge for Spraytec

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

LA09/2021/0341/F New site access (Revised Access) at 36 Granville Road, Dungannon for Farasha Properties Ltd

Members considered previously circulated report on planning application LA09/2021/0341/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/0341/F be approved subject to conditions as per the officer's report.

LA09/2022/0062/O Infill dwelling and domestic garage at Site W of 35 Drummurrer Lane, Coalisland for Mr Michael Corr

Members considered previously circulated report on planning application LA09/2022/0062/O which had a recommendation for approval.

Proposed by Councillor Quinn
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/0062/O be approved subject to conditions as per the officer's report.

P102/22 Receive Report on Consultation from Dfl on Lough Neagh Sand Extraction

The SD: Planning presented previously circulated report and sought approval to issue a Council consultation response to the Department on an application received by it to vary 2 conditions attached to the original permission granted under LA03/2017/0310/F for sand extraction from Lough Neagh. A copy of the original decision notice attached to the report.

Councillor Clarke referred to the size of the barges and working hours after sunset and advised that the Lough was a very important area for a whole range of wildlife and enquired if consideration has been given to the effect of light and interference to wildlife in the dusk and felt that this may be an important issue which may need to be considered.

The SD: Planning advised that it was up to the Department to consider these types of things and felt that the Council response could indicate no objection provided that the Department is assured that there would be no harm to wildlife as a result to the change of the condition and that residential amenities be protected in relation to noise.

He congratulated the member on his attentiveness on the matter and being on the ball.

Councillor Clarke said that there was so much emphasis on the fact of period of darkness and due to the fact of the Lough's importance for such a variety of all wildlife.

Councillor Corry referred to comments made by Councillor Clarke and said that on the back of that there were areas which were highly important to biodiversity and enquired if this was included as she couldn't understand what the required change was and why as it wasn't impacting on the amounts that was being controlled and extracted.

The SD: Planning agreed with the member as biodiversity was a planning consideration which did not only include species but also a whole wealth of everything and this was something the Department needed to be assured on. He said that it was the remit of the Department to carry out the research as he wouldn't be inclined to involve his team as due to limited resources. He stated that Lough Neagh always concerned him due to the fact that if there was a breach of a condition the Department pushed responsibility over to Mid Ulster. He advised that the Lough was controlled by Lord Shaftesbury and the Shaftesbury Estate and it was their remit to grant licences for extraction, but in many cases extraction also takes place by people who do not have licences and are not permitted on the Lough resulting in complaints being received. These complaints then become problematic when the Department refuse to intervene and push it onto Mid Ulster for deal with, resulting in difficulty for enforcement. He described the problem as ensuring extraction only took place in the permitted zone. He felt that good enforcement can only work with cooperation between authorities and landowners. In regard to biodiversity he advised that this needed a strong monitoring regime and that Councillors Corry was correct to identify his issue and therefore not only wildlife should be included in the response. The Chair enquired if members if they were happy to move forward with the proposal with the slight amendment in terms of comments made by Councillor Clarke.

Proposed by Councillor Clarke
Seconded by Councillor Brown and

Resolved That approval be granted to issue the following consultation response to DfI:

Mid Ulster District Council have no objections to this application subject to the Department ensuring all appropriate assessments of any impacts on the natural environment/designated sites is carried out and that in varying Condition 12 that any new barge or replacement barge shall have a sound power limit of 105 db (A) secured by any varied condition. The Department to be satisfied and legal advice taken that this will not cause harm to species or the biodiversity of the Lough. Also that amenity of neighbouring residences is protected through the use of controls and remote noise generated.

P103/22 Receive Report on Consultation from DfI on Mineral Prospecting

Mr McKeown (SPO) presented previously circulated report which provided members with information regarding the Department for the Economy's consultation regarding their notice of intention dated 31st May 2022 to award two Mineral Prospecting licences to Karelian Diamond Resources Limited and to advise of Council's response.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That Council remain of the opinion that the Department should not grant approval for either Mineral Prospecting Licence Applications KDRA2/22 or KDRA3/22. Agree that a representation be submitted to the Department on behalf of the Council on, or before 28th August 2022 as referred to on previously attached draft response in Appendix A.

This representation should clearly reaffirm the Council's precautionary approach in relation to applications to extract valuable minerals and hydrocarbons.

Matters for Information

P104/22 Minutes of Planning Committee held on Tuesday 5 July 2022

Members noted minutes of Planning Committee held on Tuesday 5 July 2022.

Live broadcast ended at 7.26 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McKinney
Seconded by Councillor Robinson 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 P105/22 to P108/22.

Matters for Decision

Matters for Information

- P105/22 Minutes of Planning Committee Confidential Minutes of Meeting held on Tuesday 5 July 2022
- P106/22 Enforcement Cases Opened
- P107/22 Enforcement Cases Closed
- P108/22 Enforcement Live Case List

P109/22 Duration of Meeting

The meeting commenced at 7 pm and concluded at 7.31 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.