



February 1st, 2024

Chairman : Alderman M Gregg

Vice Chairman : Councillor U Mackin

Aldermen : O Gawith and J Tinsley

Councillors : D Bassett, S Burns, P Catney, D J Craig, A Martin, G Thompson and N Trimble

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 5th February 2024 at 10:00 am**, in the **Council Chamber & Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

(i) Conflict of Interest on any matter before the meeting (Members to confirm the specific item)

(ii) Pecuniary and non-pecuniary interest (Member to complete the Disclosure of Interest form)

3.0 Minutes of the Planning Committee Meeting held on 8 January, 2024

For Approval

📄 *PC 08.01.2024 - Draft Minutes for adoption.pdf*

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

📄 *Item 1 - Schedule of Applications.pdf*

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- (i) **LA05/2021/0033/F - LA05/2021/0033/F – Proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development on lands formerly occupied by the Rolls Royce factory north of Upper Ne**

📄 *Appendix 1.1 - DM Officer Report - LA0520210033F - ROLLS ROYCE - FINAL.pdf*

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- (ii) **LA05/2021/1245/F - Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park on Lands 65 metres north of**

📄 *Appendix 1.2(a) - DM Officer Report - LA0520211245F - Moira Park and Ride Translink - Addendum - FINAL.pdf*

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📄 *Appendix 1.2(b) - Report of Site Meeting LA0520211245F - FINAL.pdf*

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📄 *Appendix 1.2(c) - DM Officer Report - LA0520211245F - Moira Park and Ride Translink - FINAL.pdf*

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- (iii) **LA05/2019/1077/F – Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works on Lands adjacent to and south east of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south**
- ▢ *Appendix 1.3(a) - DM Officer Report - LA0520191077F - Park and Ride Moira - Addendum - FINAL.pdf* *Page 140*
 - ▢ *Appendix 1.3(b) - Report of Site Meeting LA0520191077F - FINAL.pdf* *Page 143*
 - ▢ *Appendix 1.3(c) - DM Officer Report - LA0520191077F - Park and Ride Moira - FINAL.pdf* *Page 146*
- (iv) **LA05/2023/0292/F -Proposed residential development comprising 81 dwellings, including open space and landscaping, and all associated site and access works (amendment to approval Y/2009/0114/F) on Lands south of Mealough Road, west of Saintfield Road, to the rear and west of 615 Saintfield Road, and circa 200 metres north of Blenheim Park, Carryduff**
- ▢ *Appendix 1.4 - DM Officer Report - LA0520230292F - Mealough - FINAL.pdf* *Page 179*
- (v) **LA05/2019/0316/F - Proposed pair of semi-detached dwellings to replace 31 and 33 and 3 additional dwellings to rear on Lands at 31 & 33 Islandkelly Park, Lisburn**
- ▢ *Appendix 1.5 - DM Officer report - LA0520190316F - Islandkelly - FINAL.pdf* *Page 208*
- (vi) **LA05/2022/1081/F – Infill dwelling and garage between 15 and 15a Crumlin Road Upper Ballinderry Lisburn**
- ▢ *Appendix 1.6 - DM Officer Report - LA0520221081O - Crumlin Road - FINAL.pdf* *Page 234*
- (vii) **LA05/2022/0033/F - Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on Lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg**
- ▢ *Appendix 1.7(a) - DM Officer Report - Quarterlands - FINAL.pdf* *Page 255*
 - ▢ *Appendix 1.7(b) - Report of Site Meeting - 19.09.2023 - Quarterlands Road.pdf* *Page 304*
- 4.2 Appeal Decision - LA05/2020/0617/F**
- ▢ *Item 2 - Appeal Decision - LA0520200617F.pdf* *Page 306*
 - ▢ *Appendix 2 - Appeal decision LA05 2020 0617F (1).pdf* *Page 309*

4.3	Pre-Application Notice (PAN) - Extension to Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings	
	▢ <i>Item 3 - LA0520230995PAN.pdf</i>	<i>Page 320</i>
	▢ <i>Appendix 3(a) - Report in relation to LA0520230995PAN - FINAL.pdf</i>	<i>Page 322</i>
	▢ <i>Appendix 3(b) - LA05 2023 0995PAN - Form (1).pdf</i>	<i>Page 325</i>
	▢ <i>Appendix 3(c) - LA05 2023 0995PAN Proposed Site Plan.pdf</i>	<i>Page 331</i>
4.4	Pre-Application Notice (PAN) - Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on land to the north of Quarterland Road and east of Carnaghliss Road, Crumlin, Dundrod	
	▢ <i>Item 4 - LA0520230980PAN.pdf</i>	<i>Page 332</i>
	▢ <i>Appendix 4(a) - Report in relation to LA0520230980PAN - FINAL.pdf</i>	<i>Page 334</i>
	▢ <i>Appendix 4(b) - LA05 2023 0980PAN - Form.pdf</i>	<i>Page 337</i>
	▢ <i>Appendix 4(c) - LA05 2023 0980PAN - Site location plan.pdf</i>	<i>Page 343</i>
4.5	Pre-Application Notice (PAN) - Freight transport hub for parking HGVs and trailers including warehouse storage and distribution and office/administration building, on-site diesel storage with vehicle wash and trailer wash facilities, site access and right turning lane, inceptor and other ancillary development on land adjacent to 12 Lissue Road, Lisburn	
	▢ <i>Item 5 - LA052024 0026PAN.pdf</i>	<i>Page 344</i>
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	<i>Appendix 10(b) DM Regulations 2015 (1).pdf</i>	<i>Page 375</i>
4.11	Update from NIEA on Position Now Adopted in relation to Planning Consultations for Agricultural Developments	
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5.0 Any Other Business

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LISBURN & CASTLEREAGH CITY COUNCIL

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Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 8 January, 2024 at 10.00 am**PRESENT IN CHAMBER:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, S Burns, P Catney, D J Craig, A Martin and N Trimble

IN ATTENDANCE:

Director of Regeneration and Growth
 Head of Planning & Capital Development
 Principal Planning Officer (RH)
 Senior Planning Officers (RT, MB and PMcF)
 Member Services Officers

Mrs K Blair (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chairman, Alderman M Gregg, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. He went on to outline the evacuation procedures in the case of an emergency.

1. **Apologies** (00:02:06)

It was agreed to accept an apology for non-attendance at the meeting on behalf of Councillor G Thompson.

At this point, the Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting.

2. **Declarations of Interest** (00:03:04)

The following declarations of interest were made:

- in respect of planning applications LA05/2021/1245/F and LA05/2019/1077/F, Councillor P Catney stated that, during his time as an MLA, he had met with residents, Roads Service representatives and Translink representatives to discuss these proposals. He was not a Councillor at that time, no decisions had been made, he had expressed no opinions and had not spoken to anyone since;

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2. Declarations of Interest (Contd)

- in respect of planning applications LA05/2021/1245/F and LA05/2019/1077/F, Alderman O Gawith stated that he had met and had conversations with applicants, objectors and interested politicians. He had listened to concerns and aspirations but had expressed no opinions.

3. Minutes of Meeting of Planning Committee held on 4 December, 2023 (00:05:23)

It proposed by Alderman J Tinsley seconded by Alderman O Gawith and agreed that the minutes of the meeting of Committee held on 4 December, 2023 be confirmed and signed.

4. Report from the Head of Planning & Capital Development (00:05:57)4.1 Schedule of Applications (00:06:03)

The Chairman, Alderman M Gregg, advised that there were 1 major application and 10 local applications on the schedule for consideration at the meeting. However, at his request, application LA05/2022/1081/F had been removed from the schedule.

4.1.1 Applications to be Determined (00:06:53)

The Legal Advisor, Mrs K Blair, highlighted paragraphs 43-46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

- (i) LA05/2021/1245/F – Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park at lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)

and

- (ii) LA05/2019/1077/F – Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works on Lands adjacent to and south east of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south (00:08:42)

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and, on a recorded vote being taken, agreed that the above applications be deferred for a site visit, preferably at a busy time of day so that traffic flows could be observed. The recorded vote was as follows:

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Vote

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Councillor D J Craig, Alderman O Gawith and Councillor A Martin **(6)**

Against: Councillor U Mackin, Alderman J Tinsley and the Chairman, Alderman M Gregg **(3)**

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned at this point (10.15 am) to enable Officers to adjust the schedule and to make contact with speakers for subsequent applications and agree revised timings.

Resumption of Meeting

The meeting was resumed at 10.47 am.

- (iii) LA05/2020/0303/F - Demolition of existing dwelling and construction of a pair of semi-detached houses and 1 row of 4 terraced houses with associated site works and landscaping at 32 Lurgan Road, Moira and adjacent lands north west at Linen Fields, Lurgan Road, Moira (00:13:44)

The Senior Planning Officer (MB) presented the above applications as outlined within the circulated report.

There was no-one registered to speak in respect of this application.

A number of Members' queries were responded to by Planning Officers.

Debate

During debate, Alderman O Gawith welcomed this application and thanked Officers and the developer for having resolved the issue around Affordable Housing.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

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- (iv) LA05/2023/0078/F – Public realm scheme to resurface all bituminous public footways between the addresses provided on Ballynahinch Road, Anahilt. New roads kerbs to be laid, where applicable. Provision of a puffin crossing adjacent to Anahilt Primary School. Construction of two public use 'on street' contiguous parking bays adjacent to 255 Anahilt Road, Ballynahinch (00:34:10)

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report.

There was no-one registered to speak in respect of this application.

A number Members' queries were responded to by Planning Officers.

Debate

During debate:

- Councillor U Mackin welcomed this application which, he stated, would provide improvement to the roads infrastructure in the area and resolve ongoing problems right along the road, but particularly in front of the primary school; and
- Councillor D J Craig welcomed this application, particularly the provision of a puffin crossing adjacent to the primary school.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

- (v) LA05/2023/0345/F – Proposed new public access path from Lagan Towpath to Navigation House adjacent to Blaris Road, Lisburn on Lands to rear of 148 Hillsborough Road, Lisburn and 2 Blaris Court and 5 Blaris Court, Lisburn. The site extends along the Lagan Towpath starting at the access point on Blaris Road and finishing on a line to the rear of Navigation House, 148 Hillsborough Road, Lisburn (00:49:00)

The Senior Planning Officer (PMcF) presented the above application as outlined within the circulated report.

There was no-one registered to speak in respect of this application.

A number of Members' queries were responded to by Planning Officers.

Debate

During debate, Councillor A Martin welcomed this application, which would be a great asset for the users of Navigation House.

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- (v) LA05/2023/0345/F – Proposed new public access path from Lagan Towpath to Navigation House adjacent to Blaris Road, Lisburn on Lands to rear of 148 Hillsborough Road, Lisburn and 2 Blaris Court and 5 Blaris Court, Lisburn. The site extends along the Lagan Towpath starting at the access point on Blaris Road and finishing on a line to the rear of Navigation House, 148 Hillsborough Road, Lisburn (Contd)

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

The Chairman, Alderman M Gregg, advised that report items 4.2 to 4.5 would be considered at this stage.

4.2 Planning Application LA05/2022/0861/F (00:59:52)

The Head of Planning & Capital Development reported that the decision to grant planning permission to the above application, subject to agreement to an affordable housing contribution, had not changed; only the mechanism for securing and processing the agreement had altered.

“In Committee”

It was proposed by the Chairman, Alderman M Gregg, seconded by Councillor D J Craig and agreed to go ‘into committee’ in order that legal advice could be sought on this application. Those members of the public in attendance left the meeting.

Advice was provided by the Legal Advisor in respect of this application.

Councillor P Catney left, and returned to, the meeting (11.36 am and 11.38 am respectively).

Resumption of Normal Business

It was proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed to come out of committee and normal business was resumed.

It was proposed by Councillor D Bassett, seconded by Alderman O Gawith and agreed that the information set in out in the report in respect of planning application LA05/2022/0861/F be noted.

4.3 Appeal Decision – LA05/2018/0655/F (01:02:32)

It was proposed by Councillor D Bassett, seconded by Councillor P Catney and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

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4.4 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (01:04:02)

It was proposed by Councillor D J Craig, seconded by Councillor D Bassett and agreed to note from the report, information regarding notifications by telecommunication operators to utilise Permitted Development Rights at several locations.

4.5 Update Report in Relation to Older Applications (01:05:01)

The Head of Planning & Capital Development set out in his report, an update on progress made in relation to older planning applications. He also provided a further verbal update on the current number of live applications. It was proposed by Councillor U Mackin, seconded by Alderman O Gawith and agreed that this information be noted.

Alderman J Tinsley thanked Officers for their efforts in respect of the progress made in this regard. The Chairman, Alderman M Gregg, concurred with these sentiments.

Consideration of the schedule of applications would now continue.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned at this point (11.50 am) to allow time for the speakers on the next application to arrive.

Resumption of Meeting

The meeting was resumed at 12.15 pm.

(vi) LA05/2022/0883/O – Proposed replacement dwelling at 49c Waterloo Road, Lisburn (01:09:33)

The Senior Planning Officer (PMcF) presented the above application as outlined within the circulated report.

The Committee received:

- Mr G Long, accompanied by Ms L Johnson, in order to speak in support of this application; and
- Mr D Honeyford MLA in order to speak in support of the application.

A number of Members' queries were responded to.

A number of Members' queries were responded to by Planning Officers.

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(vi) LA05/2022/0883/O – Proposed replacement dwelling at 49c Waterloo Road, Lisburn (Contd)

During discussion, comments were made regarding a copper beech tree on the site being protected by law. It was proposed by Alderman O Gawith and seconded by Councillor P Catney that the application be deferred to afford the applicant the opportunity to submit a horticultural report on this matter. The proposal was put the meeting and, on a recorded vote being taken, was declared 'lost', the voting being as follows:

Vote

In favour: Councillor D Bassett, Councillor P Catney and Alderman O Gawith **(3)**

Against: Councillor S Burns, Councillor D J Craig, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley and the Chairman, Alderman M Gregg **(6)**

Debate

During debate:

- Alderman O Gawith stated that, whilst he had a certain amount of sympathy with the applicant, having been presented with a proposal with such a tightly drawn curtilage and no consideration being given to an alternative style of building, he was in support of the recommendation of the Planning Officer to refuse planning permission;
- Councillor U Mackin stated that he had sympathy for the applicant, however he considered there was an opportunity to site a replacement dwelling within the curtilage of 49c; therefore, he was in support of the recommendation of the Planning Officer to refuse planning permission;
- Councillor A Martin stated that he too had sympathy for the applicant and suggested that a future application be submitted for a redesigned building on the site of 49c; and
- Councillor P Catney stated that he was not in support of the recommendation of the Planning Officer to refuse planning permission.

Vote

In favour: Councillor D Bassett, Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley and the Chairman, Alderman M Gregg **(8)**

Against: Councillor P Catney **(1)**

The Chairman, Alderman M Gregg, declared that the recommendation of the Planning Officer to refuse planning permission was 'carried'.

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Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch (1.15 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (1.49 pm).

At this point, the Chairman Alderman M Gregg advised that application LA05/2021/0099/F had been removed from the schedule to allow for exploration of its building control history, following receipt of a late representation.

- (vii) LA05/2022/0106/O – Demolition of all structures on site and erection of 10 detached dwellings and associated site works at lands at 17 Glebe Manor, Annahilt (02:09:53)

Councillor N Trimble arrived at the meeting during consideration of this application (2.17 pm).

The Senior Planning Officer (MB) presented the above application as outlined within the circulated report.

The Committee received:

- Mr G Beattie in order to speak in opposition to the application; and
- Mr W Wallace in order to speak in support of the application.

A number of Members' queries were addressed by the speakers.

A number of Members' queries were responded to by Planning Officers.

Debate

During debate, Councillor D J Craig pointed out that a previous application had been presented to the Planning Committee for rounding-off on the opposite side of the road and, at that time, the Committee had agreed that there would be no further rounding-off in Annahilt. In order to ensure consistency, Councillor Craig stated that he was in support of the recommendation of the Planning Officer to refuse planning permission.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to refuse this application.

Not having been present for the entire consideration of this application, Councillor N Trimble did not participate in the vote.

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- (viii) LA05/2019/1062/F – Proposed demolition of existing dwelling (no. 104) and erection of residential development consisting of 10 semi-detached dwellings, new access, car parking, landscaping and all associated site works at 104 Pond Park Road, Lisburn (02:42:28)

The Senior Planning Officer (RT) presented the above application as outlined within the circulated report.

The Committee received Mr A Stephens to speak in support of the application. A number of Members' queries were responded to by Mr Stephens.

A number Members' queries were responded to by Planning Officers.

Debate

There was no debate.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

- (ix) LA05/2021/0582/F – Development of infill dwelling on lands between 12 and 14 Ballinderry Road, Aghalee (03:04:00)

The Senior Planning Officer (RT) presented the above application as outlined within the circulated report.

The Committee received Mr D Rooney to speak in support of the application. A number of Members' queries were responded to by Mr Rooney.

A number Members' queries were responded to by Planning Officers.

Debate

During debate:

- Councillor N Trimble stated that, whilst he could understand the agent's interpretation of policy wording, he was in support of the recommendation of the Planning Officer to refuse planning permission; and
- Alderman O Gawith stated that, given that the site was not large enough to accommodate two dwellings, he was in support of the recommendation of the Planning Officer to refuse planning permission.

Vote

Abstain: Alderman J Tinsley **(1)**

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor U Mackin, Councillor A Martin and the Chairman, Alderman M Gregg **(8)**

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- (ix) LA05/2021/0582/F – Development of infill dwelling on lands between 12 and 14 Ballinderry Road, Aghalee (Contd)

Against: Councillor D J Craig (1)

The Chairman, Alderman M Gregg, declared that the Planning Officer's recommendation to refuse the application was 'carried'.

- (x) LA05/2022/1081/F – Infill dwelling and garage between 15 and 15a Crumlin Road, Upper Ballinderry, Lisburn (00:08:15)

As advised earlier in the meeting by the Chairman, Alderman M Gregg, this application had been removed from the schedule at his request.

- (xi) LA05/2021/0099/F – Replacement dwelling and detached garage and retention of existing structure as a store at 30m north west of 730 Saintfield Road, Carryduff (02:09:20)

As advised earlier in the meeting by the Chairman, Alderman M Gregg, this application had been withdrawn from the schedule to allow further consideration of planning history information following receipt of a late representation.

5. Any Other Business (03:31:44)

- 5.1 Planning Applications LA05/2021/1235/F and LA05/2019/1077/F (03:31:50)
Alderman J Tinsley

Alderman J Tinsley referred to the above applications having been deferred earlier in the meeting to allow for a site visit to take place and asked that representatives from Roads Service be requested to attend. The Head of Planning & Capital Development agreed to invite representatives, but pointed out that they could not be compelled to attend the visit.

- 5.2 Date of Future Meetings (03:32:33)
Chairman, Alderman M Gregg

The Chairman, Alderman M Gregg, advised that the next meeting of the Committee would take place on Monday, 5 February, 2024.

The Chairman having pointed out that first Monday in April was Easter Monday and the first Monday in May was May Day, the following dates were agreed for those months:

- 8 April, 2024
- 13 May, 2024

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- 5.3 Planning Applications LA05/2021/1235/F and LA05/2019/1077/F
(03:33:00)
Councillor P Catney

In response to comments by Councillor P Catney, the Head of Planning & Capital Development stated that Officers would endeavour to facilitate the site visit at an early date to allow the applications to be reconsidered at the next meeting of the Committee. He further drew Members' attention to the benefit of receiving the presentation on any application before deciding if a site visit was necessary.

Conclusion of the Meeting

At the conclusion of the meeting, the Chairman, Alderman M Gregg, thanked those present for their attendance.

There being no further business, the meeting was terminated at 3.16 pm.

Chairman/Mayor

Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The following applications have been made to the Council as the Local Planning Authority for determination. 2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. 3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The applications are presented in accordance with the current scheme of delegation. There are three Major and four local applications. Two of which are presented by way of exception and two have been Called In. <ol style="list-style-type: none"> a) LA05/2021/0033/F – Proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development on lands formerly occupied by the Rolls Royce factory north of Upper Newtownards south of Inspire Business Centre east of Ballyoran Lane and west of Carrowreagh Road, Dundonald Recommendation – Approval b) LA05/2021/1245/F - Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park on Lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road) Recommendation – Approval
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- c) LA05/2019/1077/F – Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works on Lands adjacent to and south east of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south.
Recommendation - Refusal
- d) LA05/2023/0292/F -Proposed residential development comprising 81 dwellings, including open space and landscaping, and all associated site and access works (amendment to approval Y/2009/0114/F) on Lands south of Mealough Road, west of Saintfield Road, to the rear and west of 615 Saintfield Road, and circa 200 metres north of Blenheim Park, Carryduff
Recommendation – Approval
- e) LA05/2019/0316/F - Proposed pair of semi-detached dwellings to replace 31 and 33 and 3 additional dwellings to rear on Lands at 31 & 33 Islandkelly Park, Lisburn.
Recommendation - Refusal
- f) LA05/2022/1081/F – Infill dwelling and garage between 15 and 15a Crumlin Road Upper Ballinderry Lisburn.
Recommendation – Refusal
- g) LA05/2022/0033/F - Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on Lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg.
Recommendation - Approval

2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.

2.0 **Recommendation**

For each application the Members are asked to make a decision having considered the detail of the Planning Officer’s report, listen to any third party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.

3.0 **Finance and Resource Implications**

Decisions may be subject to:

- (a) Planning Appeal (where the recommendation is to refuse)
- (b) Judicial Review

Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the

	<p>appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</p>	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	

Appendices:	<p>Appendix 1.1 - LA05/2021/0033/F</p> <p>Appendix 1.2 - LA05/2021/1245/F</p> <p>Appendix 1.3 - LA05/2019/1077/F</p> <p>Appendix 1.4 – LA05/2023/0292/F</p> <p>Appendix 1.5 – LA05/2019/0316/F</p> <p>Appendix 1.6 - LA05/2022/1081/O</p> <p>Appendix 1.7 – LA05/2022/0033/F</p>
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Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	05 February 2024
Committee Interest	Major Application
Application Reference	LA05/2021/0033/F
Date of Application	15 January 2021
District Electoral Area	Castlereagh East
Proposal Description	Proposed mixed-use development comprising 31 no. Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development
Location	Lands formerly occupied by the Rolls Royce factory north of Upper Newtownards, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald
Representations	Ninety Nine [48 objections and 51 support]
Case Officer	Rachel Taylor
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds one hectare in size and comprised of a mixed-use development with more than 50 residential units.
2. This application is presented to the Planning Committee with a recommendation to approve as it is accepted on balance that greater material weight should be afforded to the fact that this land has remained undeveloped and with the passage of time there are a combination of site specific constraints to this employment zoning that make it less likely to be developed for employment in full.

3. There are other benefits detailed in the amended submission which achieve the objective of a sustainable redevelopment of brownfield land in a settlement where there remains an adequate supply of employment land and there is created by this proposal a clear delineation between the main areas of employment use at this location and the housing which enables the delivery of new employment. These facts are given greater material weight than the prevailing regional policy considerations set out in policy ED7 of the Plan Strategy.
4. The benefits also include the creation of a sustainable mixed-use development where residents in the locality will have the opportunity to avail of local business space and job opportunities close to where they live.
5. There is little evidence to support the case for redevelopment in its entirety for future employment given the length of time the land has been vacant and unsuccessfully marketed as a redevelopment opportunity. The evidence that the site is cost prohibitive to redevelop and its peripheral location to the Dublin-Belfast corridor and to sites in the West along the M1 are important material considerations. The economic benefits of the comprehensive development of the site as a whole outweigh the retention of it as undeveloped former employment land.
6. Securing the construction of 31 business units co-located with existing employment use at Ballyoran Lane and Inspire Business Park on approximately 40% of the site creating between 45 – 80 FTE jobs in respect of the employment uses contributes significantly to local job targets for the Council area and carries significant weight in the assessment of the application.
7. The proposal complies with Policy ED8 and ED9 of the Plan Strategy in that the detail submitted demonstrates that the buildings are appropriate to the location and the mitigation proposed will ensure that the development does not prejudice the continued operation of any existing employment uses. The phasing of the development of the employment uses on the site are also subject to a Section 76 planning agreement and no development is to be commenced unless it is in accordance with the agreed phasing.
8. The proposed development also provides for a quality residential environment. When the buildings are constructed, they will not adversely impact on the character or visual amenity of the area and are in accordance with policies HOU1 and HOU3.
9. Furthermore, the layout and arrangement of the buildings draws on the best local architectural form, materials and detailing and the development will not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance. Amenity space is provided at the required standard and the access arrangements are designed to promote walking and cycling. The proposal is in accordance with the requirements of policy HOU4 of the Plan Strategy.

10. Open space is a requirement of policy as the site is more than one hectare in size. The proposal is considered to comply with policy HOU5 of the Plan Strategy in that public open space is provided as an integral part of the development at more than 10% of the total site area.
11. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that the applicant is agreed to provide a minimum of 20% affordable housing within the site. This provision will be subject to a Section 76 planning agreement. The total number of units required is 19 and the specific location of these dwellings is to be agreed prior to the construction of the first dwelling on the site.
12. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
13. It is also considered that the development complies with policies TRA2 of the Plan Strategy in that the detail submitted demonstrates that the access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
14. The proposal complies with policies TRA7 of the Plan Strategy in that it is demonstrated that adequate parking and appropriate servicing arrangements have been provided having regard to the specific characteristic of the development, its location and parking standards.
15. The proposal complies with policy NH2 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.
16. The proposal also complies with policy NH5 of the Plan Strategy as the application demonstrates that there will be no detrimental impact of the development on priority habitats and species.
17. It is accepted that the proposal complies with policies FLD1 and FLD3 of the Plan Strategy in that the site does not lie within the 1 in 100 year fluvial flood plain and the mitigation measures proposed ensure that all surface water discharge is attenuated and limited to greenfield run-off rates.

Description of Site and Surroundings

Site

18. The proposed site is located at the junction of the Upper Newtownards Road and the Carrowreagh Road, Dundonald approximately 6.5 miles from Belfast and 5 miles from Newtownards. Access is from both Ballyoran Land and Carrowreagh Road.
19. The site is currently vacant, and the majority of the former industrial buildings have been demolished and removed from the land.
20. The site is predominantly flat throughout where it has a boundary with the Upper Newtownards Road and Ballyoran Lane however there is a significant change in level towards the rear of the site where it borders Inspire Business Park.
21. The site also includes a tarmacked car park at the higher level with a separate access onto Carrowreagh Road.
22. The boundaries of site are defined by a belt of mature trees to the south along the border with the Upper Newtownards Road and continuing in part east along Carrowreagh Road. The remainder of the boundaries are mostly made up of two-metre chain-link fencing and concrete posts.

Surroundings

23. The surrounding area is mixed in character. The surrounding land to the west and north is industrial and commercial in character and comprised of Carrowreagh Business Park, Dundonald Enterprise Park and other businesses.
24. To the east and on the opposite side of Carrowreagh Road is an existing residential neighbourhood of Millreagh Avenue and Millreagh Drive.
25. To the south is the Upper Newtownards Road which is the main road connecting Belfast to Newtownards beyond which is a Gospel Centre and the residential neighbourhoods of Coopers Mill and Millmount,

Proposed Development

26. The application is for a proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new

accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development.

27. This is an amended proposal. The total number of residential units is reduced, the retail component is removed, and the number of employment units are increased. The scheme as amended is considered to still fall within the scope of original proposal as it is mixed use development, and the housing still enables the employment use.
28. There is no requirement for further community consultation and the PAN and PACC are not revisited as part of this assessment.
29. The application was also supported by the following documents:
 - Design and Access Statement;
 - Supporting Planning Statement;
 - Landscape Management and Maintenance Plan;
 - Generic Quantitative Risk assessment Report and Remedial Strategy Report and updated reports;
 - Sequential Assessment;
 - Economic Impact Statement;
 - Air Quality Impact Statement (AQIA);
 - Employment Land Assessment;
 - Noise Impact Assessment and addendum and updated NIA;
 - Transportation Assessment (and TAF);
 - Stage 1 Safety Audit;
 - Drainage Assessment and addendum; and
 - Hybrid Planning and Design Statement
 - Market Commentary & Economic Viability Report

Relevant Planning History

30. The following planning history is associated with the application site and includes the following:

Application Reference	Description of Proposal	Decision
Y/2005/0392/O	Site for mixed use development comprising petrol station with convenience store, 5 no. retail units with 10 no. apartments over, pub/restaurant & 4 no. own door offices at 770 Upper Newtownards Road and Carrowreagh Road.	Withdrawn 30.05.2007
Y/2005/0412/F	Change of use from offices ancillary to industrial complex to Own Door Offices plus erection of 3 no. access towers.	Withdrawn 30.05.2007

Application Reference	Description of Proposal	Decision
Y/2010/0087/O	Demolition of existing buildings and structures and the construction of a retail store (Class A1); Petrol Filling Station (sui generis); industrial units (Class B2 and B4); and associated highway, footpaths, landscaping and other works and improvements	Approved 28.06.2013
Y/2008/0227/F	Erection of a mixed use development consisting of 72 no. residential units, 6 no. retail units, 48 no. offices, 12 no. industrial units and the erection of a 91 bed hotel all with associated car parking and landscaping, (demolition of all buildings on site) Additional Information-Transport Assessment received.	Withdrawn 11.03.2010
Y/2013/0230/RM	Engineering works to the existing highway and other land pursuant to application reference Y/2010/0087/O (Amended Plans)	Withdrawn 20.03.2015
Y/2013/0225/RM	Engineering works to the existing highway and other lands pursuant to application reference Y/2010/0087/O	Invalid
Y/2013/0230/RM	Engineering works to the existing highway and other land pursuant to application reference Y/2010/0087/O (Amended Plans)	Withdrawn 20.03.2015
LA05/2017/1206/O	Proposed residential development comprising a mix of apartments, townhouses, semi-detached and detached properties with integral open space including an equipped children's play park; a neighbourhood centre comprising a mix of uses including a local convenience store together with 3 smaller retail units (Class A1), a coffee shop (Sui Generis) at ground floor, and provision of floor space for community and cultural uses (Class D1) at first floor level with associated car parking; improvements to site access from Carrowreagh Road and works to the public road including provision of a right turn lane; landscaping; and other ancillary works	Withdrawn 11.01.2019

Consultations

31. The following consultations were carried out.

Consultee	Response
DFI Roads	No objection
NI Water	No objection
Rivers Agency	No objection
Environmental Health	No objection
NI Housing Executive	No objection
Shared Environmental Services	No objection
NIEA Regulation Unit	No objection
Invest NI	Objection
NIEA Water Management and Inland Fisheries Unit	No objection
Natural Environment Division	No objection
NIE	No objection

Representations

32. A total of forty-eight letters of objection have been received predominantly from households across the wider Dundonald Area. A number of objections are also received from Dundonald Greenbelt Residents Association.

33. The following issues have been raised:

- Only piece of zoned land left in Dundonald and is in the middle of five successful business parks, some of which have waiting lists for premises.
- There is no housing need in this area
- Objection to hot food bars and petrol filling station elements as there is a petrol station less than 1 mile down the road with all these facilities and numerous such stations across Ards
- Increasing demand for electric cars so demand for petrol is falling.

- Eye sore former petrol station across the road now a car wash
- Hot food bars less than one mile away cause noise and light pollution, increased litter and vermin, late opening and anti-social behaviour, detrimental impact on human health with fast foods.
- Units will negatively impact the area and profit the developer.
- Will create traffic issues around Carrowreagh Road especially at peak times.
- Dundonald needs more jobs, not more houses.
- Contrary to the RDS that seeks to protect employment land.
- Rezones the land which should have been a job for the local development plan process.
- There is also a surplus of housing as well
- Will undermine and threaten the viability of the forthcoming Millmount Village Centre
- NIW recommend no more connections.
- Contrary to the RDS (5 key policies) which seeks to protect employment land.
- Reports are paid for by the agent and have differing purposes.
- Post COVID warehouse requirement has not been quantified.
- Litchfield assessment was done by the Council and rated it at the top of the average rating.
- Carrowreagh business park is fully occupied.
- Suggest that this is a prime site, flat, uncontaminated and surrounded by successful business parks. Blame the owner who is a house builder as they paid a high price.
- Contrary to three area plans including BUAP, d BMAP and unlawful BMAP zonings.
- SPPS is a higher test under the transitional arrangements and does not include residential as an option. The 'flexibility; in approach only applies to unzone lands in the SPPS
- No market interest is wrong, Sainsbury's nearly went here in 2014. Little evidence of what was marketed and how.

- Increased investment in NI anticipated post Brexit
- Wrights have successfully refurbished at Ballyoran Business Park over the last ten years
- Range and choice of sites which is to be protected has now gone as the Comber Road mixed use application was approved and this is the only site left in the locality.
- Quantification of the 'economic benefits' is misleading as it doesn't quantify development that it displaces from other zoned housing sites nor deduct costs to the economy of additional residents nor servicing the site.
- The site should be yielding round 800 jobs as that's what Rolls Royce employed. Sainsbury's promised 500 and yet this will only net 100 jobs, one eighth of its potential.
- Existing amenities already under pressure e.g. schools
- The argument that the site is not on the motorway network applies to all the employment zonings containing undeveloped land in Castlereagh.
- The applicants statements do not address the Councils economic development response in relation to the earlier scheme.
- The revised scheme offers less job creation than the earlier version.
- The economic offering remains unchanged.
- Invest NI and Economic Development are unsupportive.
- Failure of the applicant to address the correct policy context and the SPPS removes the word residential from PPS7 PED4's list of uses that can legitimately be considered.
- 40% is a misrepresentation of the amount of land being offered as employment which knocks onto open space calculations being sub standard.
- The wrong development model is being used as there are 4 successful business parks adjacent to the site. The marginal nature of the profit margin suggests the scheme is not robust and gives rise to a high risk of full or partial failure.
- Proposed phasing is unfavourable to employment.
- The business park has no management plan
- Not supported by the RDS RG1 and other RDS policies.

- Absence of housing need argument.
 - No details of the redevelopment of Wrights Business Park which is adjacent to the site and refurbished a large quantum of derelict units.
34. A total of fifty-one letters of support have been received primarily from households within the Millreagh developments on the opposite side of the Carrowreagh Road. Two Members of Parliament are also in support of the proposal. The following broad issues have been raised:
- Concerns with NI Water have now been addressed
 - Acknowledges no interest in industry and failed supermarket application
 - Welcomes the petrol station and retail units for local residents which is considered to be needed
 - Best mix for the site which is a blight on the landscape
 - Laid unused for 15 years so good to be reused, magnet for antisocial behaviour and fly tipping
 - Removes health and safety hazard form the area
 - Variety and mixture of houses proposed
 - Council has sufficient land for employment – reference to flexibility within the SPPS
 - Failure of former Quarry Inn site
35. Consideration of the issues raised in the third party representations are set out later in the report.

Environmental Impact Assessment (EIA)

36. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.
37. An EIA determination was carried out and it was concluded that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

38. The EIA determination was not revisited for the amended proposal. The scope of the proposal still falls within the parameters of the original determination. No new or additional impacts are identified.

Regional Development Strategy

39. The latest revision to the Regional Development Strategy (RDS) 2035 was published in 2010 which seeks to deliver the spatial aspects of the Programme for Government (PfG).
40. Policy RG1 of the RDS requires there to be an adequate and available supply of employment lands to ensure sustainable economic growth. This policy requires the protection of land zoned for economic use as it provides a valuable resource for local and external investment.
41. Regional policy directs that the protection of such zonings should ensure that a variety of suitable sites exists across Northern Ireland to facilitate economic growth. It looks to development plans to provide an adequate and continuous supply of land for employment purposes.
42. The Spatial Framework Guidance SFG 1 seeks to promote urban economic development at key locations throughout the Belfast Metropolitan Urban Area and ensure sufficient land is available for jobs. There is no specific reference to Dundonald as a location for employment in the RDS 2035.

Local Development Plan

Local Development Plan Context

43. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.
44. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

45. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
46. The BUAP indicates that the proposed site is within the development limit and is not zoned for any specific land use.
47. Within draft BMAP the site is located within the settlement limit as zoned employment land MCH09 – Existing Employment / Industry Land at Upper Newtownards Road / Carrowreagh Road.
48. Some 34.98 hectares of land are zoned as Existing Employment / Industry at Upper Newtownards Road.
49. At the Public Inquiry into BMAP an objection was considered for Existing Employment Sites under MCH 09: Land at Upper Newtownards Road/Carrowreagh Road (Objections 525, 3824/16, 1742, 3442). Objectors sought Designation MCH 09 as a Major Employment Location.
50. The Commission in consideration of the objection outlined that the RDS provides specific guidance for the location of MELs. MELs are zoned in the plan and represent employment sites strategically located throughout the BMA at Regional Gateways and along major transportation routes as directed by the RDS. They highlighted that within the Castlereagh District the Purdysburn area is specified in the RDS as a strategic location for employment growth and is consequently zoned as a MEL in the plan to reflect RDS guidance. The RDS does not indicate a strategic location for employment growth on the Upper Newtownards Road. They concluded that the zoning should be retained for existing employment use and there was no justification for designation as a MEL.
51. In the last revision to BMAP prior to adoption the site is land zoned for existing employment under MCH 06.
52. Zoning MCH 06 Existing Employment Land at Upper Newtownards Road/ Carrowreagh Road consists of 34.93 hectares of land are zoned as existing Employment at Upper Newtownards Road as identified on Map No. 2/001 – Metropolitan Castlereagh.
53. This site is an existing employment site. Strategic Policy 11 - Economic Development in Settlements states that:

The Plan will support development proposals that:

- a) *support and promote the Strategic Mixed Use Sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements*
- b) *support and promote the local employment sites throughout the Council area, to help provide opportunities for a range of economic needs and businesses*
- c) *encourage mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation*
- d) *provide Class B1 Business within the strategic mixed use sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements.*

54. Housing is also proposed on existing employment land. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

55. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

56. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

57. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

58. More than five dwellings are proposed and Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

59. Strategic Policy 08 Housing in Settlements states that

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

60. The following operational policies in Part 2 of the Plan Strategy also apply.

Economic Development

61. Employment Development is proposed is part of a mixed-use development. Policy ED1 Economic Development in Cities and Towns states that:

Class B1 Business

A development proposal for Class B1 business (a) office, (b) call centre, (c) research and development will be permitted:

- a) in a designated city or town centre or in other locations identified in the Local Development Plan for such uses such as a district or local centre or business park*
- b) elsewhere in city or towns, where there is a definite proposal and it is demonstrated that no suitable site exists under part (a) applicants will be expected to demonstrate that an edge of city/town centre location is not available before a location elsewhere within the settlement limits is considered*
- c) on zoned employment land identified in the Local Development Plan, where it is demonstrated that no suitable site exists under parts (a) and (b).*

*Class B2, Light Industrial, B3 General Industrial and B4 Storage or distribution
A development proposal for Class B2, B3 and B4 use will be permitted:*

- a) on zoned employment land identified in the Local Development Plan where it is demonstrated that the proposed use is compatible with adjacent or nearby uses and is of a scale, nature and form appropriate to the existing area.*

Elsewhere in cities and towns such proposals will be determined on their individual merits.

62. Housing is proposed on zoned employment land as part of a mixed use development. Policy ED7 Retention of Zoned Land and Economic states:

Development Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development in a Local Development Plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a B1 or sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated:

- a) *the proposal is compatible with the predominant economic use*
- b) *it is of a scale, nature and form appropriate to the location*
- c) *the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.*

A further exception will apply to retailing and commercial leisure development which is ancillary in nature.

63. The site is located adjacent to established employment uses. Policy ED8 Development Incompatible with Economic Development Uses states that:

A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.

64. The scale and nature of the employment part of the scheme needs to be designed to an appropriate standard. Policy ED9 General Criteria for Economic Development states that:

Any proposal for an economic development use (including extensions) outlined in Policies ED1 to ED8 will also be required to meet all of the following criteria:

- a) *it is compatible with surrounding land uses*
- b) *it does not harm the amenities of nearby residents*
- c) *it does not adversely affect features of the natural or historic environment*
- d) *it is not located in an area of flood risk and will not cause or exacerbate flooding*
- e) *it does not harm the water environment*
- f) *it does not create a noise nuisance*
- g) *it is capable of dealing satisfactorily with any emission or effluent*
- h) *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*
- i) *adequate access arrangements, parking and manoeuvring areas are provided*
- j) *a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal*
- k) *the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity*
- l) *appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view*
- m) *it is designed to deter crime and promote personal safety*
- n) *in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape*
- o) *it meets the requirements of Policy NH1.*

Housing in Settlements

65. As this application includes residential development and policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

66. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

67. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
- l) *the development is designed to deter crime and promote personal safety.*

- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

68. The Justification and Amplification states that:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

69. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

70. Given the scale of residential development previously approved on the wider lands the need for public open space and play is still considered as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

- a) *the open space must be at least 10% of the total site area*
- b) *for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.*

The following exceptions to the above open space provision will apply where:

- a) *the residential development is designed to integrate with and make use of adjoining public open space*
- b) *the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space*
- c) *in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is being provided.*

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists

within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

Public open space required by this policy will be expected to conform to all of the following criteria:

- *it is designed as an integral part of the development with easy and safe access from the dwellings*
- *it is of demonstrable recreational or amenity value*
- *it is designed, wherever possible, to be multi-functional*
- *its design, location and appearance takes into account the needs of disabled persons and it respects the amenity of nearby residents*
- *landscape and heritage features are retained and incorporated in its design and layout.*

In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

71. As more than five dwellings are proposed there is a need to make provision for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

72. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

73. The Glossary associated with Part 2 of the Plan Strategy states that

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

74. Whilst the site is not located within a sensitive area, the potential impact on the natural environment is considered. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*

- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

75. The proposal involves the construction of a new access and alterations to an existing access. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

76. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

77. Policy TRA7 Carparking and Servicing Arrangements in New Development states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*
- b) *where the development is in a highly-accessible location well served by public transport*
- c) *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*
- d) *where shared car parking is a viable option*
- e) *where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

78. Pedestrian access and cycling is taken account of in the design of the proposed development. Policy TRA 8 – Active Travel Networks and Infrastructure Provision states that:

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal. A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

- a) safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks*
- b) the needs of mobility impaired persons; and respect existing public rights of way*
- c) safe, convenient and secure cycle parking.*

In addition major employment generating development will be required to make appropriate provision for shower and changing facilities.

Flooding

- 79. The drainage for the scale of development proposed must be designed to take account of the impact on flooding elsewhere.
- 80. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) a residential development of 10 or more units*
- b) a development site in excess of 1 hectare*
- c) a change of use involving new buildings and/or hard surfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Regional Policy and Guidance

Regional Policy

81. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

82. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

83. It states that:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

84. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

85. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

86. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

87. Paragraph 4.11 of the SPPS states that:

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

88. Paragraph 4.12 of the SPPS states that:

other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality.

89. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

90. Paragraph 6.81 of the SPPS states that:

The planning system has a key role in achieving a vibrant economy. In this regard the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

91. Paragraph 6.84 of the SPPS states that:

Within larger settlements such as cities and towns, planning decisions must, to a large extent, be informed by the provisions made for economic development through the LDP process.

92. Paragraph 6.89 of the SPPS states that:

It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

93. Paragraph 6.91 of the SPPS states that:

All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

94. Paragraph 6.97 of the SPPS states that:

Planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing economic development uses, and use of previously developed land or buildings.

95. With regard to housing, the SPPS states at Paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

96. With regards to open space, paragraph 6.200 of the SPPS states that:

open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

97. Paragraph 6.206 states that:

Councils must bring forward policy to require new residential development of an appropriate scale (generally 25 or more units, or on sites of one hectare and above) to provide adequate and well-designed open space as an integral part of the development. Councils should also ensure a suitable mechanism is in place to secure the future management and maintenance of open space in new residential developments.

98. In terms of access, movement and parking, the SPPS states at paragraphs 6.302 to 6.305 that:

The decision-taking process is a key tool for delivering sustainable travel patterns and good integration between transportation and land use. In determining planning applications, it is important that due regard is given to the design and layout of the proposed development and the facilities provided to cater for the particular needs of people with disabilities. Relevant considerations will normally include user friendly pedestrian routes, easy access to car parking reserved for disabled people and public transport facilities, and public buildings designed to provide suitable access for customers, visitors and employees.

In assessing development proposals planning authorities must apply the Department's published guidance. In determining a development proposal likely to generate a significant volume of traffic, planning authorities should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts; this should include mitigation measures where appropriate. The Transport Assessment may include a travel plan, agreed with DRD Transport NI, or the relevant transport authority, that sets out a package of complementary measures to secure the overall delivery of more sustainable travel patterns and which reduces the level of private car traffic generated.

In assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to 59 See draft guide to Transport Assessment (published by DOE and DRD, 2006) the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment.

In determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy following a robust analysis by the applicant. In such cases the planning authority should consult with DRD, or the relevant transport authority. Other relevant planning considerations when determining such proposals will include traffic and environmental impacts and the proposals compatibility with adjoining land uses.

99. With regards to Natural Heritage paragraph 6.174 of the SPPS states that:

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

100. Paragraph 6.182 of the SPPS states that:

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

101. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

102. With regards to flood risk, Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

103. Paragraph 6.132 of the SPPS states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

104. Strategic policy states that the key to successful place-making is the relationship between different buildings, the relationship between buildings and streets etc. and that the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area are important considerations.

Retained Regional Guidance

105. Whilst not policy, the following guidance documents remain material considerations.

106. Planning Advice Note (PAN) on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses states that:

In relation to economic development the aim of the SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses environment and the principles of sustainable development. This aim is supported by 6 regional strategic objectives and a number of policy provisions.

The SPPS makes clear the importance that economic development land and buildings which are well-located and suited to such purposes are retained in order to ensure a sufficient and ongoing supply.

The Department is keen to support the diversity of the local economy and encourage employment generation. It is therefore necessary to retain existing

sites for economic development and safeguard the supply of future economic development land to achieve this aim.

Only in exceptional circumstances will the loss of land zoned for economic development use in a local development plan to other uses be considered. Planning permission should therefore not normally be granted for proposals that would result in the loss of such land and buildings to other uses.

The retention of economic development land can not only make a substantial contribution to the renewal and revitalisation of towns and beyond but it can also provide employment opportunities accessible to large sections of the urban population and the rural hinterland. The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment and social deprivation.

In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.

A development proposal on land or buildings not zoned in a development plan but currently in economic development use (or last used for that purpose), which will result in the loss of such land or buildings to other uses, will not normally be granted planning permission. Planning authorities may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits that are considered to outweigh the loss of land for economic development use. Planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land or buildings for economic development use.

107. The Planning Advice Note lists other planning considerations to be weighed and balanced when making balanced judgements on the merits of a particular case or the potential loss of economic development land. These include:

- *The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;*
- *Accessibility to the regional transportation network and a variety of transport modes;*
- *The potential to regenerate existing urban areas through economic development or as part of a mixed use development;*
- *Accessibility to every member of the community, especially those in socially disadvantaged areas;*
- *Why a site is no longer required or considered suitable for continued economic development use;*
- *Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;*

- *Compatibility with neighbouring land uses;*
- *The views of relevant statutory and non-statutory consultees; and*
- *The availability of adequate services and infrastructure such as water and sewerage.*

108. It is further highlighted that:

planning officers should also consider the regional and strategic framework provisions of the RDS 2035 such as RG1 'Ensure adequate supply of land to facilitate sustainable economic growth'. The above list is not exhaustive. All applications for economic development must also be assessed against other general planning criteria relating to matters such as access arrangements, design, environmental and amenity impacts.

109. The advice note further indicates that:

planning officers also have regard to published supplementary planning guidance as well as any other material considerations which are relevant to the particular case.

110. The Department identify in the note that:

the flexibility allowed under current planning policy relates only to firm proposals for acceptable alternative uses which outweigh the preferred option of retaining land zoned for economic development use in a local development plan, and unzoned land that is currently used (or was last used) for economic development purposes.

Creating Places

111. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.

112. The guide is structured around the process of design and addresses the following matters:

- the analysis of a site and its context;
- strategies for the overall design character of a proposal;
- the main elements of good design; and
- detailed design requirements.

113. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

114. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

115. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Development Control Advice Note 15 – Vehicular Access Standards

116. Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 that:

The Department’s Planning Policy Statement 3 “Development Control: Roads Considerations” (PPS3) refers to the Department’s standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Assessment

117. It is acknowledged that there is a general policy presumption against the loss of this employment land in the Plan Strategy. That said, flexibility can be provided where other material considerations are considered to carry greater weight in the assessment.

118. The appropriateness of the loss of approximately 60% of the lands zoned for employment use to housing and open space is considered later in this report.

Planning and Economic Development

119. As explained earlier in the report, this application proposes a mixed-use development and the land is developed in two parts:

- Section 1 – light industrial units and electric vehicle charging hub – 6.58 acres (2.66 hectares)
- Section 2 – 95 dwellings and open space – 9.81 acres (3.97 hectares)

120. The total site comprises of 6.63 hectares of previously developed brownfield land, 40% will be developed for economic uses consistent with the definition specified in the policy ED1 and 60% developed for residential use and open space.

121. The land is zoned for employment use in draft BMAP and significant weight is afforded to that zoning as it is retained as part of the transitional arrangements for the Lisburn and Castlereagh City Local Development Plan.
122. Whilst Invest NI standard advice is to object to the loss of land either currently or last used for economic development to alternative uses they do not identify this site as one of their priority locations for inward investment. The consultation response provides little by way of assistance in the assessment of whether the general presumption against the loss of zoned employment land is appropriate.

Retention of Zoned Land and Economic Development

123. Only 40% of the site is proposed site is for economic development use a part of which is made up of buffer planting to separate the proposed uses.
124. Policy ED7 states that an exception will be permitted for the development of a sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated that:
- the proposal is compatible with the predominant economic use;
 - it is of a scale, nature and form appropriate to the location;
 - the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.
125. The proposed development does not comprise sui generis employment uses and as such, the exception to policy ED7 is not considered to be met.
126. Whilst it is acknowledged that the proposal is not an exception to policy the applicant requests that a number of other material considerations be weighed in the assessment of this application.
127. The view is expressed by the applicant that flexibility should be afforded to the mixed-use development of the site in accordance with a Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses and a number of reasons are provided for this case.

Other Material Considerations

128. A series of 'significant economic benefits' are also outlined the majority of which will be considered later in the report.
129. In an appraisal carried out by CBRE it is explained that the development of the site for entirely economic uses is wholly untenable and would result in catastrophic financial loss for the developer. This is principally the reason why the site has remained vacant for this period of time.

130. The CBRE report further explains that the development as presented initially would result in an 8.19% profit which at that time was considered marginal for a scheme of this nature. This figure has now been further revised to 6.04% based on an updated viability testing as a result of the need to provide for 19 affordable houses. It is emphasised that the risk of such a marginal return must be balanced in terms of the proportion of the site given over to each use.
131. In the supporting documentation provided with the application, the agent also advances a number social and community benefits that will occur as a result of the site being development including improvements in the road and drainage infrastructure and redevelop a space associated with anti-social behaviour.
132. The Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses (referred to subsequently as the PAN) states at paragraph 14 that

only in exceptional circumstances will the loss of land zoned for economic development use in a local development plan to other uses be considered. Planning permission should therefore not normally be granted for proposals that would result in the loss of such land and buildings to other uses.

133. At paragraph 16 of the PAN, it is further confirmed in cases where planning applications involve a departure from the development plan zoning, for example from light industrial to a mixed-use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.
134. The PAN sets out nine matters against which development proposals should be assessed and the other material considerations offered by the applicant in support of this proposal are detailed under each heading.

Matter 1 - The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;

135. With regards to this matter, the agent had stated in earlier submissions that over the course of the last decade that the applicant has brought forward a number of proposals and sought feedback from the 'local residential and business communities' which they have used to inform this mix of proposals presented in the application.
136. The supporting planning statement highlights that the PACC undertaken quantified a 'high level of support' for the application and that there was a clear community interest in the site being developed.
137. The position adopted by the applicant in this regard is not accepted as, there is no persuasive evidence that the mix of use has significant and demonstrable support from all sections of the community.

138. There was a fairly even split for and against the proposal and those who were mainly in favour came from one residential neighbourhood adjacent to the site and concerned about unsightliness of the undeveloped land and the anti-social behaviour resulting from people using the vacant lands.
139. Whilst this is not considered to be sufficient justification in its own right to outweigh the loss of employment land, it does demonstrate that the views expressed by other interested parties have been taken into account in bringing forward the proposal.

Matter 2 - Accessibility to the regional transportation network and a variety of transport modes:

140. The supporting statement confirms that the site is an accessible location and is well served by a number of modes of transport which connect the site with the surrounding area and Belfast City Centre including roads, bus service and cycle paths. Bus stops are close to Ballyoran Lane and Carrowreagh Road and the Glider terminus is 800 metres from the site.
141. The statement sets out that this site does not have good accessibility to the regional transport network such as motorway, rail, airports and seaports. It states that for this reason the market evidence from the CBRE report demonstrates that the market demand is concentrated on smaller units, in the order of 1000 – 3000 square feet. It states that Dundonald is well suited for smaller business units which better support local demand.
142. The supporting statement quotes the Employment Land Review carried out in October 2019 for the emerging Local Development Plan which marks the site 3 out of 5 and is silent with regards connectivity to the wider region.
143. The statement explains that whilst the site is not necessarily well connected to the regional transport network which is a key driver in the current demand for employment/industrial space and is therefore more suitable for small businesses opportunities, consistent with the profile in the immediate area.
144. The site is adjacent to the main traffic route connecting Belfast to Newtownards and well served by public transport. It may not be suitable for all types of employment as the journey times to the regional network are longer.
145. The land is well served by a variety of transport modes and access to the regional transport infrastructure can be achieved, albeit it is accepted for larger logistical locations it would not potentially be a desirable location as they favour the Newry-Belfast corridor.
146. The nature of the employment offering is such that it provides for smaller business opportunities but does not preclude units being combined to provide for medium sized employment uses subject to demand going forward.

147. The clarification statement provided from the agent confirms that the units are designed in blocks of three and four units and are designed to be flexible so that they can be readily merged to create larger units, if required.

Matter 3 - The potential to regenerate existing urban areas through economic development or as part of a mixed use development.

148. The supporting statement states that the site has been marketed without meaningful expression of interest as employment space for over 16 years.
149. It references a BTW Shiells report from March 2010 which provides an assessment of land supply and industrial space demand in relation to the application site and its location. This report confirms there was no demand for the site and sufficient employment space was available on other sites within the area to satisfy any likely future demand.
150. The report also included marketing activities by commercial agents Colliers CRE and Campbell Cairns between September 2004 to March 2010 detailing the lack of interest received since the site was occupied.
151. The supporting statement emphasises that the BTW Shiells report was the report accepted by the Department in granting approval in 2013 for a retail led development. It was only when the anchor tenant pulled out, the scheme became unviable. They state that the market demand and supply for industrial land remains unchanged.
152. The mix of uses accepted by the Department at that time was around 50:50 to employment use. This was acknowledged to be contrary to policy but very finely balanced having regard to the significant level of job creation.
153. The planning history for Y/2010/0087/O predates the SPPS and the Planning Advice Note therefore the current proposal must be considered against prevailing planning policy.
154. The updated supporting statement advises that 40% of the land will be developed for economic development uses and the balance of land for housing and open space.
155. The development of 40% of this site for employment uses is considered to be a more meaningful contribution and a significant improvement on the 20% offered previously. Whilst the total yield of floorspace offered is only increased by 4500 square feet, it includes larger buffer areas to ensure a better relationship to the proposed housing.
156. An updated economic benefits report is incorporated in an updated planning and design Statement explains that the proposal includes the creation of a sustainable community; a place where people can live and work.

157. The clarification statement confirms that the proposed development represents a £36 million overall investment to the local area that has the potential to create 85 commercial jobs and 110 construction jobs.
158. The industrial/employment use is estimated to create a further £5.7 million economic productivity (GVA) in Northern Ireland on an annual basis, including £4.6 million in the LCCC area and £100,000 in non-domestic rates.
159. A phased approach is offered within the updated CBRE Market Commentary and Economic Viability report to help with the regeneration of the site in terms of 3 phases to allow the return from the residential development to support the development of the commercial units as the commercial elements in isolation are not financially viable.
- Phase 1 – Construction of 36 residential units. Construction of Phase 1 of the employment units to Industrial occupation standard – 12,000 sq ft
 - Phase 2 - Construction of a further 36 residential units. Construction of Phase 2 of the employment units to Industrial occupation standard – 15,000 sq ft
 - Phase 3 - Construction of the remaining 23 residential units. Construction of Phase 3 of the employment units to Industrial occupation standard – 19,500 square feet.
160. This phasing is not practical in light of the amendment to the layout and an alternative phasing that deliver the employment and affordable housing requirements much earlier is considered later in the report.
161. Whilst a significant capital investment is proposed this is primarily in new housing and the emphasis in the PAN is that the regeneration should be through economic development use.
162. CBRE Market Commentary and Economic Viability report explains the scenario examined for an entire B2/B4 scheme which produces a catastrophic loss of approximately (£22,107,881). This is also based upon a development timeframe of 5 years which is wholly unrealistic given local market demand.
163. The same CBRE report for this revised mixed use 60/40 application generates a development profit of £2,142,366 equating to 8.19% profit on Cost. A 8.19% profit on cost return is considered to be marginal for a scheme of this nature with Bank funders typically expecting to see returns of between 15%-20% to reflect developer risk.
164. This profit margin was revisited in the clarification statement [dated 19 January 2024] when considering the delivery of 19 affordable units as part of the scheme and reduced further to 6.04%.

165. The CBRE report concludes that the strict application of policy constraints will prohibit any development on the subject site and, unless that constraint is eased to permit and encourage a viable form of development, it is certain to remain undeveloped for a very long and indefinite time. The qualified author who is the Executive Director for Investment properties for CBRE NI is

entirely satisfied, based upon my analysis and experience, that a strict application of policy would render this site incapable of development for a period of at least 15 years but probably much longer.

166. Having regard to the evidence presented, it is accepted that an employment only scheme is unlikely to regenerate the site or the wider area consistent with the guidance in the PAN.
167. The capacity of the developer to fund a scheme is also a material consideration. It is considered that on balance, that the delivery of employment on the scale proposed is a significant improvement on the earlier scheme and is the limit of profitability under which the site can be developed. It is laid out to respect the character of the area and to be co-located with existing employment uses, is designed to be flexible and the arrangement takes account of the physical constraints of the site.
168. Without providing for the residential component the site will remain unviable. The phasing of the development to ensure the delivery of the economic uses is important as it will assist in the regeneration of this part of Dundonald.
169. The jobs are created in the construction industry and the local economy as the size of the units are designed to be attractive to local businesses.
170. Whilst the applicant advises that this scale of housing is required for site viability this is the second version of the scheme which has been presented to the Council.
171. The earlier scheme was considered not to go far enough introducing elements which were not required such as the petrol filling station and only 20% employment.
172. The revised scheme offers a better mix of development with a larger portion now being offered to employment with those jobs being created directly linking to the employment use and the regeneration of a key site within the Dundonald area.

Matter 4 - Accessibility to every member of the community, especially those in socially disadvantaged areas.

173. The application site is locally accessible by a range of modes of transport and the provision of a higher % of employment spaces means greater accessibility for other members of the community to workplace opportunities.

174. Furthermore, the provision of an affordable housing component makes the residential element more accessible to other members of the community, promotes community cohesion and a more balance community.

Matter 5 - Why a site is no longer required or considered suitable for continued economic development use.

175. The supporting statement confirms that the site was last used in 2004 and since then has lay vacant. The buildings have been demolished.
176. The applicant makes reference to an employment land assessment carried out on behalf of the Council. This assessment was used to inform the emerging Local Development Plan. The report indicates there are 212 hectares of employment land yet to be developed, and that on average 2.99 hectares of employment land is being developed each year and there is an estimated 71-year supply of land within the Council Area.
177. The supporting statement confirms that due to a number of factors, the nature of the demand for employment space has seen a significant shift away from the historic arrangement of large buildings with single operators to smaller units with industrial or enterprise centres occupied by multiple operators.
178. The assessment also refers to the marketing exercises carried out which failed to attract meaningful interest from industrial or economic operators.
179. The site is considered suitable for economic development use but at a scale which uses housing as mechanism for addressing the loss that will be incurred by the economic development.
180. The PAN indicates that the loss of existing land should be an exception rather than the norm.
181. Whilst the local development plan process is the mechanism for establishing whether a site remains suitable for employment use, the employment land review offers direction.
182. The proposal has been redesigned to allow compatibility and transition from economic to housing along the north with Inspire Business Park and to the west with Ballyoran Lane.
183. The offering of employment has been doubled to 40%. This is evidenced by the CBRE Market Commentary and Economic Viability report which confirms that the only viable option is a mixed-use scheme whereby the higher value residential use can enable the development of the loss making employment space. It is accepted on balance that without the incorporation of residential units the site will remain unviable and undeveloped in the long term.

184. The compatibility with neighbouring employment lands has been adequately addressed in that the employment offerings sit cheek by jowl with existing employment uses and it is accepted that its location on the main transport route is more conducive to local small businesses rather than larger logistics hubs.
185. It is also considered that the revised scheme strikes a more acceptable balance of mixed use. The clarification statement confirms that the proposal acts as a stepping stone for businesses looking to grow and expand beyond the start-up phase.

Matter 6 - Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;

186. The agent submitted an Employment Land Assessment in support of the application which seeks to demonstrate that the granting of permission for a mixed-use development proposal will not prejudice the supply of employment land within the Council Area.
187. The supporting statement points to the prime locations in the Greater Belfast Area being the Harbour Estate, Mallusk and Blaris/Knockmore and states that the trend is unlikely to change as the focus remains on regional accessibility.
188. The supporting statement alludes to the level of attractiveness of the site being restricted to local businesses who operate from East Belfast and Dundonald serving dominantly a local market.
189. It is also notes that this is only portion of a wider zoning which will not prejudice the delivery of industrial development on the undeveloped land further to the north.
190. The clarification statement provided by the agent confirms the latest position whereby a major planning application has been submitted on the old Lloyds property at Ballyoran Lane. The view is expressed that it is not appropriate to draw direct comparisons between the two planning applications. The other site is distinguishable as it has a building on site which allows for the use to be changed at less cost compared with the application site which is a brownfield site with no buildings and costs for total new build.
191. The sale price for the Lloyds building reflected £20 per square foot capital value whereby the new build units for this development will cost more than £100 per square foot to construct. It is stated that this is therefore a direct threat to the viability proposed as part of this scheme as the developer will be able to offer space at a significant discount in price/rent and it also offers a more attractive parking and circulation space.
192. This a brownfield site and sequentially preferable in terms of the RDS to the green field land that is without existing services or infrastructure.

193. The uplifted percentage of proposed development to 40% is on balance more a more acceptable mix.

Matter 7 - Compatibility with neighbouring land uses.

194. The supporting statement claims the site is bounded on three sides by roads, it states that the layout has been considered to provide uses the most appropriate locations and that the location of the economic uses have been located in order to relate to the existing industrial uses.
195. Reference is made to boundary treatments ensuring adequate screening and mitigation measures supported by the Noise Impact Assessment. This is dealt with later in the report.
196. The revised scheme provides two borders with existing commercial/industrial use and extensive buffer planting between the proposed new commercial/industrial areas and the proposed housing. Amenity and compatibility considerations are dealt with later in the report.

Matter 8 - The views of relevant statutory and non-statutory consultees;

197. Advice and views expressed by various statutory and non-statutory consultees have informed the recommendation.

Matter 9 - The availability of adequate services and infrastructure such as water and sewerage.

198. The supporting statement confirms that the site was previously development and is in Dundonald urban area.
199. Whilst there is a regional capacity issue in terms of drainage and sewage infrastructure, a solution has been found and agree with NI Water.

Employment Land Assessment

200. An Employment Land Assessment (ELA) is submitted with the application which notes that the site is not specifically mentioned within the key locations for economic growth within the Spatial Framework Guidance policy 1 (SFG1) of the RDS.
201. The ELA notes at paragraph 2.10 that one of the exceptions for PED 7 is for mixed use regeneration initiatives which contain a *significant* element of economic development use and may also include residential or community use, and which bring *substantial community benefits* that outweigh the loss of land for economic development use.

202. This policy has been replaced with ED7 which also has an identical wording however this applies only to unzoned land within settlements. Whilst the last is unzoned within the BUAP, it is zoned within draft BMAP as detailed earlier within the report.
203. The ELA states that there is 212.12 hectares of employment land yet to be developed across the council area and taking account of the Blaris and Comber Road developments which have been approved as mixed-use schemes on zoned land.
204. The ELA states that approval of this scheme still provides for a 69 year supply at the recent rates of land build and uptake so would not harm or prejudice the level of available lands within the Council area.
205. From a demand and market interest review, the ELA states that Dundonald is at the lowest demand in the hierarchy of locations for employment land/business space. It compares the businesses in close proximity at Ballyoran Business Park, Dundonald Industrial Estate, Carrowreagh Business Park and Inspire Business Centre and based on its analysis the location typically attracts businesses and services that are primarily serving a local need. Industrial rents range from £2.75 - £3.50 per square foot larger industrial demand tends to be located with better regional transport links, Belfast and Lisburn.
206. The ELA states that the site has a prominent location fronting the Upper Newtownards Road but can experience congestion in peak times. It acknowledges the history of the manufacturing sector and its decline and change in market and concludes that whilst the M1 is 10 miles away, this is at least 35-minute drive time off peak and unsuitable for new logistics manufacturers.
207. The 'substantial community benefits' which are cited by the development of the site are economic in terms of job creation and rates to the Council as detailed in the Economic Benefits section below.
208. In consideration of the above, one of the key findings in the Councils own Employment Land Review for the Local Development Plan was that opportunity exists to maximise the strategic location of Lisburn on the Dublin economic corridor and East/West transport corridor and improve connectivity throughout the Council area to enhance the movement of people, goods and services, and linkages between towns and rural areas.
209. Whilst this site was not ranked in the top 6 good employment zonings, it was as an average score of 27 from a matrix that assessed 20 out of 30 zoned sites across the plan area. The scoring takes into account access, site context, environment and market strength.
210. Paragraph 23 of the Planning Advice Note stresses that flexibility allowed under current planning policy relates only to firm proposals for acceptable alternative

uses which outweigh the preferred option of retaining land zoned for economic development use in a local development plan.

211. Within this context, it is considered that the amended scheme offers the only viable solution to in part realise the potential for employment use on this land.
212. Based on careful consideration of the other material considerations and having regard to the advice set out by the Department on how these matters should be weighed in the assessment of the application, it is accepted on balance that greater material weight should be afforded to the fact that with the site was previously approved as 50:50 split with retail and that along with the passage of time and no uptake in the employment lands, coupled with the economic benefits offered from the scheme and the clear viability issue demonstrated by the applicant relating to this combination of particular circumstances specific to this individual zoning that it is less likely that the site will be developed for employment in full.
213. There are other benefits detailed in the submission which in addition to the matters considered above, are given greater material weight than the prevailing regional policy considerations.
214. These benefits include the creation of a sustainable mixed-use development where residents in the neighbouring residential neighbourhood will have the opportunity to avail of local employment opportunities close to where they live.
215. The economic benefits of the comprehensive development of the site outweigh its retention as undeveloped land. There is little or no evidence to support a case that the land will ever be developed in the future for employment use in its entirety given the catastrophic loss predicted on the economics and its location in relation to ports and the main Newry to Belfast corridor.
216. It is considered that the phasing of the employment use as detailed above is a critical consideration as this approach will ensure the delivery of the employment element of the proposal.
217. The phasing along with the affordable housing element, discussed below, will be secured by way of section 76 legal agreement.

Economic Development in Cities and Towns

218. In terms of ED 1 and insofar as the proposal relates to B2 and B4 uses these are submitted in accordance with PED 1 as they are permitted in an area specifically zoned for economic use and are considered of a scale, nature and form appropriate to the location.
219. The proposed industrial style units suitable for small and medium enterprise. A mix of units is not proposed but the buildings could be redesigned (subject to planning) if a larger footprint was required for a proposed purchaser or tenant.

Development incompatible with Economic Development Uses

220. Turning to ED8 regarding development incompatible with Economic Development Uses whilst there is a mixture of development proposed, consultation has been undertaken with Environmental Health with regards to the potential for noise, nuisance and disturbance and human health and no objection is raised.
221. Further to receipt of the amended scheme, an updated remediation strategy report was submitted requiring ground works to be undertaken with regards ground contamination given the former use on site. A Generic Quantitative Risk Assessment was also carried out, both of which were commented on by NIEA and Environmental Health who had no objections subject to conditions.
222. An Air Quality Impact Assessment Report was previously submitted to demonstrate the assessment of any impact of the proposed development on sensitive air quality receptors during construction and operational phases of the proposal.
223. NIEA and Environmental Health were consulted and had no objections.
224. An updated Noise Impact Assessment (NIA) was submitted with the revised scheme. The NIA states that a daytime and night time baseline noise monitoring survey was undertaken at four locations with the proposed development site. An assessment of noise associated with the proposed development was undertaken, which included the impact of the existing noise environment on the proposed development to determine the suitability of the site for residential development.
225. The NIA states that glazing specifications have been detailed for the proposed habitable rooms within the proposed development to ensure that internal noise levels will not exceed the relevant daytime or night-time criteria as specified in BS8233 and WHO.
226. There are several external amenity areas anticipated as part of the proposed development. Screening effects of the residential dwellings and proposed boundary treatments will ensure ambient daytime noise levels to external amenity areas are within the BS 8233:2014 and WHO guideline values. However, BS 8233:2014 adopts guideline external noise values provided in WHO for external amenity areas such as gardens and patios. The standard states that it is "desirable" that the external noise does not exceed 50 dB LAeq,T whilst recognising that development in higher noise areas such as urban areas of those close to transport network may require a compromise between elevated noise levels and other factors that determine if development in such areas is warranted.
227. Environmental Health provided further comments and have no objections subject to conditions relating to the hours of operation being daytime for the business units, mechanical ventilation and acoustic glazing on all residential units, acoustic fencing and deliveries within daytime hours.

228. Whilst there is concern that the proximity of the dwellings to the proposed business park will restrict the nature of the businesses by virtue of conditions restricting hours of operation and use (B4), the statutory consultees remain content and it is not considered that the mixed uses are necessarily incompatible in their entirety. The amended scheme provides a greater buffer and separation between the proposed economic and residential elements of the development.
229. For the reasons stated, it is considered that on balance the proposal complies with policy ED8 in that the proposed development, as designed is compatible with economic development uses, subject to condition. Furthermore, the redesigned scheme has placed new economic development adjacent to existing therefore there will be no prejudice to any existing employment uses.

General Criteria for Economic Development

230. For the reasons outlined above within the context of Policy ED8, it is considered that the proposed development, as designed is compatible with adjacent economic development uses.
231. The proposal as designed includes mitigation which if implemented will ensure that the amenity of nearby residents is not harmed.
232. The proposal does not adversely affect any features of natural heritage and there are no built heritage features to be affected. This is considered further later in the report.
233. The site is not located within an area of flood risk and the drainage assessments have demonstrated that there is no adverse impact. Flood Risk and Drainage is however further considered later in the report.
234. The site, as designed does not create a noise nuisance. A large noise source is the existing Upper Newtownards Road. Mitigation as proposed ensures no unreasonable noise nuisance is created and indoor and outdoor noise levels are within permitted parameters and standards.
235. DFI Roads have been consulted and are content with the proposed access and parking arrangements. Roads issues are considered later in the report.
236. The proposal has been designed with a movement pattern provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport. This is again detailed in the relevant sections below.
237. The site layout, insofar as it related to the business units, is designed of a high quality. Adequate boundary treatments of timber close boarded and acoustic fencing are proposed alongside landscaping. The proposal is softened from public view largely by existing landscaping to the front beyond which are the

residential dwellings fronting the Upper Newtownards Road and the proposed employment units providing a complement to the side of Ballyoran Lane facing the existing units.

238. The proposal is designed so that the business units face the same direction for surveillance.
239. It is considered that the proposal is in accordance with the balance of the general criteria. in policy ED 9

Housing in Settlements

Policy HOU 1 – New Residential Development

240. This application includes 95 residential units within the settlement limit of Dundonald. The land on which this development is proposed is within the development limit and is not zoned for any specific land use within the BUAP and within draft BMAP the site is located within the settlement limit as zoned employment land MCH09 – Existing Employment / Industry Land at Upper Newtownards Road / Carrowreagh Road. It is a brownfield site that has previously been developed. The policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

241. The lands to the north includes a significant change in levels towards the rear of the site where it borders Inspire Business Park.
242. The surrounding area is mixed in character. The surrounding land to the west and north is industrial and commercial in character and comprised of Carrowreagh Business Park, Dundonald Enterprise Park and other businesses.
243. To the east and on the opposite side of Carrowreagh Road is an existing residential neighbourhood of Millreagh Avenue and Millreagh Drive.
244. To the south is the Upper Newtownards Road which is the main road connecting Belfast to Newtownards beyond which is a Gospel Centre and the residential neighbourhoods of Coopers Mill and Millmount,
245. The scheme comprises 95 dwellings in a mixture of detached and semi-detached on the lands bordering the Upper Newtownards Road and Carrowreagh Road. This residential development is bordered on two sides to the north and west abutting Inspire Business Park and the industrial/commercial development along one side of Ballyoran Lane.
246. The proposed dwellings are a mix of sizes and design but typical of a suburban setting and the adjacent Millreagh residential development.

247. The form and general arrangement of the buildings are characteristic of those that have been built in the surrounding residential developments to the east and to the south across the Upper Newtownards Road.
248. The plot sizes and general layout of the proposed development is consistent with and comparable with other built development in the general vicinity of the site.
249. Based on a review of the information provided, and the amended scheme to provide a better transition between existing industrial/commercial into the housing element of the site it is considered that the character of the area would not be significantly changed by the proposed residential development and it is considered that the established character of the area would not be harmed particularly as the site brownfield, buildings are demolished and is lying vacant.
250. The layout of the rooms in each of the units, the position of the windows and separation distances to existing properties will also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
251. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Place document and that criteria (a) of policy HOU3 met.
252. With regard to criteria (b), no landscape characteristics/features have been identified that required integration into the overall design and layout of the development. This part of the policy is also met.

HOU4 - Design in New Residential Development

253. The layout drawing describes the 14 different house types proposed. A description of some of these house types is outlined below.
254. There are 10 House Type C and C1 dwellings which are handed versions of each other throughout the site in spread amongst almost every pocket of the development. HT C consists of a two storey detached dwelling with pitched roof, single storey rear return and small side single storey projection.
255. They all have four bedrooms, an open plan kitchen/dining/family/living area and a separate snug to the front and utility. They have a family bathroom and one bedroom with an en-suite, and all have a ridge height of 9 metres. They are finished in red facing brick, concrete tiles on the roof, black uPVC RWG's.
256. House types HTJJ are again located within each discrete pocket of the development with a total of 18 of the dwellings of this style. They consist of a pair of semi-detached dwellings with pitched roofs.
257. These are all two-storey, three bedroom, semi-detached dwellings, with a ridge height of 9.2 metres and all have single storey rear returns. They have a

kitchen/dining area, living room and snug to the rear. They have three bedrooms a family bathroom and one ensuite with a downstairs WC. The external finishes are render painted off white with white uPVC windows and black RWG's with the roof finished in concrete roofing tiles.

258. Detached single car garages are provided for 23 dwellings and are located to the side and behind the properties.
259. The rooms are laid out, the position of the windows arranged along with adequate separation to the boundary ensures that there is no overlooking into the private amenity space of neighbouring properties.
260. For the reasons outlined above and in consideration of policy ED8, the proposed development does not conflict with surrounding land uses, subject to appropriate conditions. It is separated from residential development to the south and east by 15-21 metre of buffer planting and some changes in levels. The buildings are not dominant or overbearing and no loss of light would be caused. Section submitted show the proposed units are not larger than the proposed dwellings in height.
261. A minimum of 20 metres separation distance is provided between the two-storey dwelling units which back onto each other within the proposed development. These separate distances are consistent with the guidance set out at paragraphs 5.19 – 5.20 of the Creating Places document and are considered acceptable having regard to the site context and surroundings.
262. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service road. Two in curtilage parking spaces are provided with each dwelling. Those dwellings located on corner sites have double frontage.
263. The area in front of each dwelling has a lawn, with a driveway and a small concrete path. The lawn area ensures building frontages are not dominated by hardstanding/car parking.
264. The house types provided are accessible and designed to ensure that they can provide accommodation that is wheelchair accessible for persons with impaired mobility.
265. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area.
266. For the reasons outlined above, criteria (a), (e), (f) and (i) are met.
267. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in Dundonald. Criteria (c) is met.

268. Private outdoor amenity space is provided in the range of 60 to 154 square metres. The majority of units with gardens well in excess of the guidelines detailed in the Creating Places document. The average private amenity provision across the whole site is 82.6 square metres per unit. There is also a large area of open space to centrally located within the site which will have an amenity value for the dwellings with private amenity provision which at the lower end of the provision.
269. All proposed dwellings have single storey returns to the rear. The separation distances from the dwellings to the rear boundaries range from 8.5 – 15 metres, taken from the two-storey rear elevation of each property. There are just one pair of semi-detached dwellings with a 8.5 metres separation distance to the rear. This property has an offset back-to-back relationship with another pair of semi-detached dwellings to the rear and the total separation back-to-back is 20 metres. The separation distances are considered to be acceptable.
270. The site layout and landscape plan submitted in support of the application illustrates that the existing trees along the southern boundary of the site with the Upper Newtownards Road shall be retained.
271. The landscape plan also details all proposed planting including native mixed woodland surrounding the business units to the rear and along the boundary with Ballyoran Lane as well as acting as the buffer between the proposed business units and the proposed residential development. There are grassed areas and hedging along the Carrowreagh proposed. There is a large maintained open space with planting and pathways located centrally within the site and two smaller pockets to the north west and the north east.
272. The proposed site layout drawing includes details of other internal boundary treatments including timber fencing, red clay multi-facing brick walls, estate style metal fencing, paladin fencing, block wall and chestnut pale fencing.
273. Section 2.0 of the Landscape Management Plan provides details on general maintenance activities with maintenance of all soft landscaped areas becoming the sole responsibility of the Developer and their appointed Management Company, the agreement for which shall be sub contracted by the developer.
274. For the reasons outlined above, criteria (b) is considered to be met.
275. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. That said, the site is withing close proximity to local services and shops along the Upper Newtownards Road and opposite the site in Coopers Mill.
- With regard to criteria (d) the proposed density equates to 23.92 dwellings per hectare. There was no relevant KSR for this element due to the land zoning.
276. The development proposals will provide a residential density not significantly lower than that found in the established residential area to the east at Millreagh and the proposed pattern of development is in keeping with the overall

character and environmental quality of the established residential area to the east, accepting that the site of itself is not an established residential area due to its former use. The average unit size exceeds space standards set out in supplementary planning guidance.

277. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
278. The careful delineation of plots with appropriate fencing and brick walls will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
279. Provision can be made for householder waste storage within the driveways for each unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

280. Detail submitted with the application indicates that the site exceeds one hectare, and that more than twenty-five residential units are proposed. As such open space must be provided as an integral part of this development.
281. The proposed layout indicates that 0.41 hectares of public open space has been provided as an integral part of the development. This equates to 10% of the residential site area which is exactly the 10% requirement for residential development.
282. This is shown to be located at the central portion of the residential part of the development in an informally open space with two smaller discrete pockets to the north west and north east which are of less value. southern end of the site. There is also buffer planting separating the mix of elements on the site however these are not classed as usable open space and not counted in its assessment.
283. For the reasons outlined above, the policy tests associated with Policy HOU5 are met.

Policy HOU10 - Affordable Housing

284. Nineteen affordable housing units are required to satisfy the policy tests associated with Policy HOU10 - 20% affordable housing provision.
285. The agent has confirmed in an email dated 14 December 2023 that the applicant is content to make provision for a minimum of 20% of the development for Affordable Housing units. The specifics on the exact mix of

tenures to be provided will be agreed with Council prior to the commencement of development.

286. This provision will be secured through section 76 agreement. The agreement will be contingent on no more than 75 being constructed and occupied until provision is made for the affordable housing component.
287. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement. The affordable housing units must be provided in tandem with the private residential units and will be subject to the same phasing requirements.

Access and Transport

288. The site fronts onto the Upper Newtownards Road which is a protected route however, it has three separate accesses, none of which are onto the Upper Newtownards Road directly.
289. The Design and Access Statement confirms that the primary vehicular access is via the Carrowreagh Road and is proposed to serve the of the residential dwellings and a small pocket of 3 business units adjacent to Inspire Business Park.
290. A separate access is proposed from Ballyoran Lane. This access is intended to serve the proposed light industrial units only.
291. Secondary shared surfaces are proposed off the main spine road in order to assist in creating a hierarchy of streets within the site.
292. The site is located in close proximity to a number of Bus Stops which offer a range of services connecting the site with Belfast City Centre to the west and Newtownards to the east.
293. In terms of access, the Design and Access Statement indicated both junctions with Newtownards Road will be improved.
294. A Transport Assessment and Transport Assessment Form TAF were submitted with the original submission.
295. They confirms that the improvement to Ballyoran Lane will see the extension of the crossing lane within the central reservation along Upper Newtownards Road to facilitate vehicles moving into this lane without impeding any vehicles waiting to turn right from Upper Newtownards Road onto Ballyoran Lane. This alteration will assist in easing the right turn exit from Ballyoran Lane for larger vehicles.

296. The Carrowreagh Road improvement proposes the widening of the two lanes towards the junction with Upper Newtownards Road to facilitate a left turn filter lane which will significantly increase the capacity of the junction.
297. The Statement confirmed that the main vehicular access is from the Carrowreagh Road, and the site access roads are located at least 15 metres from the existing roads and are designed in accordance with the technical requirements of DfI Roads.
298. In terms of servicing, the Design and Access Statement confirmed the proposed roads within the development will be designed and built to an adoptable standard, facilitating access for refuse/recycling vehicles.
299. In terms of pedestrian access, footpaths and shared surfaces are proposed throughout the site thereby promoting the movement of pedestrians, whilst facilitating vehicular movement where required.
300. In terms of public transport, the proposed development promotes and enhances the use of sustainable modes of transport. Users of the development have access to public transport routes along the Upper Newtownards Road passing the southern boundary of the site, with bus stops located in close proximity to Ballyoran Lane and Carrowreagh Road.
301. The site is also within 800 metres of the Dundonald Glider terminus, where rapid regular buses provide a direct link to and through Belfast. In addition to the glider option, Ulsterbus services connect the site to Newtownards and beyond (for example Portaferry, Ballywalter, Millisle).
302. The Transport Assessment and Transport Assessment Form concluded that the network has adequate capacity to accommodate the traffic generated by the proposed development as long as the improvements mentioned above were completed.
303. A road safety audit and a number of consultations with DfI Roads resulted in the junction improvements at Ballyoran Lane being removed. The Transport Assessment modelling in its current form concluded that the geometry is satisfactory after issues were raised that the suggested improvements would compromise the safety of the junction.
304. The Transport Assessment and Transport Assessment Form were updated with the amended scheme and DfI Roads reaffirmed the acceptability of the amended proposal.
305. All the dwellings have two in curtilage parking spaces with a further 75 visitor parking spaces highlighted throughout the development.
306. The business units have 31 required and provided commercial spaces, and an overprovision of assigned and unassigned parking provision by 56 with 180 being provided for 124 needed therefore provides the necessary standards.

307. The Transport Assessment concludes that at Carrowreagh Road, an additional lane was proposed on the approach to the traffic signals to increase the capacity to accommodate the additional traffic. This has been designed, modelled, audited, and the remains part of the proposal. As traffic has reduced, no revised modelling has been undertaken.
308. At Ballyoran Lane, whilst the capacity has been proven to be adequate, the modelling has been updated due to minor changes in trip rates. Sensitivity modelling has also been completed, and it continues to be the case that this junction has capacity without the need for improvement.
309. It is concluded that the network with agreed junction improvements at Carrowreagh Road remains adequate capacity to accommodate the traffic generated by the proposed development.
310. After a number of consultations with DFI Roads, audit information and review by Amey consultants, DFI Roads final response as revised with the amended scheme offers no objection subject to conditions.
311. The application is considered to be compliant with all the requirements of policies TRA1, TRA2 and TRA7.

Natural Heritage

312. The site is not located in an area of sensitivity and was not submitted with any ecological information. From inspection there does not seem to be any indication of ecological importance on the site being inner urban and already having been developed. The only vegetation is along the boundaries much of which is to be retained.
313. A consultation with Natural Heritage was undertaken and the response only referred to standing advice.
314. A consultation with Shared Environmental Services indicted the need for an HRA given the sites connection to Strangford Lough.
315. SES have completed an appropriate assessment in accordance with the regulations and having considered the nature, scale, timing, direction and location of the project, they advise that it would not have an adverse impact on the integrity of any European site either alone or in combination with other plans or projects. Officers have no reason to dispute the assessment carried out on behalf of the Council.
316. For the reasons outlined, the proposal is not likely to have an adverse impact on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby. The requirements of policy NH2 and NH5 are met.

Flooding

317. In relation to drainage, a drainage assessment and addendum were submitted with the application and a number of consultations undertaken with Rivers Agency.
318. In the final response Dfl Rivers commented that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973. There is an undesignated watercourse at the north-west corner of the site. The site may be affected by undesignated watercourses of which they have no record.
319. Dfl Rivers advised that in relation to policy FLD1 Development in Fluvial and Coastal Flood Plains – The Flood Maps (NI) indicates that western boundary of the development lies within the 1 in 100 year strategic flood plain. As there is a significant bank elevation at the area of the western boundary a Flood Risk Assessment is not required on this occasion.
320. In relation to FLD 2 Protection of Flood Defence and Drainage Infrastructure – advice confirms that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973. Reference is however made to an undesignated watercourse at the north-west corner of the site.
321. The site may be affected by undesignated watercourses of which we have no record. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Dfl Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times.
322. Dfl Rivers comment in relation to Policy FLD 3 Development and Surface Water that, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.
323. The Drainage Assessment states that the drainage design is preliminary, therefore Dfl Rivers requests that the Planning Authority includes a final drainage assessment by way of condition as part of its planning permission if granted.
324. Rivers Agency granted Schedule 6 discharge consent at brownfield rate of 990.8l/s to the undesignated section of the Carrowreagh Stream and confirmed that the Department are satisfied that your proposals will not render the watercourse less effective for drainage purposes.
325. There is no documented evidence of flooding in the area, however a large portion of the site is estimated to be in an area of surface water, however this will be eradicated with adequately proposed site storm drainage post development.

326. It is proposed to construct new storm sewers to serve the development. Using Micro Drainage modelling software, Marrac Design simulated the proposed storm sewer network and tested it to the requirements of Sewers for Adoption NI.
327. The Drainage Assessment stated that post development it is proposed to introduce landscaped amenity space into the overall development and increase the amount of landscaped areas in general. Therefore, post development run-off rates will reduce from existing. As such, no storm attenuation is proposed.
328. An Addendum to the drainage assessment was received with the revised scheme and considered by Rivers Agency who have reconfirmed that they are content.
329. NI Water were also consulted extensively throughout the application process and were recommending refusal of the application. In January 2022 NI Water issued a Solution Engineer Report recommending high level storm off-setting options to allow the foul discharge from this proposal to connect to the existing public wastewater network. The Drainage Consultant carried out extensive on-site survey work and in discussions with NI Water has developed an acceptable solution which will enable NI Water to approve a foul connection.
330. NI Water confirmed that they were therefore content to amend its original response from a recommendation to refuse to a recommendation to approve with a negative condition that no properties shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered and operational. Upon receipt of the amended scheme NI Water reiterated their earlier response.
331. Water Management Unit were consulted and raised the following issues that the additional sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Kinnegar waste water treatment works (WWTW).
332. Water Management Unit recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW and associated sewer network will be able to cope with the additional load or whether the existing WWTW or network would need to be upgraded.
333. WMU states that if NIW indicate that the WWTW and network is able to accept the additional load, with no adverse effect on the operation of the WWTW and network or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal.
334. Furthermore WMU recommended a condition that the drainage for the Petrol Filling Station must be constructed in accordance with the agreed drainage plan.
335. As detailed above, NIW have subsequently confirmed that they are content. For the reasons outlined, the proposal complies with Policy FLD1 and FLD3.

Contaminated Land

336. The Design and Access Statement advises that the site was previously used as an industrial factory site. A Generic Quantitative Risk Assessment Report and Remedial Strategy Report were submitted with the application. This report was updated with the amended version of the scheme.
337. The Councils Environmental Health and NIEA Regulation Unit were consulted and commented that the GQRA is informed by two phases of site investigations and environmental monitoring from 2010 and 2017.
338. The risk assessment identifies a hotspot of soil contamination which may also be impacting the shallow groundwater in a localised area of the site. An area of nickel impacted soil/made ground is also identified which could be a risk to human health receptors.
339. A remedial strategy has been provided for the potential risks identified which includes provisions to remove the hotspot area, use clean cover soils for the nickel impacted soils and provides provisions for ground gas protection to the development.
340. The updated Remedial Strategy Report addresses the risk identified in the previously agreed Generic Quantitative Risk Assessment for the site.
341. Regulation Unit Land and Groundwater Team offer no objections to the development provided the remedial strategy provided by RPS is implemented fully and verified subject to conditions.
342. EHO final comments have been received and confirmed that they have no objection subject to conditions relating to foul connection with NIW, development to be in accordance with remedial strategy and necessary verification reports with clean cover system installed prior to occupation. Further conditions for a piling risk assessment, pre demolition asbestos survey and an updated AQIA are also required.

Consideration of Representations

343. Forty Eight letters of objection were received. Consideration of the issues raised are set out below:

Only piece of zoned land left in Dundonald and is in the middle of 5 successful business parks, some of whom have waiting lists for premises.

344. This is noted and assessment of the consideration of the relevant reports is contained within the main body of the report. The success of the surrounding business parks is a material consideration.

There is no housing need in this area

345. There is no policy test specifically requiring a demonstration of housing need however it is noted within the report that Dundonald has a large supply of approved and pending housing applications which is a material planning consideration.

Objection to hot food bars and petrol filling station elements as there is a petrol station less than 1 mile down the road with all these facilities and numerous such stations across Ards

346. During the processing of the application, the scheme has been amended to remove the petrol station element.

Will create traffic issues around Carrowreagh Road especially at peak times

347. Improvements are offered to the junction of Carrowreagh Road and the relevant analysis and modelling have been agreed with DFI Roads and an independent audit that the junction capacity will be acceptable.

Dundonald needs more jobs, not more houses

348. As rationalised within the report, the economic offering is now considered substantial enough to outweigh this key employment site.

Contrary to the RDS that seeks to protect employment land

349. The detail surrounding the RDS and protection of employment land is noted within the report which feeds down into local policy. For the reasons outlined in the report, sufficient detail is provided by way of other material considerations to justify the loss of part of the employment lands.

Rezones the land which should have been a job for the LDP process

350. It is accepted that the rezoning of land is a matter for the LDP process however there are opportunities within the planning application process for mixed use developments to be advanced and for weight to be attached to other material considerations

There are also a surplus of housing as well

351. It is noted within the report that there is a clear supply of housing in the area.

Will undermine and threaten the viability of the forthcoming Millmount Village Centre

352. The retailing and petrol station element has been removed in this revision to the scheme.

NIW recommend no more connections

353. This earlier view has been updated and a solution has been found which now offers no objections by NI Water.

Reports are paid for by the agent and have differing purposes

354. The reports and their contents are noted and interrogated accordingly by officers and statutory consultees. No evidence to the contrary has been provided.

Post covid warehouse requirement has not been quantified

355. The recommendation and application are based on the information as submitted however market changes post COVID and indeed Brexit are acknowledged.

Litchfield assessment was done by the Council and rated it at the top of the average rating.

356. The rating given is noted within the report.

Carrowreagh business park is fully occupied

357. The occupation/success of the adjacent Business Parks in the adjoining area is noted and a material consideration.

Suggest that this is a prime site, flat, uncontaminated and surrounded by successful business parks. Blame the owner who is a house builder as they paid a high price

358. This view is noted and the recommendation is reached on the merits of the submission, giving appropriate weight to material considerations.

Contrary to three area plans including BUAP, d BMAP and unlawful BMAP zonings

359. The relevant area plan zonings are noted above in the relevant section.

SPPS is a higher test under the transitional arrangements and does not include residential as an option. The 'flexibility; in approach only applies to unzoned lands in the SPPS

360. The policy requirements and nuances between policies is set out within the relevant sections above.

No market interest is wrong, Sainsbury's nearly went here in 2014. Little evidence of what was marketed and how.

361. The marketing is noted and any limitations in relation to same. These are material planning considerations.

Increased investment in NI anticipated post Brexit

362. Markets and investment may change post Brexit.

Wrights have successfully refurbished at Ballyoran Business Park over the last 10 years

363. The success of the surrounding business parks is a material planning consideration and for the reasons outlined in the report, the proposed development is not likely to have an adverse impact on the continued operation of established businesses nearby.

Range and choice of sites which is to be protected has now gone as the Comber Road mixed use application was approved and this is the only site left in the locality.

364. It is noted that this is the only employment site left in the locality. This is also a material planning consideration.

Quantification of the 'economic benefits' is misleading as it doesn't quantify development that it displaces from other zoned housing sites nor deduct costs to the economy of additional residents for servicing the site.

365. Views on economic benefits being stated to be offered as a result of the development and are material planning considerations.

The site should be yielding round 800 jobs as that's what Rolls Royce employed. Sainsbury's promised 500 and yet this will only net 100 jobs, one eighth of its potential.

366. The lower rate of employment offering is noted and accounted for within the report. The rate has been amended with the amended scheme accordingly.

Existing amenities already under pressure e.g. schools

367. There are no objections offered by any of the statutory consultees with regards infrastructure and utilities. The provision of school facilities is a matter for the Education Authority.

The argument that the site is not on the motorway network applies to all the employment zonings containing undeveloped land in Castlereagh.

368. The site is acknowledged not to be on the regional main infrastructure but its proximity to same is noted and considered.

The applicant's statements does not address the Councils economic development response in relation to the earlier scheme.

369. The views expressed by the economic development team are noted. The applicant has expressed the other material considerations which they consider outweigh the non compliance with policy.

The revised scheme offers less job creation than the earlier version.

370. The revised scheme and its job creation are detailed above. It is considered that the additional jobs offered by the earlier scheme were lower paid retailing jobs within the neighbourhood centre and petrol station. The jobs now being offered are all based on employment and will assist in providing access to jobs for people in the local area.

The economic offering remains unchanged.

371. The view is expressed that because there are only three additional industrial units that the offering is essentially the same. This comment is made in isolation of the other changes and reductions within the scheme. The location of the offering is changed to border industrial lands and there has been a significant buffer included to ease the transition between it and the housing.

Invest NI and Economic Development are unsupportive.

372. The views expressed by the consultees are acknowledged and considered within the main body of the report.

Failure of the applicant to address the correct policy context and the SPSS removes the word residential from PPS7 PED4's list of uses that can legitimately be considered.

373. The policy context has changed during the processing of the application. Whilst the applicant refers to the lands being unzoned whiteland, this view has not been accepted due to the advanced nature of BMAP as a material consideration and the lands are considered as zoned for employment/industry. That said, it is acknowledged within the report that the proposal is contrary to ED7 but that greater weight has been given on balance to the material consideration that the site will remain undeveloped and this proposal provides the best available opportunity to secure further employment opportunity in Dundonald.

40% is a misrepresentation of the amount of land being offered as employment which knocks onto open space calculations being sub standard.

374. The percentage includes the areas of land for employment and the buffer planting offered for a good relationship between the employment and housing.

Wrong Development Model

375. The wrong development model is being used as there are 4 successful business parks adjacent to the site. The marginal nature of the profit margin suggests the scheme is not robust and involves an unacceptable high risk of full or partial failure.
376. The recommendation is made on the basis of the viability models provided. No alternative model is presented in objection. Whilst the objector claims because it is unprofitable now that it may change in 5 years time, this must be weighed against the length of time that the site has already been vacant and the fact that there are no buildings on it therefore any development for economics use has to be new build.

Proposed phasing is unfavourable to employment.

377. It is considered that the release of some housing in phases is necessary to help with build costs for employment delivery. The section 76 agreement will be drafted to ensure that the employments units will be delivered.

The business park has no management plan

378. As there is no model or tenants it is not considered prudent to have a management plan, however this is capable of being conditioned.

Not supported by the RDS RG1 and other RDS policies

379. The RDS is considered above and it is accepted that the thrust of the policy seeks protection of zoned lands.

Feel CBRE reports underplay the sites potential and the Litchfields report mis-grades the site

380. The reports are considered within the relevant parts of the report.

Absence of housing need argument

381. The proposed mixed use including housing has been considered under other material considerations ad part of the overall redevelopment of the site. Policy does not require a specific housing need argument to be advanced,

No details of the redevelopment of Wrights Business Park which is adjacent to the site and refurbished a large quantum of derelict units

382. The agent in their Clarification Statement has acknowledged the receipt of a major planning application which they state is not comparable as this is refurbishment which is a much lower cost and actually process a threat to this site in terms of the new build costs being prohibitive for economic use.

Conclusions

383. For the reasons outlined above, it is accepted on balance that greater material weight should be afforded to the fact that with the passage of time there are a combination of circumstances specific to this individual zoning that make it less likely to be developed for employment in full. The proposal as amended provides the best available opportunity to secure further employment opportunity in Dundonald.
384. Policies TRA1, TRA 2 and TRA7, NH2 and NH5 and FLD1 and FLD2 of the Plan Strategy are also satisfied.

Recommendations

385. It is recommended that planning permission is approved subject to section 76 agreement which provides for
- A minimum of 20% affordable housing which equates to a minimum of 19 residential units
 - To secure the employment use earlier and the benefits accrued from this the phasing should be broadly in line with the following parameters:
 - The provision of all the infrastructure necessary to deliver the 31 employment units in the subsequent phasing.
 - Phase 1 – No more than 36 residential units of which 7 units should be affordable housing are to be constructed until the employment units at sites 1-20 are constructed to Industrial occupation standard.
 - Phase 2 - No more than 72 residential units of which 7 units (14 in total accumulated over the two phases) should be affordable housing are to be constructed until the employment units at sites 21-28 are constructed to Industrial occupation standard.
 - Phase 3 - No more than 90 residential units of which 5 units (19 in total accumulated over the three phases) should be affordable housing are to be constructed until the employment units at sites 29-31 are constructed to Industrial occupation standard.

Conditions

386. The following Conditions are recommended:

- 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

- The vehicular accesses, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No. P486/R-01K, bearing the LCCC Planning Office date stamp 16th August 2023 prior to the occupation of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm 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 interest of road safety and the convenience of road users.

- The access gradients shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, 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.

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. P486/R-01K, bearing the DFI determination date stamp 21st August 2023.

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

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no. P486/R-01K, bearing the date stamp 16th August 2023, to provide adequate facilities for parking 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 within the site.

- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access

shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users.

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

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

- Foul sewage shall be connected to the main sewer with Northern Ireland Water approval

Reason: To protect the amenity of neighbouring dwellings with respect to odour

- No part of the development hereby approved shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered in accordance with the approved plans and is operational.

Reason: To ensure adequate provision is made for the disposal of wastewater.

- Prior to occupancy of the residential units hereby approved, a clean cover system shall be installed to form an encapsulation layer above the contaminated soils as detailed in the Remediation Strategy Report published on the planning portal 5 June 2023. The clean cover system shall be installed in the proposed gardens and landscaped areas and consist of a minimum of 1000mm of clean cover.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- Prior to occupancy of the residential units a 2.5m x 2.5m area around TP302, shall be excavated to a depth of 1.2m below ground level, as detailed in the Remediation Strategy Report published on the planning portal 5 June 2023. The area shall not be made good until analysis results can demonstrate that the PAH concentrations in the remaining soil is below the relevant screening values.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- Prior to the occupancy of the residential units hereby approved, the remediation scheme shall be validated in order to ensure and verify that the remediation scheme has been implemented in accordance with the scheme and the objectives have been met. Substantiating information shall be submitted to the Council in the form of a written validation report for approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such detail within any report submissions required to be submitted for prior approval by the Council.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- The site is within a Smoke Control Area designated under the Clean Air Order (NI) 1981. Therefore, all appliances installed on this site must comply with Smoke Control Areas (Exempted Fireplaces) Regulations (NI) 1999 (as amended) and fuels used must comply with Smoke Control Areas (Authorised Fuels) Regulations (NI) 1999 (as amended).

Reason: To ensure compliance with the smoke control regulations

- All vehicles operating within the industrial development site shall be fitted with white noise (full spectrum) reversing alarms or variable loudness reversing alarms whose noise level does not exceed the background noise level by greater than 10 dB(A).

Reason: To protect the amenity of neighbouring dwellings with respect to noise

- Any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control – E3 (Suburban). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light

- Development shall be carried out in strict accordance with the dust mitigation measures set out in the Air Quality Impact Assessment received by the Council 18 December 2020.

Reason: To protect the amenity of neighbouring dwellings with respect to dust

- Prior to occupancy of any of the residential units hereby approved, a 1.8 metre high acoustic barrier shall be erected as labelled by boundary treatment 1 and presented on approved drawing [insert number]. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of 12 kg/m² and so retained thereafter.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

- The hours of operation of the Class B2 and B4 industrial/employment units shall not exceed 0700 – 2300.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

- Prior to occupation of the residential units hereby approved, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 35dB(A) RTRA (or $R_w + C_{tr}$), shall be installed to all dwellings.

Reason: To achieve internal noise level in line with BS8233

- Prior to occupation of the residential units hereby approved, passive and mechanical ventilation in addition to that provided by open windows, capable of achieving a sound reduction of at least 35dB(A) RTRA when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be installed to all dwellings. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second.

Reason: To achieve internal noise level in line with BS8233

- During the operational phase of the industrial units no activity which is likely to generate excessive noise e.g. delivery, should be undertaken outside the hours of 0700-2300 hours.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

- If piled foundations are required then prior to commencement of the development hereby approved, a piling risk assessment shall be completed and submitted to the Council for approval. The piling risk assessment shall be completed to demonstrate that the proposed piling method will not have an adverse impact by creating new pathways for the migration of potential contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- A Pre-demolition Asbestos Survey should be undertaken prior to demolition and site redevelopment works in compliance with The Control of Asbestos Regulations 2012 and more specifically Regulation 4 – The Duty to Manage Asbestos to ensure any risk to those tasked with site development and future site users is appropriately managed.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- Prior to the installation of the combustion system(s) for heating and hot water to any non-residential elements of the development, with a rated thermal input greater than 1MW, the applicant must submit an updated air quality impact assessment. The updated air quality assessment shall provide specific details of the proposed combustion system including, emission rates and flue termination heights. The updated assessment must demonstrate that there will be no significant adverse air quality impacts associated with the operation of the proposed combustion systems. The combustion systems shall be maintained and operated in accordance with the approved details and retained thereafter.

Reason: To comply with The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) (Amended) 2018

- The development hereby permitted shall not be occupied until the remediation measures as described in the RPS Group Ltd Remedial Strategy Report IBR1268 dated 30th May 2023, have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

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

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

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

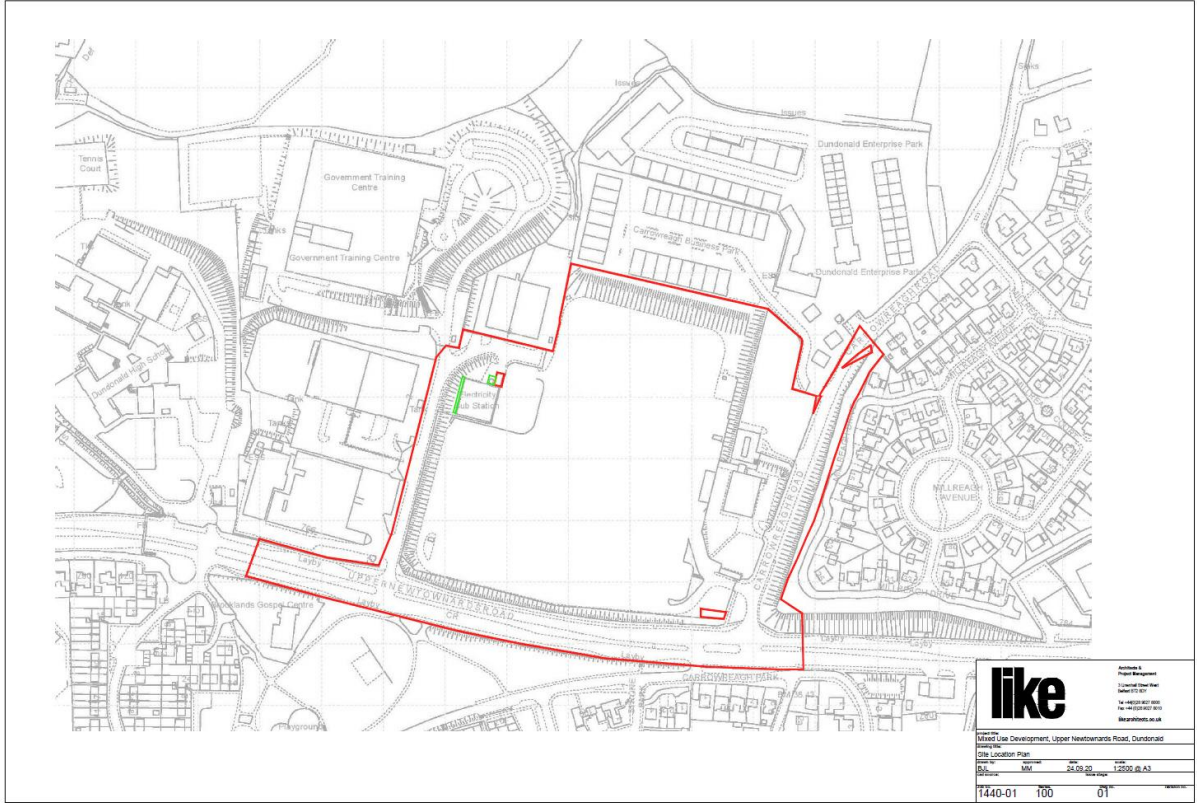
- After completing the remediation works under Conditions [insert number] and [insert number]; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

- All existing trees and proposed planting within the site shall in accordance with drawing [insert number] published on Portal on [insert date]. Any trees or planting indicated on the approved drawings which die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

Site Location Plan – LA05/2021/0033/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	08 January 2024
Committee Interest	Major Application - Addendum
Application Reference	LA05/2021/1245/F
Date of Application	17 November 2021
District Electoral Area	Lisburn South
Proposal Description	Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park.
Location	Lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)
Representations	Five
Case Officer	Mark Burns
Recommendation	Approval

Background

1. This application was presented to the Committee in January 2024 with a recommendation to approve as the proposed park and ride facility was considered to comply with Strategic Policy 01 Sustainable Development and Strategic Policy 20 Transport Infrastructure of Part 1 of the Plan Strategy in that the new park and ride facility provides for an integrated transport network service servicing the needs of our community and future growth, that encourages a modal shift from private car dependency through integration of transport, land use and facilitates a move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.

2. How the proposal met the operational policy requirements of Part 2 of the Plan Strategy are also set out in the main report.
3. Prior to the application being presented, it was agreed to defer consideration of the application to allow for a site visit to take place. This site visit took place on Monday 22 January 2024. A separate note of the meeting is available and appended to this report.

Further Consideration

4. At the site visit, members were reminded that the site visit was arranged to provide an opportunity to observe and examine the site and its surrounding context and to better understand the spatial relationship with the existing park and ride facility and access at Station Road.
5. With the aid of the submitted landscape plan, the main area for parking and the extent of the site boundaries were described.
6. Officers explained that the public footway was to be upgraded to facilitate pedestrian access to the train station and that a pedestrian crossing was not appropriate at this location as it could lead to traffic backing up onto the rail tracks.
7. It was also explained that a right turn pocket would also be provided which would allow for the continuous flow of traffic along Station Road. This would involve some widening of Station Road.
8. Members were advised that sustainability of the proposed development had been considered and way to mitigate the impact of the operation of the car park considered with the provision of a retention pond to facilitate drainage and a solar array to power lighting.
9. Reference was made to the alterations associated with the existing facility and it was agreed that this detail would be included in presentation to members in due course.

Conclusion

10. The recommendation previously offered that planning permission should be granted is not changed and no new facts were raised that would require this proposal to be revisited.
11. The information contained in this addendum should be read in conjunction with the main officer's report as previously presented to Committee on 08 January 2024.

Conditions

12. The following conditions are recommended:

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

2. 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.

3. The Construction Environment Management Plan (CEMP), date stamped 10/10/22 by the council, completed by Tetra Tech shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Planning Authority.

Reason: To protect/minimise the impact of the proposal on the biodiversity of the site, including protected/priority species/habitats.

4. No retained tree, shown as retained on the landscape plan (drawing 13) and including those assessed by the ecologist in the table 7 of the PEA to have moderate BRP, shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in Natural Heritage accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

Reason: to ensure continuity of the biodiversity value afforded by existing trees

5. No vegetation clearance/removal of hedgerows, trees or shrubs take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

6. The lighting plan date stamped 10 October 2022 by the council, shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved lighting plan, unless otherwise approved in writing by the Council.

Reason: To minimise disturbance to bats and other wildlife.

7. No development works shall occur within 25m of any sett entrance until a wildlife licence has been obtained from NIEA beforehand. Please note this licence may be subject to further conditions.

Reason: To protect badgers and their setts.

8. During construction a buffer of at least 10m must be established and maintained between the canal and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills.

Reason: to protect the aquatic environment.

9. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

10. After completing all remediation works under Condition 1 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

11. 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.

12. Development shall be undertaken in strict accordance with the site specific dust mitigation measures set out in the Air Quality DMRB Assessment received by the Council 18 November 2021

Reason: To protect the amenity of neighbouring dwellings with respect to dust

13. Development shall be undertaken in strict accordance with the Construction Environmental Management Plan received by the Council 18 November 2021 specifically the noise and vibration mitigation measures

Reason: To protect the amenity of neighbouring dwellings with respect to noise and vibration

14. Prior to the site becoming operational, a 1.8m high acoustic barrier shall be erected along the site's boundary as presented in Figure 3.1 of the Noise Assessment received by the Council 18 November 2021. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 15 kg/m² and so retained thereafter.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

15. Any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E2 (Rural) contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light

16. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn & Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;

- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to
- publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn & Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

19. Prior to works commencing on site, all existing trees shown on Site Layout Plan, date stamped 26 October 2021 as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect biodiversity value of the site, including protected species.

20. All hard and soft landscape works shall be carried out in accordance with Drawing No. 01/B bearing the Council date stamped 26 October 2021 and

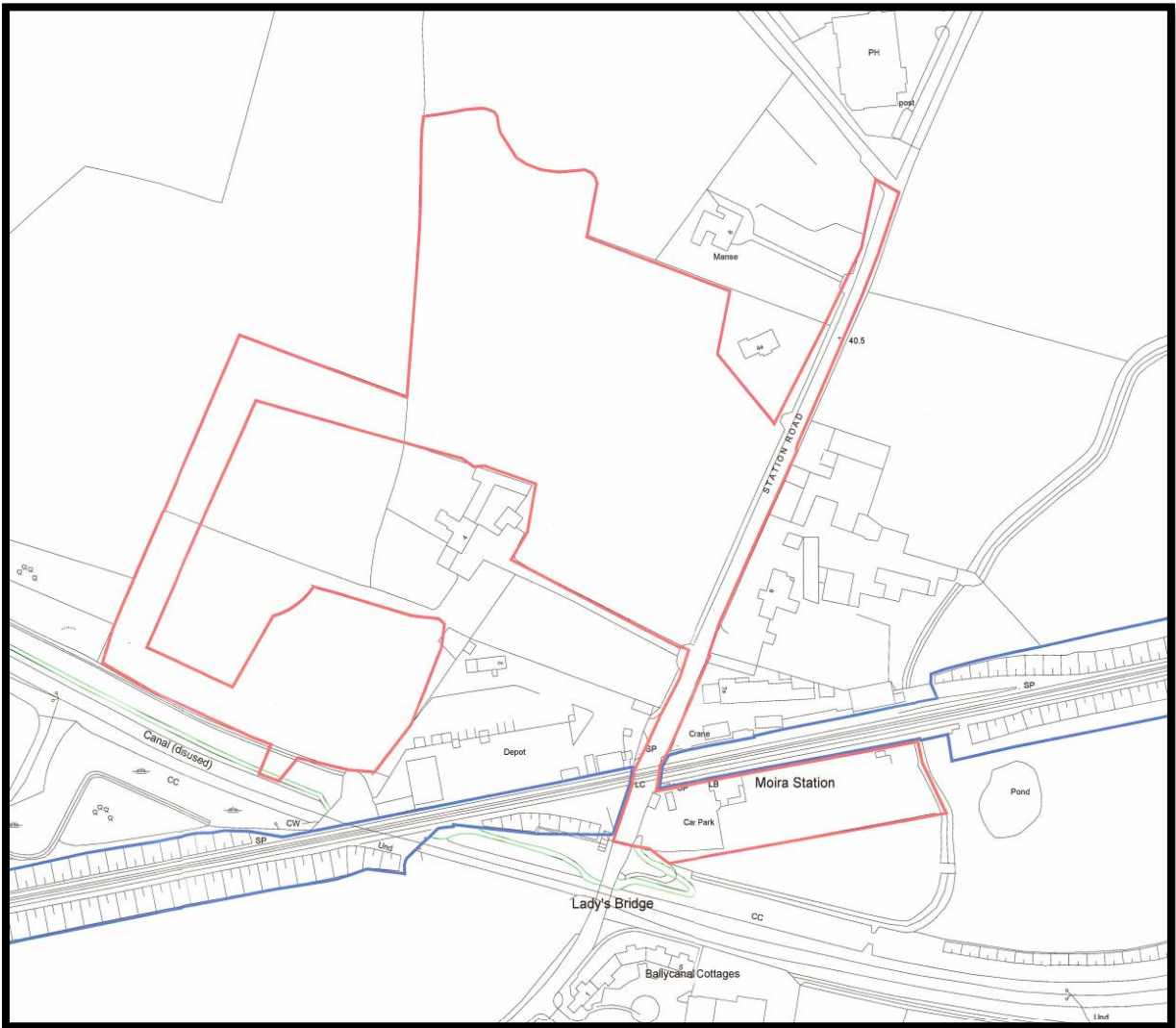
the approved details. The works shall be carried out no later than the first available planting season after the proposal becomes operational

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

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

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

Site Location Plan – LA05/2021/1245/F



LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Meeting held at 1.55 pm on Monday, 22 January, 2024 at Existing Moira Train Station Car Park on lands 65m north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)****PRESENT:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

Councillors S Burns, A Martin and N Trimble

IN ATTENDANCE:

Head of Planning & Capital Development (CH)

Principal Planning Officer (RH)

Member Services Officer (CR)

Dfl Roads Service

Mr A Kyle [AK]

Mr B Finlay [BF]

Mr W Cardwell [WC]

The site visit was held in order to consider the following application:

- LA05/2021/1245/F – Proposed park and ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station, provision of drop off lay by and turning circle at existing train station car park on lands 65m north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)

This application had been presented for determination at the meeting of the Planning Committee held on 8 January 2024. Prior to the application being presented, the Committee agreed to defer consideration to allow for a site visit to take place.

Members and Officers met at the existing Moira Train Station car park at the end of the previous site visit.

With the aid of the Landscape Plan standing at the entrance to the dwelling at 4 Station Road, the Head of Planning & Capital Development indicated the extent of the application site and the field where parking would predominantly be located. Reference was also made to an additional area of parking in field behind. The general location of the proposed solar array was also highlighted.

During the meeting, officers and Dfl Roads officials responded to several queries from members in relation to the following:

- Would the public footway be upgraded with reference to the location of the upgrades;
- Dfl Roads indicated a pedestrian crossing was not appropriate at this location as it could lead to traffic backing up onto the rail tracks;
- a right turn pocket would be provided which would allow for the continuous flow of traffic along Station Road and Dfl Roads was content it would meet the required standard.
- sustainability had been thought about with the provision of a retention pond to facilitate drainage and a solar array to power lighting;
- Clarification was provided in relation to the total number of spaces to be provided and this was specified as 417;
- some alterations would be made to the existing car park to provide for turning and drop-off. The extent of these alterations would be outlined at next meeting.
- bus turning would also be facilitated in the new car park; and
- the site for the proposed car parking was in the ownership of Translink.

The Head of Planning & Capital Development agreed to seek clarification in respect of the provision of electric vehicle charging points. He also advised that the Translink Traffic Assessment was available on the planning portal but agreed to have it distributed to Members.

There being no further business, the site visit was terminated at 2.12 pm.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	05 February 2024
Committee Interest	Major Application
Application Reference	LA05/2021/1245/F
Date of Application	17 November 2021
District Electoral Area	Lisburn South
Proposal Description	Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park.
Location	Lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)
Representations	Five
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
2. The proposal is presented with a recommendation to approve as the proposed park and ride facility is considered to comply with Strategic Policy 01 Sustainable Development and Strategic Policy 20 Transport Infrastructure of Part 1 of the Plan Strategy in that the new park and ride facility provides for an integrated transport network service servicing the needs of our community and

future growth, that encourages a modal shift from private car dependency through integration of transport, land use and facilitates a move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.

3. In turn, it is considered to be an acceptable form of non-residential development in the open countryside consistent with operational Policy COU1 of Part 2 of the Plan Strategy.
4. The proposal complies with the policy tests associated with Policy TRA9 in that the need for park and ride provision at Moira is identified in the Regional Strategic Network Transport Plan 2015. Translink have identified the project as part of their capital works programme with works to commence in 2024 and to be completed by 2025.
5. In addition, the proposal satisfies the requirements tests of policies TRA1 and TRA2 in that the layout incorporates facilities to aid improved accessibility, provides for user friendly and convenient movement along pathways to and from the rail halt. Ease of access to car parking reserved for disabled users close to the buildings at the halt. It is demonstrated that safe access arrangements will be provided without prejudice to road safety or inconvenience to the flow of traffic on the public road network.
6. The proposed development is considered to be sited and designed to integrate sympathetically with their surroundings and are of an appropriate design for the intended use. The tests associated with policy COU15 of the Plan Strategy are met in full.
7. The proposal complies with policy COU16 of the Plan Strategy as it is demonstrated that the development will not cause a detrimental change to, or further erode the rural character of the area.
8. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment along with species specific surveys and a Construction Environmental Management Plan submitted in support of the application demonstrate that the proposed development will not have an adverse impact on priority habitats and priority species.
9. Furthermore, the application is considered to satisfy the policy tests in policy FLD3 of the Plan Strategy in that the proposal will not result in an increased flood risk and that the Flood and Drainage Assessment has demonstrated that adequate measures can be put in place to effectively mitigate any flood risk.
10. For the reasons outlined in the report, is considered that the proposed development complies with paragraph 4.11 and 4.12 of the SPSS in that it will not subject to mitigation have an adverse impact on the amenity of residents in respect of Noise, Air Quality and light pollution.

11. The proposal also complies with Strategic Policy 21 Renewable Energy and policies RE1 and RE2 of the Plan Strategy in that it has been demonstrated that the solar panel array infrastructure and associated buildings will not result in an unacceptable adverse impact on public safety, human health or residential amenity, visual amenity or landscape character, biodiversity or the natural or historic environment, local natural resources or public access to the countryside.
12. The proposal complies with policies HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy in that the proposed development will not adversely affect existing archaeological sites which are of local importance and a scheduled monument of regional importance or their settings and that further archaeological assessment and mitigation will be provided prior to the commencement of any engineering works. It will not impact adversely on the setting of a listed building.

Description of Site and Surroundings

Site

13. The application site is 3.5 hectares in size and comprised of four agricultural fields adjacent to and northwest of the Moira rail halt.
14. Access to the site is from Station Road and the land rises gently from the edge of Station Road towards the north western boundary.
15. The boundaries are defined by mature hedgerows interspersed with trees (along the northern and part of the western boundaries).

Surroundings

16. The site is situated in the open countryside approximately 1.2 kilometre north east of the village of Moira.
17. There is a build-up of development in the general vicinity of the site with a group of farm buildings and associated farm dwelling opposite at 9 Station Road and dwellings adjacent on either side at 4, 4a and 6 Station Road.
18. The Department for Communities has a Depot at 2 Station Road which is in front of the proposed location for the solar panels.
19. Adjoining to the south of the site for the solar panels is the Lagan Canal, a scheduled monument. This part of the towpath of the canal is known as the 'broad water' walk which is 5 km in length connecting Moira Train Station to Aghalee.

Proposed Development

20. The proposed development is comprised of a Park and Ride facility including tarmacked carpark, landscaping, boundary fencing, CCTV and floodlighting cycle shelter building and storm water retention pond. The lighting is powered by a solar panel array serviced by an associated battery storage building. It is also proposed to widen Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision is also made for a drop-off layby and turning circle at the existing train station car park.
21. The application was also supported by the following:
- Design and Access Statement
 - Design and Access Statement - Addendum
 - Ecological Appraisal
 - Archaeological and Heritage Assessment
 - Lighting Report
 - Public Consultation Document
 - Air/Dust Management Plan
 - Transport Assessment Form
 - Car Parking Study
 - Flood Risk and Drainage Assessment
 - Breeding Bird report
 - Smooth Newt report
 - Bat Activity report
 - Landscape and Maintenance Plan
 - Noise Assessment
 - Preliminary Risk Assessment (PRA)
 - Construction Environment Management Plan
 - Outline Emergency Response Plan

Relevant Planning History

22. There is no relevant planning history associated with the site.

Consultations

23. The following consultations were carried out:

Consultee	Response
Dfl Roads	No objection
NIEA Water Management Unit	No objection

NIEA Regulation Unit	No objection
NIEA Natural Heritage	No objection
Environmental Health	No objection
NI Water	No objection
SES	No objection
Rivers Agency	No objection
HED	No Objection

Representations

24. Six letters of representation are received in opposition to the proposal on behalf of two objectors. The following issues are raised:

- Policy objection in principle to the siting of the park and ride facility
- Traffic generation
- Danger for pedestrians
- Impact on Residential amenity (Noise nuisance, disturbance)
- Infrastructure cannot handle the additional load
- Lack of EIA determination
- Referral of Application to DfI as being Regionally significant

25. These issues are considered in more detail as part of the assessment below.

Environmental Impact Assessment (EIA)

26. As the site area exceeds the threshold set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015 the need for environmental impact assessment is considered.

27. An EIA screening was carried out on 23 November 2021, and it was determined that the nature and scale of the proposed development was unlikely to result in any significant adverse environmental impact. As such, an Environmental Statement was not required to inform the assessment of the application.

Pre-Application Community Consultation

28. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is more than two-hectares in size.
29. In accordance with section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the application.
30. The online consultation was in accordance with the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 and ran from Monday 8 February 2021 to Friday 5 March 2021 with an online public webinar event held on Wednesday 24 February 2021.
31. The format and content of the Pre-Application Community Consultation report is in accordance with the Practice Note published by DfI Planning Group. It advises that no issues were raised by members of the public at this event.

Local Development Plan

32. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

28. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

29. The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.
30. BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

31. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
32. The LAP indicates that the proposed site is located outside the development settlement limit of Moira and in the Countryside.
33. Within draft BMAP and the subsequent revision to BMAP post inquiry and pre-adoption the site is also located within the Countryside.
34. This is a proposal for a park and ride facility in the open countryside linked to the operation of the Moira rail halt. The following strategic policies in Part 1 of the Plan Strategy apply. Strategic Policy 01 Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

The Plan Strategy seeks to support the provision of jobs, services, and economic growth; and delivery of homes to meet the full range of housing needs integrated with sustainable infrastructure (physical and digital) whilst recognising the balance to be achieved in protecting environmental assets

35. The site is located in close proximity to a scheduled monument and there are natural heritage features on and adjacent to the site that must be taken account of in the assessment of this proposal.
36. Strategic Policy 06 Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

37. Strategic Policy 18 Protecting and Enhancing the Historic Environment and Archaeological Remains states that:

The Plan will support development proposals that:

- a) *protect and enhance the Conservation Areas, Areas of Townscape Character and Areas of Village Character*
- b) *protect, conserve and, where possible, enhance and restore our built heritage assets including our historic parks, gardens and demesnes, listed buildings, archaeological remains and areas of archaeological potential*

- c) *promote the highest quality of design for any new development affecting our historic environment.*

38. Strategic Policy 19 Protecting and Enhancing Natural Heritage states that:

The Plan will support development proposals that:

- a) *protect, conserve and, where possible, enhance and restore our natural heritage*
- b) *maintain and, where possible, enhance landscape quality and the distinctiveness and attractiveness of the area*
- c) *promote the highest quality of design for any new development affecting our natural heritage assets*
- d) *safeguard the Lagan Valley Regional Park allowing appropriate opportunities for enhanced access at identified locations thereby protecting their integrity and value*

39. Strategic Policy 20 Transportation Infrastructure states that:

The Plan will support development proposals that:

- a) *provide or improve an integrated transport network servicing the needs of our community and future growth*
- b) *deliver sustainable patterns of development, including safe and accessible environments*
- c) *encourage a modal shift from private car dependency through integration of transport and land use*
- d) *facilitate Park & Ride, active travel (public transport, cycling and walking) and strategic greenways to move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.*

42. Strategic Policy 21 Renewable Energy states that:

The Plan will support development proposals that:

- a) *facilitate the delivery of renewable energy generating facilities (wind, solar, thermal, biomass and other technologies) in the most appropriate locations which aim to meet the regional target for renewable energy production*
- b) *minimise any potential visual intrusion and environmental impacts to protect both the rural and urban landscape, and natural and historic environment*

43. Strategic Policy 24 Flooding states that: *The Plan will support development proposals that:*
- a) *reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding*
 - b) *encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding* c) *adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified*

43. The following operational policies in Part 2 of the Plan Strategy also apply.

44. The proposal is for a Park and Ride facility in the open countryside. Policy COU 1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

Integration and Design of Buildings in the Countryside

45. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *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*

- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

46. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing

Natural Heritage

47. A Preliminary Ecological Assessment, with species specific surveys and a Construction Environmental Management Plan are submitted with the application.

48. Policy NH2 – Species Protected by Law states that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *it is required for imperative reasons of overriding public interest; and*
- c) *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*

- d) *compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

49. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

50. A new access is to be constructed to the public road for both pedestrian and vehicular use. A right turning pocket is also proposed and some alterations are proposed to the existing car park at the rail halt.
51. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where

appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

52. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

53. Policy TRA 9 Park and Ride/Park and Share Car Parks states that:

Planning permission will be granted for new, or an extension to an existing Park and Ride/ Park and Share car park, where they meet an identified need agreed by the Department

54. The Justification and Amplification states that:

Park and Ride and Park and Share facilities make an important contribution to integrated transport and will be appropriate in locations where they reduce travel by car, reducing levels of congestion and pollution. Park and Ride/Park and Share car parks should be sited close to junctions on the motorway and

along the trunk road network, ideally within settlement development limits, and at public transport interchanges.

There may be occasions where a countryside location is needed for such development. The layout, design and landscaping of all car parking sites should integrate with, and protect local character and visual amenity. Where appropriate parking surfaces should make use of permeable materials and sustainable drainage solutions. The security of users should be demonstrated in all development proposals, including safe and secure cycle parking.

Flooding

55. A large area of hard-surfacing is proposed, and the site is in excess of one-hectare. The drainage must be designed to take account of the potential impact on flooding elsewhere.
56. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) *a residential development of 10 or more units*
- b) *a development site in excess of 1 hectare*
- c) *a change of use involving new buildings and/or hard-surfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Renewable Energy

57. An array of solar panels is proposed on the southern portion of the site. This is to facilitate the operation of the floodlighting and other ancillary electrical equipment on the site. Policy RE 1 Renewable Energy Development states that:

The generation of energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) public safety, human health, or residential amenity*
- b) visual amenity and landscape character*
- c) biodiversity or the natural or historic environment*
- d) local natural resources, such as air quality or water quality or quantity*
- e) public access to the countryside.*

Proposals will be expected to be located at, or as close as possible to, the resources needed for that particular technology, unless it can be demonstrated that the benefits of the scheme outweigh the need for transportation of raw materials.

Proposals likely to result in unavoidable environmental damage should indicate how this will be minimised and mitigated.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

58. Policy RE2 Integrated Renewable Energy states that:

Planning permission will be granted for a development proposal which integrates renewable energy technology including microgeneration and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

The Council will encourage greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings. For many buildings this will mean increased consideration of the benefits of small-scale renewable energy technologies. This is referred to as 'micro-generation' and is widely accepted to be the production of heat and/or electricity from low or zero carbon energy sources. New large-scale urban, public sector and rural development

proposals can maximise the benefits that can be derived from integrated renewable technology.

Historic Environment and Archaeology

59. The site lies adjacent to an oval enclosure (ANT 067:003) and also within the vicinity of a standing stone (ANT 067:024). In addition, part of the proposed development is within the Scheduled Area of Lagan Canal, Reach 11 - Section 15 (ANT067:501/DOW009:500; IHR02680), a monument scheduled for protection under the Historic Monuments and Archaeological Objects Order (NI) 1995.

60. Policy HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings states:

The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAs). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.

61. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states that:

Proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings shall only be permitted where the Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.

62. Policy HE3 Archaeological Assessment and Evaluation states that:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

63. Policy HE4 Archaeological Mitigation states that:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed

excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

64. The site is also in the setting of a listed building HB 19 03 049. It is stated in policy HE9 Development affecting the setting of a listed building that:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) the detailed design respects the listed building in terms of scale, height, massing and alignment*
- b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building*
- c) the nature of the use proposed respects the character of the setting of the building.*

Regional Policy and Guidance

Regional Policy

65. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

66. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. It states that the:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

67. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed

land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

68. Paragraph 3.7 of the SPPS states that

Furthering sustainable development also means ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development. This includes strategies, proposals and future investment programmes for key transportation, water and sewerage,1 telecommunications and energy infrastructure (including the electricity network).

69. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

70. Paragraph 4.11 of the SPPS states that:

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.

71. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

72. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.

73. Paragraph 4.12 of the SPPS states:

that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

74. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in

consultation with stakeholders, all relevant environment and amenity considerations for their areas.

75. Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

76. Paragraph 6.132 of the SPPS also states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

77. Paragraph 6.174 of the SPPS states that:

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

78. Paragraph 6.182 of the SPPS further states that:

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

79. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

80. Paragraph 6.294 of the SPPS states that:

Whilst smarter use of technologies can reduce the need to travel, the provision of improved infrastructure for more sustainable transport modes gives people greater choices about how they travel. Sustainable patterns of development with local design that encourage walk, cycle and public transport travel to local amenities can reduce the need for private car use. Where a modal shift occurs, this can contribute to improvements in air quality arising from reduced vehicular emissions and associated health benefits for society.

81. Paragraph 6.296 of the SPPS states that:

The RDS and New Approach to Regional Transportation consider better integration between transport and land use as fundamental to progress in implementing the above regional guidelines. The aim of the SPPS with regard to transportation is to secure improved integration with land-use planning, consistent with the aforementioned documents; and to facilitate safe and efficient access, movement and parking.

82. Paragraph 6.297 of the SPPS states that:

The regional strategic objectives for transportation and land-use planning are to:

- promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car;*
- ensure accessibility for all, with the needs of people with disabilities and others whose mobility is impaired given particular consideration;*
- promote the provision of adequate facilities for cyclists in new development;*
- promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion;*
- protect routes required for new transport schemes including disused transport routes with potential for future reuse;*
- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and*
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.*

83. Bullet point 6 at paragraph 6.301 of the SPPS states that:

- Car Parking: LDPs should identify existing and any proposed town centre car parks. As part of preparing an overall car parking strategy, councils should bring forward local policies to ensure adequate provision for car parking within new developments (including spaces for people with disabilities, and parent and child parking spaces) and appropriate servicing arrangements. LDPs should also consider and identify park and ride / park and share sites where appropriate. LDPs should recognise the role of car parking in influencing modal choice between private car and public transport. LDPs should consider a range of initiatives such as designating areas of parking restraint, reducing the supply of long term*

parking spaces, pricing policy, land use measures and innovative work practices.

84. It is further stated at paragraph 6.302 that:

The decision-taking process is a key tool for delivering sustainable travel patterns and good integration between transportation and land use. In determining planning applications, it is important that due regard is given to the design and layout of the proposed development and the facilities provided to cater for the particular needs of people with disabilities. Relevant considerations will normally include user friendly pedestrian routes, easy access to car parking reserved for disabled people and public transport facilities, and public buildings designed to provide suitable access for customers, visitors and employees.

85. Paragraph 6.4 of the SPPS states that the regional strategic objectives for archaeology and built heritage are to

- *Secure the protection, conservation and where possible, the enhancement of our built and archaeological heritage;*
- *Promote sustainable development and environmental stewardship with regard to our built and archaeological heritage; and*
- *Deliver economic and community benefit through conservation that facilitates productive use of built heritage assets and opportunities for investment, whilst safeguarding their historic or archaeology integrity.*

Retained Regional Guidance

86. Whilst not policy, the following guidance documents remain material considerations.

Development Control Advice Note 15 – Vehicular Access Standards

87. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain that:

The Department’s Planning Policy Statement 3 “Development Control: Roads Considerations” (PPS3) refers to the Department’s standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Supplementary Guidance for Renewable Energy Proposals

88. Supplementary Planning Guidance associated with the Plan Strategy states at page 51 to Guidance for renewable energy proposals are contained in the following publications:

- Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy' (2009) published by the Department
 - Draft Supplementary Planning Guidance to PPS 18 'Renewable Energy'
89. Section 6 of the Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy' (2009) published by the Department provides guidance on Active Solar Panels.
90. Paragraph 6.2.5 explains that for best performance, PV modules need to be inclined at an angle of 20-40 degrees, depending on the latitude, and orientated facing due south.

Assessment

Strategic Need

91. Strategic Policy 01 states that the Plan will support development proposals which further sustainable development including those for sustainable infrastructure. Park and Ride is identified as transport infrastructure at criteria d) of Strategic Policy 20.
92. It is further stated in the justification and amplification of this policy that park and ride sites have the potential to deliver a shift to more sustainable travel modes (by reducing car usage and encouraging the use of public transport), reduce pollution and congestion and improve air quality and public health. This type of infrastructure is sustainable development.
93. It provides for better integration of the transportation network servicing the needs of our community and future growth in accordance with criteria a) and encourages a modal shift from private car dependency through integration of transport and land uses in accordance with criteria c).
94. This application is made on behalf of Translink, a Division of the Northern Ireland Transport Holding Company, a public corporation which provides public transport through out the region.
95. The need for Park and Ride facilities at Moira rail halt are in the Regional Strategic Transport Plan 2015. It is stated at page 5 of the Plan for rail that:
- The Plan also considers Park and Ride opportunities at rail stations and it is proposed to provide over 1000 additional parking spaces at 12 locations on the rail network.*
96. At paragraph 4.8.18 it is stated that Park and Ride opportunities will be considered on their own merits within the Plan period. Moira is identified at Table 4.5 as a scheme currently under consideration for 98 spaces.

97. It is further stated at paragraph 4.8.26 that:

The BMTP proposes a number of initiatives aimed at improving links by other modes of transport to and from the rail network. These comprise:

- *improving pedestrian and cycle access to stations ;*
- *establishing Park and Ride with high quality facilities at a number of key stations in each of the rail corridors;*
- *where possible formalising and expanding parking provision and pickup/set down facilities at other stations.*

98. The train station at Moira is strategically placed between two arterial routes and identified by the applicant as being located approximately 1 mile north from the centre of Moira, 2.7 miles south of Maghaberry, 3.5 miles east of Aghalee and 4.5 miles east of Aghagallon.

99. The submitted reports further indicate the station has no direct bus services operating from the surrounding villages and townlands and whilst accessible on foot from Moira village, the route travelled does not benefit from street lighting, footways are limited and where footways do exist, they are often inaccessible due to on pavement parking.

100. The Design & Access Statement submitted with the application explains that it is Translink's mission to deliver a transformation in public transport by providing integrated services which connect people, enhance the local economy, enriching local communities they serve and improve the environment.

101. Section 7.3 of the Design and Access Statement explains that in 2015, DfI carried out a Strategic review of Park and Ride [P&R] provision in Northern Ireland the purpose of which was to enhance the targeted provision in a manner which takes account of traffic flows with a view to maximising the potential of P&R to contribute to the regional objective of modal shift from private care to public transport. This is consistent with the requirements of the regional strategic transport network plan.

102. Some 30 separate sites at locations along six key strategic transport corridors leading into Belfast were considered. Taking into account settlement and community patterns along with the availability and frequency of high quality public transport services, the proposed Moira P&R site was ranked top priority by both Translink and DfI in their respective P&R Strategic delivery programmes.

103. Translink have identified the project as part of their capital works programme with works to commence in 2024 and to be completed by 2025.

104. In addition, detail submitted with the application explains that there is an extremely limited level of parking currently available at the Moira train station in contrast to parking demand. The Transport Assessment Form [TAF] indicates

that the 85 spaces are typically significantly over capacity with commuters double parked within the car park outside assigned spaces.

105. The demand for parking at the station has also resulted in a significant amount of on street parking occurring which prejudices the safety of road users and pedestrians using Station Road. The TAF explained that the total on street and off street demand exceeded capacity by 261%. The parking demand was estimated to be 343 spaces. This issue reinforces the need for additional P&R provision to be provided in close proximity to Moira station. This is much greater than the identified number of spaces in the Regional Transport Strategy.
106. The strategic need for a P&R facility at this location is accepted subject to requirements of the operational policies in Part 2 of the Plan and all planning and environmental considerations being satisfied.
107. Whilst this site is not identified in the Plan Strategy as a park and ride site the strategic policy recognises the role this type of car parking has in influencing modal choice. Co-locating a park and ride facility with a rail halt is in accordance with strategic policy 20 and paragraph 6.301 of the SPPS.

Development in the Countryside

Non-residential development in the open countryside

108. The strategic need for this facility is demonstrated and a site for a park and ride facility adjacent to an existing train station located in the open countryside is not excluded from policy COU1 subject to meeting the requirements of the relevant operational policies and the policies COU15 and COU16.

TRA 9 Park and Ride/Park and Share Car Parks

109. The applicant sets out in the Design and Access Statement that some 30 separate sites at locations along six key strategic transport corridors leading into Belfast were considered as part of the review into Park and Ride [P&R] provision in Northern Ireland.
110. Taking into account settlement patterns and comparing this to the availability and frequency of high quality public transport services, the proposed Moira P&R site was ranked top priority by both Translink and DfI in their respective P&R strategic delivery programmes.
111. This site is 1km outside Moira and 65 metres north west of the existing Moira train station. The site is also considered to be large enough to accommodate all of the required development and ancillary works.

112. The fact that the Moira P&R facility is ranked top priority by both Translink and DfI in their respective P&R strategic delivery programmes clearly demonstrates an identified need for this facility. The requirement of policy TRA9 is met.
113. Furthermore, it is accepted in accordance with the justification and amplification to Policy TRA9 that a countryside location is required for the proposed development. The existing rail halt is already located in the open countryside and is constrained on at least two sides by other built development.
114. It is also demonstrated that the car park is designed, laid out and landscaped to integrate into the landscape, protect rural character and the visual amenity of the area for the reasons set out below as part of the assessment of policies COU15 and COU16.
115. It is further stated in the justification and amplification of policy TRA9 that where appropriate parking surfaces should make use of permeable materials. In this case tarmac is used which is not permeable surface. However, a sustainable drainage solution is proposed to mitigate the impact of this and is acceptable for the reasons set out later in the report under the heading drainage.
116. In respect of the other criteria set out in paragraph 6.302 of the SPPS. An additional 23 disabled parking spaces are proposed close to the entrance of the car park and a pedestrian access point is adjacent to these spaces to allow disabled users to have access to the footpaths on Station Road.
117. Dropped kerbs and tactile paving is used to assist wheelchair and visually impaired users of the car park and the footpath widths on Station Road can accommodate disabled users. The conflict of cars parking on footpaths on Station Road is removed by the development of this car park.
118. Set down and pick-up arrangements are improved in the existing car park. These arrangement will make the rail halt more accessible to disabled users being dropped off and collected. Provision is also made for bus turning for those disabled users making connected trips in other forms of public transport.
119. No new buildings are proposed but the current rail halt is accessible for all customers, visitors and employees.

TRA1 – Creating an Accessible Environment

120. In addition meeting the requirements of regional policy for accessibility for disabled users outlined above, the proposal includes footway provision meaning that pedestrian amenity will be significantly improved between the new P&R and the train station.
121. The existing narrow, substandard footway between the facility and the station will be replaced by a two metre footway. Dropped kerbing and tactile paving will be introduced to facilitate movement of disabled and mobility impaired pedestrians.

122. The proposal will also significantly increase disabled parking provision with 23 spaces proposed in addition to those provided at the station providing enhanced access to the public transport network.
123. For the reasons outlined above criteria (a) to (d) are met.

TRA2 Access to Public Road

124. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
125. A Transport Assessment (TA) form prepared by SW consulting was submitted with the application. The TA indicates that the Park and Ride Proposal will include
- 489 Spaces – 466 Standard and 23 disabled
 - The widening of station Road along the frontage to provide a right-hand turning lane and new pedestrian footway
 - Footway and visibility improvements to the south of the site to connect the site with the Belfast Bound Northern platform
 - New Street lighting within the site and along Station Road and the site frontage.
 - Bus drop off/pick up area within the new site
 - Improved crossing facilities and visibility.
126. The existing car park at the train station will also be reconfigured resulting in the loss of 34 spaces. These spaces will be accommodated within the new P&R facility.
127. The TA indicates that there are approximately 152 vehicles that park on street in the immediate vicinity of the train station. There are also 96 spaces in a temporary car park that Translink currently rent from Alchemy restaurant.
128. The on street vehicles will be removed to the north and south of Moira station. The temporary overflow car park (96 spaces) at Alchemy restaurant will no longer be used. Instead, an additional 248 vehicles will benefit from the new purpose built P&R site off Station Road.
129. The remaining 241 spaces at the P&R minus the 34 that will be lost due to the reconfiguration of the existing Moira Station means that there are a total of 207 new and dedicated parking spaces compared with the existing arrangement.
130. DfI Roads have not no objection to the internal road layout, parking layout and access arrangements. PSD drawings have been endorsed and returned to the Council.
131. Based on a review of the detail submitted and having regard to the advice received from DfI Roads, it is considered that the development complies with

the requirements of policy TRA2 of the Plan Strategy in that it has been demonstrated that the construction of a new access will not prejudice road safety or significantly inconvenience the flow of traffic.

132. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.
133. Turning to the balance of the policy tests associated with Development in the countryside, the following assessment is made.

COU15 - Integration and Design of Buildings in the Countryside

134. The proposed development is predominantly made up of hard surfacing. No significant modification is required to the landform and there are buildings in the foreground and backdrop of the site that provide enclosure to the proposed development when approaching the site along Station Road from Moira to the south or the open countryside to the north.
135. Almost all of the existing boundary vegetation is retained except the hedgerow along the front boundary to accommodate the entrance and visibility splays. The existing vegetation is also supplemented to aid integration of the car parking into the landscape.
136. Lighting columns are proposed throughout the site to assist in the safe operation of the car park at night and during the winter months. These are not normally found in the open countryside but the long slender columns are not visually intrusive and are well spaced throughout the site.
137. The solar panel array is located to the rear of the Department for Communities works depot and is accessed through the car park via a gravel lane. The array is small in scale and set sufficiently far back in the site not to be visually prominent from Station Road.
138. It can be seen from the towpath and the rail line but read in the same visual context as other built development adjacent. The existing vegetation in the foreground and backdrop also provides enclosure and assists in integrating the array into the landscape.
139. A building is defined as any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.
140. The proposal makes provision for a cycle shelter and containers for the storage of batteries and invertors associated with the operation of the solar panel array. These buildings are small in scale and ancillary to the primary use. These buildings will not present as prominent features in the landscape.

141. The most prominent feature of the proposed development is proposed lighting but it is well distributed throughout the site and is on balance acceptable. The hard surfacing, solar panel array and ancillary buildings are not prominent for the reasons set out above. Criteria (a) is met.
142. The location of the car parking, lighting, solar panel array and modest sized buildings are such that they are sited to cluster with the existing dwellings and other buildings on Station Road and the presence of these buildings and the natural boundaries provide a backdrop and enable the development to blend into the landform.
143. Furthermore, the existing natural vegetation to the site boundaries provides for a suitable degree of integration into the landscape without reliance on new landscaping. For this reason and the reasons in the preceding paragraphs criteria (b), (c), (d) and (e) are considered to be met.
144. The modest scale of the buildings as described earlier in the report are not considered to be inappropriate for the site and its locality. Criteria (f) is met.
145. Having regard to the existing boundary vegetation and the proposed landscaping, the ancillary works associated with the internal road and parking layout, lighting and solar panel array are considered to integrate into the surroundings for the reasons outlined above. Criteria (g) is met.
146. For the reasons outlined above, the modest buildings associated with the proposed development is considered to be sited and designed to integrate sympathetically with its surroundings and is of an appropriate design for the intended use. The tests associated with COU15 are met in full.

COU16 – Rural Character and Other Criteria

147. For the reasons outlined above, the new development will not be prominent in the landscape and would be sited to cluster with existing dwellings to the south, north and east of the site. Criteria (a) and (b) are met.
148. The proposal is sufficiently removed from the settlement of Moira and does not mar the distinction between a settlement and surrounding countryside. It also does not result in urban sprawl as it is enclosed on three sides by built development and clusters with the established group of buildings for the reasons explained above. It will therefore not have an adverse impact on the rural character of the area. Criteria (d) and (e) are met.
149. The application seeks to provide a number of modest size buildings including a cycle shelter and a container housing batteries in conjunction with the solar panels. These buildings are considered to be in keeping with the pattern of development noted within the local area. Criteria (c) is met.

150. In relation to criteria (f) the proposed car parking has been designed and laid out to ensure that they will not have an adverse impact on the amenity of neighboring properties by reason of overlooking. A buffer of planting is provided around the edge of the car park to maintain separation between the parking spaces and the private amenity areas of the dwellings adjacent to the north and south. The existing residential properties will also enjoy the amenity benefit from the removal of on street parking on Station Road. Loss of amenity as a result of noise is dealt with later in the report. This criterion is capable of being met.
151. In respect of criteria (g) and (h) all of the proposed services are provided underground. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
152. In respect of criteria (i) for the reasons set out in the previous paragraphs, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Natural Heritage

153. A Preliminary Ecological Assessment [PEA] along with species specific surveys and a Construction Environmental Management Plan [CEMP] are submitted with the application.
154. The PEA was commissioned to assess the potential ecological impacts of the proposed application, as well as to identify the need for further ecological surveys.
155. The purpose of this PEA is to:
 - A desk study to obtain existing information on statutory and non-statutory sites of nature conservation interest and relevant records of protected/notable species within the site and its zone of influence
 - An extended phase 1 habit survey involving a walkover of the site to record habitat survey for evidence of protected fauna or habitats capable of supporting such species.
 - An assessment of the potential ecological receptors present on site, identify any constraints they pose for future development and also any recommendations for any further surveys, avoidance, mitigation or enhancement measures that are needed.
156. The Executive Summary of the PEA indicates that the site will have functional or Hydrological links to Ballynanaghten ASSI and therefore it recommends that a Construction Environmental Management Plan (CEMP) is submitted to protect the site.

157. The report comments on the protected species assessed as follows:

Bats

158. The site has been assessed as having moderate habitat suitability for foraging and commuting bats. The assessments therefore recommends that further surveys are carried out and a separate Bat Activity report has been submitted.
159. The Bat activity survey recorded a low level of bat activity within the site and this was generally restricted to the boundary vegetation which is to be largely retained and augmented. The report goes on to state that although additional lighting is proposed around the new car park mitigation is proposed to minimise such impacts. The mitigation measure included the use of low LUX level LED lights and directing light away from existing vegetation.

Breeding Birds

160. The assessments states that a dedicated bird survey should be undertaken to identify species present and mitigate for those which may be impacted on by the proposal. Two rookeries that are likely to be impacted by the proposal have been identified and the habitats on site may provide nesting opportunities for other species of breeding bird.
161. The breeding bird report submitted reveals that there are 33 species of bird seen within or immediately adjacent tot the site. The report states although grass area will be lost to facilitate the development boundary vegetation will be retained as far as possible and augmented with native species, which will provide for additional nesting and feeding habitat for birds. Ten additional bird boxes will also be provided as additional nesting opportunities.
162. The otter survey identified no evidence of otter activity along the Lagan Canal. However, the Lagan Canal likely provides potential habitat for commuting and foraging otter. Records of otter have been identified within proximity of the site which may have been associated with the Lagan Canal. The mitigation measure proposed in relation to otter are general good practice for safeguarding otters. This includes working in daylight hours only and covering any open trenches to restrict mammal entry.

Badgers

163. The PEA identified an outlier badger sett and potential evidence of badger activity was identified on site which is likely to be directly impacted during site clearance and felling of tress. A target badger survey was recommended.
164. A badger report was submitted with the application, it identified three outlier setts within the site and further sites were identified outside the site, however the main sett was not identified in the survey area. It is proposed to close the 3 setts, which must be done under license and under the supervision of an

ecologist. Further pre construction surveys are to be completed prior to any works commencing.

Smooth Newt

165. The PEA identified that smooth newts are potentially present in the wet ditches to the south west of the site and in the surrounding landscape, and it therefore recommends that a dedicated smooth newt survey should be undertaken.
166. A smooth Newt report was submitted with the application, it concluded that smooth newt was absent from the site and that there were no records of smooth newt within 2km of the site. Therefore, no impact to smooth newt are predicted as a result of the development, no further surveys are required, and no specific mitigation is proposed.

Common lizard

167. Common lizards may be present on the site and might be using deadwood, tree stumps and brush piles as hibernation features. The PEA advises that precautionary working methods should be employed during the works to avoid contravention of legislation and minimise the risk of common lizards during the works,

Otter

168. No evidence of otter activity was noted during the site visit however it is likely that otters may use more secluded stretches of the Canal beyond the site boundary with more dense vegetation.

Hedgehogs

169. The PEA states that there was no evidence of hedgehogs on site and recommended precautionary working methods when clearing the site.

Invasive species

170. A large stand of schedule 9 invasive plant Japanese knotweed approximately 10m x 5m was noted just over 10 metres beyond the northern boundary of the site in an area of rank grassland. The PEA recommended that although this stand is not located within the site boundary, due to its proximity of the site, precautionary working methods are advised.
171. The ecological information submitted, including the species reports, in support of the application confirms that the development will not have a significant effect on habitats or species of local or regional importance.

172. Advice from Natural Environment Division confirmed that it had considered the impacts of the proposed development on the identified species and habitats in the PEA. Officers have no reason to disagree with the advice offered by NED.
173. A response from Shared Environmental Services confirmed that the application had been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on the Councils behalf.
174. Confirmation is also provided that an appropriate assessment in accordance with the Regulations having regard to the nature, scale, timing, duration and location of the project has been carried out and that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.
175. Officers have no reason to disagree with the appropriate assessment of Shared Environmental Services and accept the conclusion reached that the proposed development would not have an adverse effect on the integrity of any European site.
176. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the recommended mitigation measures being made a condition of any approval.
177. Confirmation has also been received from the applicants ecologist to confirm that the ecological information submitted with the application is up to date and valid.
178. For the reasons outlined above, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such policies NH2 and NH5 of the Plan Strategy are capable of being met subject to the recommended mitigation measures in the PEA being applied.

Historic Environment and Archaeology

179. An Archaeological and Cultural Heritage Assessment dated October 2021 was submitted in support of the application.
180. Paragraph 1.2 of the statement indicates that the assessment was conducted in two stages, firstly though a detailed desk top survey and secondly a site inspection was undertaken to assess the current state of the development areas and the potential for upstanding archaeological remains.
181. The desk top survey and site inspection indicated that there was one recorded archaeological monument identified and located within the red line boundary of

the site, ANT 67:68. The assessment states that this monument is an oval enclosure which was probably a small reservoir but which is now built over, however it will not be disturbed during this proposed development.

182. The statement also outlines that there is the presence of a significant number of cultural heritage assets in the wider area, outside the red line boundary, which may indicate that the development is located within an area of some archaeological significance with the possibility that previously unknown assets for which there are now no surface expressions. As a consequence further archaeological mitigation would be required.
183. The statement suggests that a four stage process would be required to facilities suitable mitigation.
- Preparation and submission of an agreed archaeological programme of works.
 - Submission of archaeological application to HED.
 - Excavation of targeted test trenches to identify and record any archaeological features.
 - Preparation of final monitoring for submission to HED in line with license requirements.
184. In a response from HED Monuments Branch dated January 2022 it is stated that they were content with the proposal subject to the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
185. HED Historic Buildings has considered the impacts of the proposal on the listed building HB 19 03 049 and on the basis of the information provided, advises that it has no objection to the proposed development.
186. Officers have no reason to disagree with the advice offered by the two branches of HED. Whilst the composite response is drafted for a different policy context in consideration of the relevant criteria of policies HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy they are considered to be met for the same reasons set out in the consultation response. No new criteria are added to these policies that would lead to a different conclusion.

Flooding

187. An updated Flood Risk and Drainage Assessment and drainage layout dated June 2023 and prepared by Tetra Tech was submitted in support of the application and to address Dfi Rivers comments.

188. The Executive summary and paragraph 3.31 confirms that the application site is in close proximity to one source of fluvial flood risk which could impact the application site, namely the Old Lagan Canal which is located immediately south of the site.
189. Appendix N of the drainage assessment shows the drainage outfall location discharging into a watercourse that runs adjacent to the Tow Path. An updated schedule 6 contained at appendix I of the DA indicates that DfI Rivers have approved a flow rate of 35.1 l/s to this watercourse.
190. The drainage assessment confirms that a Pre Development Enquiry has been submitted to NI Water applying for a surface water discharge rate of 834 l/s into the NI Water infrastructure. NI Water confirmed that they had the capacity to serve the proposal via a 125mm public water main located on Station Road.
191. In relation to Policy FLD3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains DfI Rivers have stated that:
The Drainage Assessment indicates that flood risk to and from the development will be managed using a SuDS.
- The effectiveness and function of the proposed attenuation method is reliant on the SuDS being designed and constructed in accordance with the correct industry specifications and having a long-term maintenance programme in place to ensure its ongoing function.*
- The system proposed has no outlet and drainage is via percolation through the soil strata. Commenting on the efficacy of the proposed SuDS is outside DfI Rivers' area of knowledge and expertise. Consequently, DfI Rivers cannot advise that the potential flood risk to the development, and from the development to elsewhere, has been satisfactorily addressed, or that the proposal is acceptable as required under policy.*
192. The Flood Risk and Drainage Assessment and the proposed attenuation method (SuDS) has been prepared by a competent company Tetra Tech and officers have no reason to question the measure outlined to effectively mitigate against flood risk and as such, policy FLD 3 is satisfied.
193. Water Management Unit provided advice on 07 January 2022 confirming that they were content subject to all relevant statutory provisions being obtained.
194. NI Water in a response received on 23 November 2021 confirmed that there is a public water main within 20 metres of the proposed development boundary which can adequately service these proposals and that an application to NI Water would be required to obtain approval to connect.
195. Based on a review of the information provided and the advice received from both DfI Rivers, Water Management Unit and NI Water, it is considered that the proposed development is being carried out in accordance with the requirements of policy FLD 3 of the Plan Strategy.

Noise Nuisance Disturbance

196. A Noise Impact Assessment dated October 2021 was submitted in support of the application. The objective of the report is to assess the suitability of the site for the Park and Ride and to provide mitigation measures where necessary.
197. A monitoring survey was undertaken to characterise ambient noise levels currently experience on site and to establish the relative local background and traffic noise levels.
198. Baseline noise measurements were conducted at seven locations from Friday 27 November 2020 to Wednesday 2 December 2020.
199. Attended short term measurements were taken at five locations during the day and, evening and night time periods with two additional locations being measured unattended over a 116 hour period.
200. The noise monitoring locations were chosen as it was considered that these residential receptors are considered to be worst case in terms of their proximity to traffic changes.
201. The development proposals includes the erection of several 1.8 metre high acoustic screen within the site. One is located to the west of the site adjacent to 4 Station Road and the other is adjacent to 4a and 6 Station Road.
202. The Noise Impact Assessment concluded that the change in ambient noise levels as a result of the facility is expected to result in a negligible adverse impact (on the basis or worst case assumptions).
203. The statement further concluded that the proposed Park and Ride/Share will serve the railway station and will feature noise sources that are already present within the existing ambient noise climate and therefore it is considered that the proposed development will not harm the amenities of nearby residents and is not expected to cause a nuisance.
204. Environmental Health provided advice in December 2021 with no objection offered subject to the provision of acoustic barriers as referenced in the Noise Assessment.
205. Based on a review of the detail submitted in relation to Noise and the advice received from Environmental Health, it is accepted that the proposal subject to mitigation will not have an adverse impact on the amenity of residents. The requirements of paragraphs 4.11 and 4.12 of the SPPS are considered to be met.

Air Quality

206. An Air Quality Assessment dated October 2021 was submitted in support of the application. The objective of the report was to assess the impact on air quality during the construction phase. It also includes detailed mitigation methods for controlling dust and pollution emissions associated with plant and vehicles during the construction phase and the long term use as a Park and Ride.
207. The report stated that during the construction phase impacts such as fugitive dust emissions and track out along with plant/vehicle emissions are predicated to be of short duration and only relevant during the construction phase.
208. Implementation of the mitigation measures as set out in the Institute of Air Quality Management (IAQM) guidelines should reduce the residual dust effects to a level categorised as not significant/negligible.
209. The significance of the effects of changes in traffic flow as result of the proposed development, with respect to emissions is determined to be negligible at all identified receptors.
210. The Air Quality Assessment conclusion states that using a number of desirable mitigation measures including daily site inspections and cleaning and spillages immediately, the resulting air quality effect of the proposed development is considered to be not significant overall and therefore there are no constraints to the development in the context of air quality.
211. Based on the assessment undertaken it is concluded that the site is suitable for the proposed development and no further air quality assessment is required,
212. Advice from Environmental Health received in December 2001 offered no objection subject to works being carried out in accordance with the dust management plan.
213. Based on a review of the detail submitted in relation to Air Quality and the advice received from Environmental Health, it is accepted that the proposal will not have an adverse impact on the amenity of residents. The requirements of paragraphs 4.11 and 4.12 of the SPPS are considered to be met.

Contaminated Land Contaminated Land/Human Health

214. A Preliminary Risk Assessment (PRA) dated October 2021 has been provided by WYG in support of this planning application.
215. The report was to comprised a desk top study and walkover survey of the site. General information on the topography, geology, hydrology, and hydrogeology along with a review of current and historic use was completed to enable potential human and environmental receptors, potential pathways and potential sources to be identified.

216. The PRA demonstrates through the PRONI that since the earliest available maps of the site to today (1832) the use of the site as agricultural/farmland has remained unchanged.
217. Information held by other statutory bodies including NIEA Land Quality Database and Northern Ireland Waters GIS, was also requested to establish:
- Any known pollution at the site
 - Previous site usage
 - Nearby watercourses and ground water quality indicators
 - Discharge or abstraction consents
218. The report concludes that following completion of the Desk Top study and PRA the overall level of risk considering a worst-case scenario is considered to be low to very low.
219. It is also stated that the assessment has been made based upon current site use, historic site use, adjacent land use(s) and proposed future site use considered in conjunction with perceived localised geological and hydrogeological conditions.
220. Advice received from DAERAs Regulation Unit and Groundwater Team on 07 January stated that Regulation Unit have considered the PRA report and support the conclusions and recommendations detailed. They concluded that they would have no objection to the development subject to the conditions provided and are placed on any planning decision notice as recommended.
221. The Council's Environmental Health Unit also provided advice with regards potential impact on amenity and human health with no concern raised

Renewables

222. The inclusion of the solar panels in the scheme is to generate electricity for lighting and other ancillary electrical equipment on the site. The proposal array is located on low lying ground set back from the road to the rear of existing buildings.
223. Approximately two hundred photovoltaic panels measuring 2 metres by 1 metre will be positioned in this agricultural area. The panels are tilted to maximise energy absorption and the maximum height the panels will from the ground will be 1.4 metres.
224. The solar frames are to be constructed in clear anodised finish and be fixed to a primary support frame. The frames of the panels will then be fixed to the ground to prevent movement due to weather conditions. The panels will be fitted with thermally pre-stressed self-cleaning tempered glass complete with anti-reflective coating.

225. The closest solar panel will be located approximately 10 metres from the rear of the Department of Communities works depot, 25 metres from the nearest residential property and 95 metres from Station Road with the majority of the existing mature vegetation being retained providing screening of the portion of the site where the solar panels are to be located.
226. The buildings associated with the solar panel comprise two thirty foot shipping containers. These are for the storage of batteries and invertors and are to be located to the west of the detention pond some 85 metres from the rear of the Department for Communities Depot.
227. Environmental Health were consulted with the proposal and responded in December 2021 with no objections subject to condition's.
228. Based on a review of the information provided and the advice received from Environmental Health, it is considered that the proposed development is being carried out in accordance with the requirements of policies RE1 (criteria a-e) and policy RE2 of the Plan Strategy.

Consideration of Representations

229. The issues raised by way of third-party representation are considered below.
- Need for the proposal.
230. Paragraph 91-107 in the main body of the report above summaries the reasons put forward by the applicant/agents for the need for the proposed development. The Council is of the view that the justification put forward demonstrates the site specific need for the proposal at this location.
- Traffic generation
231. Traffic generation is considered within the Transport Assessment Form. The assessment demonstrates that the proposed development seeks to take traffic off the road for a period of time and to encourage a modal shift from the private car.
232. DfI Roads have considered the information including the data provided and have raised no concerns about the accuracy of this information.
- Danger for pedestrians
233. Concern is expressed that there is no drawing indicating a controlled crossing despite a previous safety audit which indicated that this was an issue raised by pedestrians who may be using the site.

234. In progressing the application and having regard to the detail associated with the Transport Assessment Form, DFI Roads have not advised that a controlled crossing is required.
235. There is no evidence to suggest that the proposed development presents a danger to pedestrians. The provision of additional parking capacity in association with the operation of Moira Train station removes the hazards currently encountered along Station Road and within the existing P&R facility at present.
236. Furthermore, the existing 0.5 metre footway will also be replaced by a much wider 2 metre footpath. Dropped kerb and tactile paving are also introduced to facilitating crossing for pedestrians walking to or from the train station.
- Residential amenity
237. A Noise Impact Assessment and Air Quality assessment was submitted in support of the application and demonstrates that the proposal subject to mitigation will not have an adverse impact on the amenity of residents. The lighting proposed is also considered to be a suitable distance away from any residential properties and Environmental Health have confirmed they have no issues subject to conditions.
- Infrastructure cannot handle the additional load
238. The purpose of a P&R facility is to remove traffic from the network and to ease congestion associated with current traffic movements.
239. Widening of Station Road is proposed along the site frontage and a right turn ghost Island is also proposed which will improve the movement of traffic and pedestrians along Station Road.
240. The existing 0.5 metre footway will also be replaced by a much wider 2 metre footpath. Dropped kerb and tactile paving are also introduced to facilitating crossing for pedestrians walking to or from the train station.
- New Planning Policy Context
241. The assessment as outlined above demonstrates how the proposed development complies with the relevant strategic and operational policies associated with the Plan Strategy.
- Out of Date Ecology Surveys
242. Following receipt of a late representation, confirmation was sought from the applicant's ecologist in relation to the validity of ecology information. Confirmation received by letter on 22 December 2023 explains that original surveys submitted as part of the application were considered by NIEA and as part of responding to queries raised by the consultee during the application

process, additional surveying and site inspections were carried out in March 2022.

243. Advice from NED in June 2023 having reviewed information provided in September 2022 and April 2023 confirmed that they were content. The findings of the ecological information submitted with the application therefore remain valid.
- Lack of EIA determination
244. An objection has been received in relation to the lack of an EIA determination having been carried out in relation to the proposal. A negative EIA determination was carried out and the report was scanned to the Public Planning Portal.
- Application should be referred to Dfi as regionally significant application.
245. An objection was raised that the application should have been referred to Dfi as a regionally significant application. It is not considered that the application is a regionally significant proposal and therefore there was no need to refer it to Dfi for consideration.

Conclusions

246. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
247. The proposed park and ride facility is considered to comply with Strategic Policy 01 Sustainable Development and Strategic Policy 20 Transport Infrastructure of Part 1 of the Plan Strategy in that the new park and ride facility provides for an integrated transport network service servicing the needs of our community and future growth, that encourages a modal shift from private car dependency through integration of transport,, land use and facilities and facilitates a move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.
248. In turn, it is considered to be an acceptable form of non-residential development in the open countryside consistent with operational Policy COU1 of Part 2 of the Plan Strategy.
249. The proposal complies with the policy tests associated with Policy TRA9 in that the need for park and ride provision at Moira is identified in the Regional Strategic Network Transport Plan 2015. Translink have identified the project as part of their capital works programme with works to commence in 2024 and to be completed by 2025.

250. In addition, the proposal satisfies the requirements tests of policies TRA1 and TRA2 in that the layout incorporates facilities to aid improved accessibility, provides for user friendly and convenient movement along pathways to and from the rail halt. Ease of access to car parking reserved for disabled users close to the buildings at the halt. It is demonstrated that safe access arrangements will be provided without prejudice to road safety or inconvenience to the flow of traffic on the public road network.
251. The proposed development is considered to be sited and designed to integrate sympathetically with their surroundings and are of an appropriate design for the intended use. The tests associated with policy COU15 of the Plan Strategy are met in full.
252. The proposal complies with policy COU16 of the Plan Strategy as it is demonstrated that the development will not cause a detrimental change to, or further erode the rural character of the area.
253. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment along with species specific surveys and a Construction Environmental Management Plan submitted in support of the application demonstrate that the proposed development will not have an adverse impact on priority habitats and priority species.
254. Furthermore, the application is considered to satisfy the policy tests in policy FLD3 of the Plan Strategy in that the proposal will not result in an increased flood risk and that the Flood and Drainage Assessment has demonstrated that adequate measures can be put in place to effectively mitigate any flood risk.
255. For the reasons outlined in the report, is considered that the proposed development complies with paragraph 4.11 and 4.12 of the SPPS in that it will not subject to mitigation have an adverse impact on the amenity of residents in respect of Noise and Air Quality.
256. The proposal also complies with Strategic Policy 21 Renewable Energy and policies RE1 and RE2 of the Plan Strategy in that it has been demonstrated that the solar panel array infrastructure and associated buildings will not result in an unacceptable adverse impact on public safety, human health or residential amenity, visual amenity or landscape character, biodiversity or the natural or historic environment, local natural resources or public access to the countryside.
257. The proposal complies with policies HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy in that the proposed development will not adversely affect existing archaeological sites which are of local importance and a scheduled monument of regional importance or their settings and that further archaeological assessment and mitigation will be provided prior to the commencement of any engineering works. It will not impact adversely on the setting of a listed building.

Recommendation

258. It is recommended that planning permission is approved.

Conditions

259. The following conditions are recommended:

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

2. 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.

3. The Construction Environment Management Plan (CEMP), date stamped 10/10/22 by the council, completed by Tetra Tech shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Planning Authority.

Reason: To protect/minimise the impact of the proposal on the biodiversity of the site, including protected/priority species/habitats.

4. No retained tree, shown as retained on the landscape plan (drawing 13) and including those assessed by the ecologist in the table 7 of the PEA to have moderate BRP, shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in Natural Heritage accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

Reason: to ensure continuity of the biodiversity value afforded by existing trees

5. No vegetation clearance/removal of hedgerows, trees or shrubs take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written

confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

6. The lighting plan date stamped 10 October 2022 by the council, shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved lighting plan, unless otherwise approved in writing by the Council.

Reason: To minimise disturbance to bats and other wildlife.

7. No development works shall occur within 25m of any sett entrance until a wildlife licence has been obtained from NIEA beforehand. Please note this licence may be subject to further conditions.

Reason: To protect badgers and their setts.

8. During construction a buffer of at least 10m must be established and maintained between the canal and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills.

Reason: to protect the aquatic environment.

9. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

10. After completing all remediation works under Condition 1 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be

completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

11. 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.
12. Development shall be undertaken in strict accordance with the site specific dust mitigation measures set out in the Air Quality DMRB Assessment received by the Council 18 November 2021
Reason: To protect the amenity of neighbouring dwellings with respect to dust
13. Development shall be undertaken in strict accordance with the Construction Environmental Management Plan received by the Council 18 November 2021 specifically the noise and vibration mitigation measures
Reason: To protect the amenity of neighbouring dwellings with respect to noise and vibration
14. Prior to the site becoming operational, a 1.8m high acoustic barrier shall be erected along the site's boundary as presented in Figure 3.1 of the Noise Assessment received by the Council 18 November 2021. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 15 kg/m² and so retained thereafter.
Reason: To protect the amenity of neighbouring dwellings with respect to noise
15. Any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E2 (Rural) contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.
Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light
16. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing

by Lisburn & Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to
- publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn & Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

19. Prior to works commencing on site, all existing trees shown on Site Layout Plan, date stamped 26 October 2021 as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect biodiversity value of the site, including protected species.

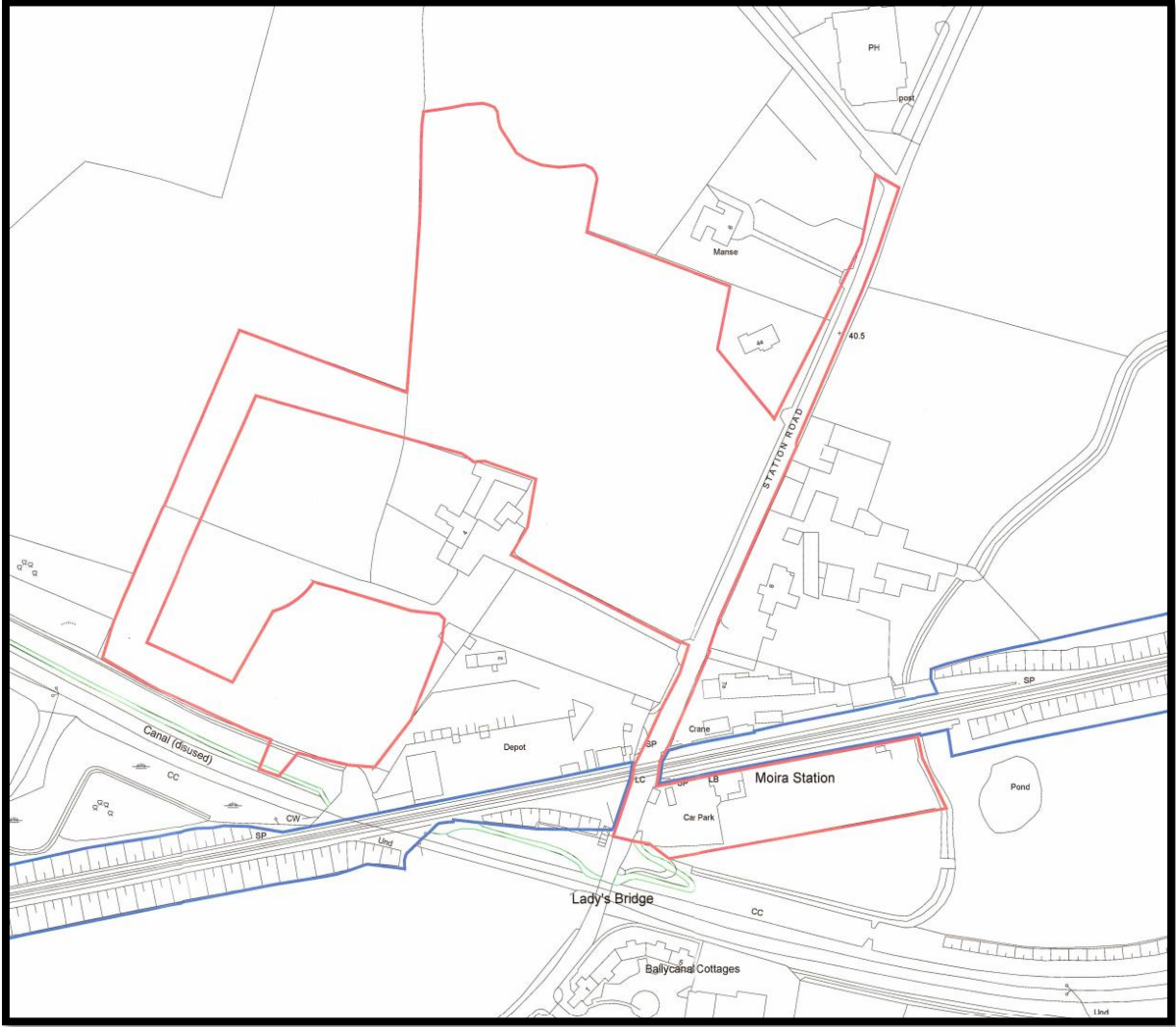
20. All hard and soft landscape works shall be carried out in accordance with Drawing No. 01/B bearing the Council date stamped 26 October 2021 and the approved details. The works shall be carried out no later than the first available planting season after the proposal becomes operational

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

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

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

Site Location Plan – LA05/2021/1245/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	05 February 2024
Committee Interest	Local Application - Addendum
Application Reference	LA05/2019/1077/F
Date of Application	22 October 2019
District Electoral Area	Downshire West
Proposal Description	Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works
Location	Lands adjacent to and southeast of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line and the Lagan Navigation Canal
Representations	Four
Case Officer	Catherine Gray
Recommendation	Refusal

Background

1. This application was presented to Committee for determination in January 2024 with a recommendation to refuse as it was considered to be contrary to policy TRA3 of the Plan Strategy as it is not demonstrated that the proposal cannot reasonably use an existing or new access on the Station Road or that an existing vehicular access onto the A26 Glenavy Road is used.
2. The proposal was also contrary to policy TRA2 of Plan Strategy, in that the applicant has not demonstrated that criteria (b) is met or that an exception to the policy is demonstrated.
3. Prior to the application being presented to the committee, it was agreed to defer consideration of the application to allow for a site visit to take place. This site visit took place on Monday 22 January 2024.
4. A separate note of the meeting is available and appended to this report.

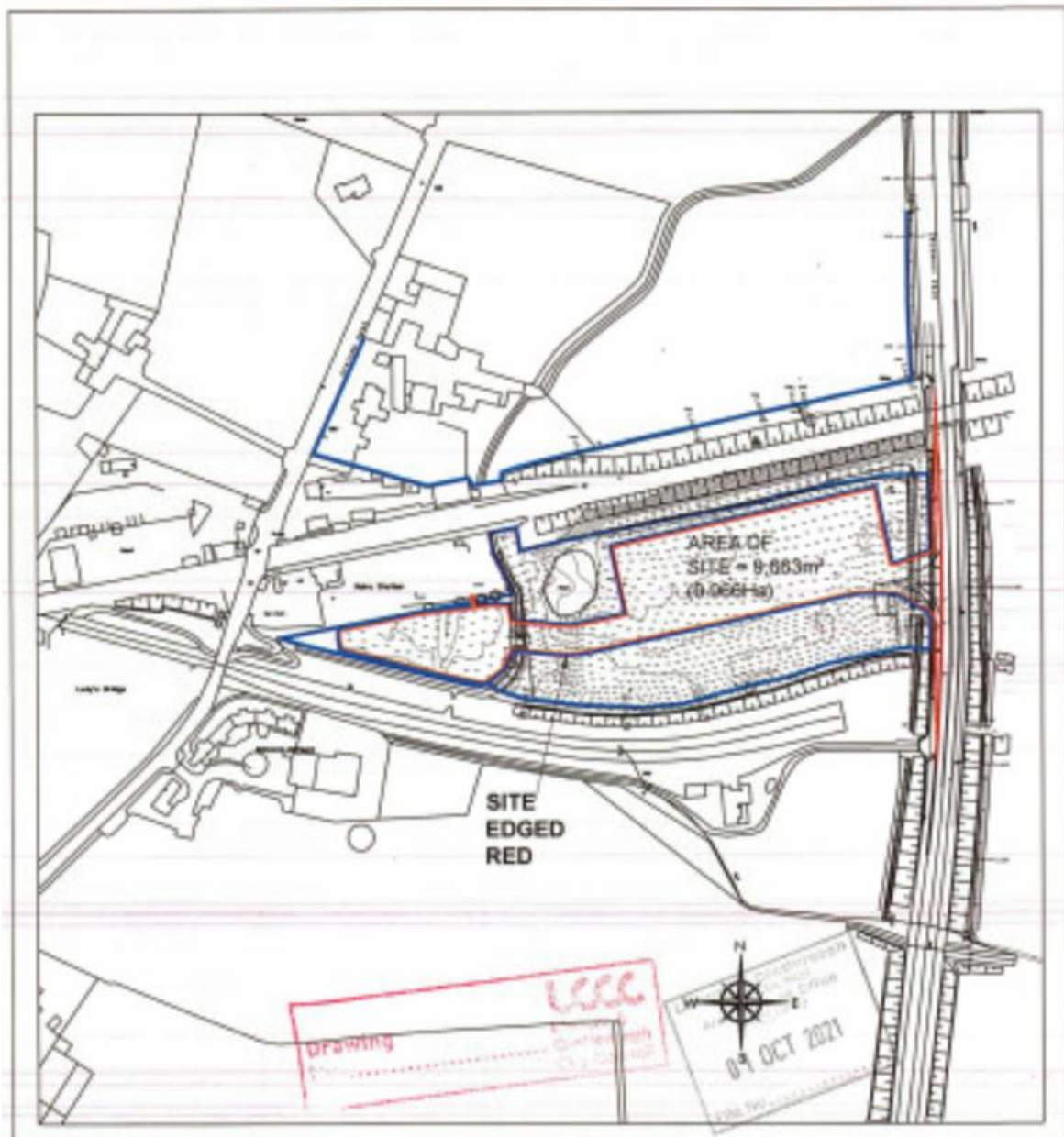
Further Consideration

5. At the site visit, members were reminded that the site visit was arranged to provide an opportunity to observe and examine the site and its surrounding context and to better understand the spatial relationship with the existing park and ride facility and access at Station Road.
6. With the aid of the site location plan the approximate location of the proposed access onto the A26 and the extent of the site boundaries were described.
7. The location of the proposed pedestrian link to the exiting Translink car park and the location of the proposed disabled parking was also highlighted.
8. The policy context associated with access onto a Protected Route outside settlement limits was explained with reference to the operational policies in Part 2 of the Plan Strategy.
9. Members were reminded that during the application process, officers had asked the applicant team to consider providing a vehicular link between the proposed car park and the existing car park and for consideration to be given to accessing the site from Station Road.
10. Members observed the site from Station Road. The case advanced by the applicant team in terms of the potential impact to a scheduled monument of any access improvements to Station Road were outlined so Members could observe the operation of the existing access and the spatial relationship between the access point and the bridge.
11. request was received from the Members in attendance at the meeting for DfI Roads to provide comment on the safety of the proposed access arrangements onto the A26. At the date of writing this report no comment had been received. The reasons for refusal presented are not altered and no additional refusal reasons are added.

Conclusions

12. The planning advice previously offered that planning permission should be refused is not changed.
13. The information contained in this addendum should be read in conjunction with the main officers report as previously presented to Committee on 08 January 2024.

Site Location Plan – LA05/2019/1077/F



A-AMENDED 19/08/21

Project	Moir Park & Ride A28 Glenavy Road, Moira	
Client	Mr Nigel Herdman	
Drawing Title	Site Location Plan	
Scale	1/2500	mc creanor & co architects <small>28 Peniston Road, Glasgow, G4 0JH 0JH 011 552 2711 - info@mccreanor.co.uk © copyright mc creanor & co. architects</small>
Date	October 2019	
Drawing No.	13/108C/PL01A	

LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Meeting held at 1.00 pm on Monday, 22 January, 2024 at lands adjacent to and south east of Moira Train Station, Station Road, Moira adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south****PRESENT:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

Councillors S Burns, A Martin and N Trimble

IN ATTENDANCE:

Head of Planning & Capital Development (CH)

Principal Planning Officer (RH)

Member Services Officer (CR)

DfI Roads Service

Mr A Kyle (AK)

Mr B Finlay (BF)

Mr W Cardwell (WC)

The site visit was held in order to consider the following application:

- LA05/2019/1077/F – Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works on lands adjacent to and south east of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south

This application had been presented for determination at the meeting of the Planning Committee held on 8 January 2024. Prior to a presentation being delivered, the Committee agreed to defer consideration to allow for a site visit to take place.

Members and Officers met in the grounds of the Ballycanal Moira Guest House and Self-Catering Cottages at Glenavy Road, Moira. The location was agreed with the owner of the guest house prior to the visit to avoid having cars parked on the hard shoulder of the A26 for health and safety reasons. There was no contact with the owner on the day of the visit in respect of the content and detail of the applications.

The Head of Planning & Capital Development advised that this application was by a private individual for a park and ride facility. Members were afforded the opportunity to observe the entrance to the proposed park and ride facility from the A26 and the location of the

main car park. It was explained that opportunity would also be given to view the site from the car park on the Moira Train Station side of the site.

With the aid of the site location plan, the Head of Planning & Capital Development indicated to Members the approximate location of the proposed access and the extent of the site boundaries.

Members also observed from the map, the point next to the existing car park where there would be a pedestrian link that would provide access to the train station. The location of disabled parking was also highlighted.

Members were advised that during the processing of the application, officers had asked the applicant team to consider providing a vehicular link between the proposed car park and the existing car park and for access to be taken off Station Road.

A number of reasons were cited by the applicant team as to why access from the minor road could not be obtained. It was explained that improvements would likely be required to the visibility splays at the entrance to the station car park and that the bridge was a scheduled structure and the applicant considered that consent was not likely to be forthcoming to improve this.

During the meeting, officers responded to a number of queries from the Members in relation to policy and the information required to support the application from a traffic and road safety aspect:

- The specific wording of policy TRA3 was read out at the request of Members so they could examine the access on Station Road with specific reference to the part of the policy that requires the applicant to demonstrate that access cannot reasonably be taken from an adjacent minor road. Advice from officers was that this had not been demonstrated, nor had any exception to policy been presented;
- No drawing had been submitted to demonstrate the extent of any access improvements at Station Road or the extent to which this would impact on the scheduled bridge.
- The main focus of the submission was that the junction of the A26 and Station Road was sub-standard and that it was not possible for it to be improved as the bridge was listed;
- DfI Roads confirmed that the right-hand turning pocket proposed on the A26 as currently presented did not meet full standard. It was however acknowledged that the application may be able to achieve full standards.
- the application submitted by Translink was for around 400 spaces; this application was for a much smaller number but close to the number highlighted in the Regional Strategic Transport Network Plan. The capacity that Translink would create was much more than was indicated in the Regional Strategic Transport Network Plan; however, that had been prepared in 2005;
- the Transport Assessment would create a modal split in relation to the various directions of vehicles accessing the car park. This could be discussed with both applicants, as well as Roads Service representatives, at the next Planning Committee meeting and Members were encouraged to read the Assessment in advance of the meeting;

- Dfl Roads the main objective of the Translink application was to deal with the large number of cars that currently parked along a public road and in a designated overflow parking area. This would reduce the percentage impact; and
- The Dfl Roads representatives would be asked to provide clarification in advance of the next Planning Committee meeting in respect of what was considered to be sub-standard about the access in order that Members could explore that matter with the applicant at the meeting.

There being no further business, the site visit was terminated at 1.55 pm.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	08 January 2024
Committee Interest	Local Application [Exception Applied]
Application Reference	LA05/2019/1077/F
Date of Application	22/10/2019
District Electoral Area	Downshire West
Proposal Description	Proposed Park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works
Location	Lands adjacent to and southeast of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line and the Lagan Navigation Canal
Representations	Four
Case Officer	Catherine Gray
Recommendation	Refusal

Summary of Recommendation

1. This is a local application. The application is presented to the Planning Committee in accordance with the Scheme of Delegation at the request of the Head of Planning and Capital Development as it merits consideration by the Committee in light of a similar proposal being lodged with the Council which is presented to the planning committee as a major application. The site area for this proposal falls only marginally below the threshold of a major application.
2. The proposal is considered to be contrary to policy TRA3 of the Plan Strategy as it is not demonstrated that the proposal cannot reasonably use an existing or new access on the Station Road or that an existing vehicular access onto the A26 Glenavy Road is used.
3. The proposal is also contrary to policy TRA2 of Plan Strategy, in that the applicant has not demonstrated that criteria b) is met ore that an exception to the policy is demonstrated.

Description of Site and Surroundings

Site

4. The application site is comprised of agricultural land located between the A26 Glenavy Road to the east, Moira train station and associated car park and Belfast to Dublin railway line to the west and north and the Lagan Canal to the south.
5. The site is currently accessed via an agricultural field gate entrance from the Glenavy Road.
6. The site boundaries are mainly undefined as the car park is a rectangular plot cut out of a larger field. The entrance from the A26 is bounded by hedgerow and the small triangular portion next the rail halt is enclosed by trees and a post and wire fence.
7. There is a watercourse that runs through the middle of the site that feeds into the Lagan Canal, a small section of the watercourse culverted. The land is relatively flat throughout and approximately 3 metres below the level of the rail line along the northern edge of the site.

Surroundings

8. The site is within the open countryside and the surrounding land is mainly in agricultural use. There is a build-up of development adjacent to and north of the site comprised of the rail halt, a Department for Communities works depot, some residential properties and a group of farm buildings.
9. To the south is the Lagan Canal Ballycanal Guesthouse (with access from the Glenavy Road), Ballycanal Holiday Cottages and other dwellings and farm buildings which extend along the eastern side of Station Road.

Proposed Development

10. This is a full application for a proposed park and ride car park (126 car parking spaces), lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works.
11. Supporting Information provided within this application includes the following.
 - Planning Statement (received 22 October 2019)
 - Transport Assessment Form (received 22 October 2019)

- Biodiversity Checklist & Preliminary Ecological Assessment (received 22 October 2019)
- Landscape Management Plan (received 10 March 2021)
- Scheduled Monument Consent (received 10 March 2021)
- Flood Risk Assessment by McCloy Consulting (received 01 October 2021)
- Drainage Assessment Report by Greg Seeley Consulting Ltd (received 29 July 2022)

Relevant Planning History

12. The relevant planning history associated with the site and surrounding area is set out in the table below.

Planning Reference	Site address	Proposal	Decision
LA05/2021/1245/F	Lands 65m north of (and including) Moira Train Station Moira (between 4 and 6 Station Road)	Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park	Decision pending

Consultations

13. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DAERA Water Management Unit	No objection
LCCC Environmental Health	No objection
DfI Roads	Objection
DfI Rivers Agency	No Objection
DAERA Natural Environment Division (NED)	No objection
Historic Environment Division (HED): Historic Buildings	No objection
Historic Environment Division (HED): Historic Monuments	No objection

Representations

14. Four letters of representation were received in opposition to the proposal from and on behalf of the Ballycanal Guesthouse. The following issues were raised:

- Access from a Protected Route and Road Safety
- Watermain across the site
- Principle of development not acceptable
- Contrary to Policies BH1 and BH11 of PPS 6 Planning, Archaeology and the Built Heritage
- Contrary to policies FLD1 and FLD 3 of PPS 15 Planning and Flood Risk
- Description of the site

15. The issues raised by way of representation are considered later in the report.

Environmental Impact Assessment (EIA)

16. The Planning (Environmental Impact Assessment Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area of the proposed development exceeds the threshold set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
17. An EIA determination was carried out on 04 December 2019. Having regard to the scale and nature of the proposed development it was determined that the planning application did not require to be accompanied by an Environmental Statement to inform the assessment of the application.
18. The potential impact on the environment were not considered to be significant based on the information supplied in support of the proposal. Officers were satisfied that any issues arising can be dealt with through the normal planning process by way of discrete reports.

Local Development Plan

19. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

20. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

21. The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.
22. BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form

also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

23. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
24. The LAP indicates that the proposed site is located outside the development settlement limit of Moira and in the Countryside.
25. Within draft BMAP and the subsequent revision to BMAP post inquiry and pre-adoption the site is also located within the Countryside.
26. As explained above, this application is for a proposed park and ride car park (126 car parking spaces) albeit it is submitted by a private operator and not on behalf of Translink. Access to the car park is not controlled by barriers and no information is provided to indicate that this car park will be operated as paid for parking. No ticketing machines are proposed. The general principle behind park and ride is that the parking is to facilitate access to public transport network and that charging is not normally applied.
28. The following strategic policies in Part 1 of the Plan Strategy apply. Strategic Policy 01 Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

The Plan Strategy seeks to support the provision of jobs, services, and economic growth; and delivery of homes to meet the full range of housing needs integrated with sustainable infrastructure (physical and digital) whilst recognising the balance to be achieved in protecting environmental assets.

29. Strategic Policy 20 Transportation Infrastructure states that

The Plan will support development proposals that:

- a) *provide or improve an integrated transport network servicing the needs of our community and future growth*
- b) *deliver sustainable patterns of development, including safe and accessible environments*
- c) *encourage a modal shift from private car dependency through integration of transport and land use*
- d) *facilitate Park & Ride, active travel (public transport, cycling and walking) and strategic greenways to move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.*

30. The site is located in close proximity to a scheduled monument and there are natural heritage features on and adjacent to the site that must be taken account of in the assessment of this proposal.

31. Strategic Policy 06 Protecting and enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

32. Strategic Policy 18 Protecting and Enhancing the Historic Environment and Archaeological Remains states that:

The Plan will support development proposals that:

- a) *protect and enhance the Conservation Areas, Areas of Townscape Character and Areas of Village Character*
- b) *protect, conserve and, where possible, enhance and restore our built heritage assets including our historic parks, gardens and demesnes, listed buildings, archaeological remains and areas of archaeological potential*
- c) *promote the highest quality of design for any new development affecting our historic environment.*

33. Strategic Policy 19 Protecting and Enhancing Natural Heritage states that:

The Plan will support development proposals that:

- a) *protect, conserve and, where possible, enhance and restore our natural heritage*
- b) *maintain and, where possible, enhance landscape quality and the distinctiveness and attractiveness of the areas) promote the highest quality of design for any new development affecting our natural heritage assets*
- d) *safeguard the Lagan Valley Regional Park allowing appropriate opportunities for enhanced access at identified locations thereby protecting their integrity and value*

42. The site is large in size and located adjacent to the Lagan Canal. A partly culverted watercourse also runs through the site. Strategic Policy 24 Flooding states that the Plan will support development proposals that:

- a) *reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding*

- b) *encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding* c) *adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified*

43. The following operational policies in Part 2 of the Plan Strategy also apply.
44. The proposal is for a Park and Ride facility in the open countryside. Policy COU 1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

Integration and Design of Buildings in the Countryside

45. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *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*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

46. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of vehicles

Natural Heritage

47. A Biodiversity Checklist & Preliminary Ecological Assessment are submitted with the application. Policy NH2 – Species Protected by Law states that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *it is required for imperative reasons of overriding public interest; and*
- c) *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) *compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

48. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

49. The P1 Form indicates that a new access to a public road for vehicular use will be provided. A footpath is proposed to link to the existing car park at the rail halt.

50. Policy TRA1 - Creating an Accessible Environment states that:
The external layout of all development proposals will incorporate, where appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

51. The application proposes a new access to the A26 Glenavy Road which is a Protected Route. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

52. Policy TRA3 Access to Protected Routes states that:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways

All locations Planning permission will not be granted for development proposals involving direct access.

An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal in the following circumstances:

- i. *For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;*
- ii. *For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and*
- iii. *For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.*

In all cases the proposed access must be in compliance with the requirements of Policy TRA2.

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2.

53. The proposal is described as a park and ride car park. No barriers are proposed that would restrict access to the car park and no ticketing machines are included as part of the proposal to indicate this is paid for parking.
54. Policy TRA 9 Park and Ride/Park and Share Car Parks states that

Planning permission will be granted for new, or an extension to an existing Park and Ride/ Park and Share car park, where they meet an identified need agreed by the Department

55. The Justification and Amplification states that

Park and Ride and Park and Share facilities make an important contribution to integrated transport and will be appropriate in locations where they reduce travel by car, reducing levels of congestion and pollution. Park and Ride/Park and Share car parks should be sited close to junctions on the motorway and along the trunk road network, ideally within settlement development limits, and at public transport interchanges.

There may be occasions where a countryside location is needed for such development. The layout, design and landscaping of all car parking sites should integrate with, and protect local character and visual amenity. Where appropriate parking surfaces should make use of permeable materials and sustainable drainage solutions. The security of users should be demonstrated in all development proposals, including safe and secure cycle parking.

Flooding

56. This is a large site and the drainage must be designed to take account of the potential impact on flooding elsewhere.
57. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) *a residential development of 10 or more units*
- b) *a development site in excess of 1 hectare*
- c) *a change of use involving new buildings and/or hard-surfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Historic Environment and Archaeology

58. The application site contains a section of the Lagan Canal (a canal feeder channel). This is a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995.

59. Policy HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings states:

The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAI's). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.

60. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states that:

Proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings shall only be permitted where the Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.

61. HE3 Archaeological Assessment and Evaluation states that:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

62. HE4 Archaeological Mitigation states that:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

63. The site is in close proximity to Moira Station (Grade B+) which is a listed building of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

64. It is stated in policy HE9 Development affecting the setting of a listed building that:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) *the detailed design respects the listed building in terms of scale, height, massing and alignment*
- b) *the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building*
- c) *the nature of the use proposed respects the character of the setting of the building.*

Regional Policy and Guidance

Regional Policy

65. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

66. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. It states that the:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

67. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

68. Paragraph 4.11 of the SPPS states that:

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.

69. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design

of new development.

70. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.

71. Paragraph 4.12 of the SPPS states:

that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

72. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above-mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

73. Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

74. Paragraph 6.132 of the SPPS also states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

75. Paragraph 6.174 of the SPPS states that:

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

76. Paragraph 6.182 of the SPPS further states that:

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will

also be taken into account.

77. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

78. Paragraph 6.294 of the SPPS states that:

Whilst smarter use of technologies can reduce the need to travel, the provision of improved infrastructure for more sustainable transport modes gives people greater choices about how they travel. Sustainable patterns of development with local design that encourage walk, cycle and public transport travel to local amenities can reduce the need for private car use. Where a modal shift occurs, this can contribute to improvements in air quality arising from reduced vehicular emissions and associated health benefits for society.

79. Paragraph 6.296 of the SPPS states that:

The RDS and New Approach to Regional Transportation consider better integration between transport and land use as fundamental to progress in implementing the above regional guidelines. The aim of the SPPS with regard to transportation is to secure improved integration with land-use planning, consistent with the aforementioned documents; and to facilitate safe and efficient access, movement and parking.

80. Paragraph 6.297 of the SPPS states that:

The regional strategic objectives for transportation and land-use planning are to:

- promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car;
- ensure accessibility for all, with the needs of people with disabilities and others whose mobility is impaired given particular consideration;
- promote the provision of adequate facilities for cyclists in new development;
- promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion;
- protect routes required for new transport schemes including disused transport routes with potential for future reuse;

- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.

81. Bullet point 6 at paragraph 6.301 of the SPPS states that:

- *Car Parking: LDPs should identify existing and any proposed town centre car parks. As part of preparing an overall car parking strategy, councils should bring forward local policies to ensure adequate provision for car parking within new developments (including spaces for people with disabilities, and parent and child parking spaces) and appropriate servicing arrangements. LDPs should also consider and identify park and ride / park and share sites where appropriate. LDPs should recognise the role of car parking in influencing modal choice between private car and public transport. LDPs should consider a range of initiatives such as designating areas of parking restraint, reducing the supply of long term parking spaces, pricing policy, land use measures and innovative work practices.*

82. It is further stated at paragraph 6.302 that:

The decision-taking process is a key tool for delivering sustainable travel patterns and good integration between transportation and land use. In determining planning applications, it is important that due regard is given to the design and layout of the proposed development and the facilities provided to cater for the particular needs of people with disabilities. Relevant considerations will normally include user friendly pedestrian routes, easy access to car parking reserved for disabled people and public transport facilities, and public buildings designed to provide suitable access for customers, visitors and employees.

83. Paragraph 6.4 of the SPPS states that the regional strategic objectives for archaeology and built heritage are to:

- *Secure the protection, conservation and where possible, the enhancement of our built and archaeological heritage;*
- *Promote sustainable development and environmental stewardship with regard to our built and archaeological heritage; and*
- *Deliver economic and community benefit through conservation that facilitates productive use of built heritage assets and opportunities for investment, whilst safeguarding their historic or archaeology integrity.*

Retained Regional Guidance

84. Whilst not policy, the following guidance document remains a material consideration:

Development Control Advice Note 15 – Vehicular Access Standards

85. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain that:

The Department's Planning Policy Statement 3 "Development Control: Roads Considerations" (PPS3) refers to the Department's standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Assessment

Strategic Need

86. Strategic Policy 01 states that the Plan will support development proposals which further sustainable development including those for sustainable infrastructure. Park and Ride is identified as transport infrastructure at criteria d) of Strategic Policy 20.
87. It is further stated in the justification and amplification of this policy that park and ride sites have the potential to deliver a shift to more sustainable travel modes (by reducing car usage and encouraging the use of public transport), reduce pollution and congestion and improve air quality and public health. This type of infrastructure is sustainable development.
88. It provides for better integration of the transportation network servicing the needs of our community and future growth in accordance with criteria a) and encourages a modal shift from private car dependency through integration of transport and land uses in accordance with criteria c).
89. Whilst this application is made on behalf of a private individual, the need for Park and Ride facilities at Moira rail halt is recognised in the Regional Strategic Network Transport Plan 2015. It is stated at page 5 of the Plan for rail that:
- The Plan also considers Park and Ride opportunities at rail stations and it is proposed to provide over 1000 additional parking spaces at 12 locations on the rail network.*
90. At paragraph 4.8.18 it is stated that Park and Ride opportunities will be considered on their own merits within the Plan period. Moira is identified at Table 4.5 as a scheme currently under consideration for 98 spaces.
91. It is further stated at paragraph 4.8.26 that:

The BMTP proposes a number of initiatives aimed at improving links by other modes of transport to and from the rail network. These comprise:

- *improving pedestrian and cycle access to stations;*
- *establishing Park and Ride with high quality facilities at a number of key stations in each of the rail corridors;*
- *where possible formalising and expanding parking provision and pickup/set down facilities at other stations.*

92. Within this context, it is recognised that the train station at Moira is strategically placed between two arterial routes and identified by the applicant as being located approximately 1 mile north from the centre of Moira, 2.7 miles south of Maghaberry, 3.5 miles east of Aghalee and 4.5 miles east of Aghagallon.
93. It is also recognised that the demand for parking at the station has also resulted in a significant amount of on street parking occurring which prejudices the safety of road users and pedestrians using Station Road.
94. The strategic need for a P&R facility at this location is accepted subject to requirements of the operational policies in Part 2 of the Plan and all planning and environmental considerations being satisfied.
95. Whilst this site is not identified in the Plan Strategy as a park and ride site the strategic policy recognises the role this type of car parking has in influencing modal choice. Co-locating a park and ride facility with a rail halt is in accordance with strategic policy 20 and paragraph 6.301 of the SPPS.

Non- residential development in the open countryside

96. The strategic need for this facility is demonstrated and a site for a park and ride facility adjacent to an existing train station located in the open countryside is not excluded from policy COU1 subject to meeting the requirements of the relevant operational policies and the policies COU15 and COU16.

TRA 9 Park and Ride/Park and share Car Parks

97. Moira Train Station is located directly adjacent to the east and northwest of the application site. The site is also within close proximity to the M1 Motorway and the policy indicates that sites for park and ride should be located close to junctions on the motorway and this site is close to junction 9 on the motorway network. It is further stated that sites can on occasion be in the open countryside. Given Moira rail halt is in the open countryside a countryside location is appropriate subject to meeting all other criteria.
98. It is stated in the policy that proposals for park and ride facilities can be located on the trunk road network. The A26 is on the trunk road network but the site is not inside a settlement. The proposal must therefore still meet the requirements of policies TRA2 and TRA3 and this is dealt with later in the

report.

99. A Transport Assessment Form submitted with the application explains that Moira Train Station has been in operation since the 1800's and that there are currently trips to the Train Station that cannot be catered for by the existing car park [which has circa 99 spaces]. Reference is made to it being due to a lack of available parking provision.
100. Paragraph 4.1 of the Planning Statement indicates that the proposal seeks to provided 140 P&R spaces with 120 of these spaces located within the central portion of the site and a further 20 spaces including accessible spaces being located to the western side of the site, directly adjacent to Moira Train Station to the north.
101. The view is expressed that the proposal will address a parking need. The fact that the Moira P&R facility is ranked top priority by both the Department for Infrastructure and Translink in the respective programmes clearly demonstrates an identified need for this facility.
102. Translink have proposed an alternative site with greater parking capacity and this is included in their capital works programme. They have also commented that the applicant does not have any right of access to the existing Translink Park & Ride facility and that no access arrangements have been agreed with the NI Transport Holding Company in this regard.
103. That said this alternative site does not benefit from a planning permission and is not yet under construction. Access arrangements could be agreed to the car park and a suitably worded negative condition used to prevent works being commenced until an agreement was in place.
104. As a need is identified in the Regional Strategic Network Transport Plan for park and ride at Moira rail halt this proposal must be considered on its own merits and the requirements of policy TRA9 are met subject to consideration of policy COU15 and COU16 in terms of layout, design, visual amenity and rural character.

TRA1 – Creating an Accessible Environment

105. Paragraph 5.36 of the Planning Statement explains that the layout has been designed to ensure direct and safe movement of pedestrians within the site and that proposals have taken account of mobility impaired people through the inclusion of car parking spaces towards the western areas of the site adjacent to the Moira train station.
106. The proposal is essentially two sections of car parking in close proximity to the existing Moira Train Station with a link between the two parking areas and a pedestrian link to the existing Translink car park.

107. Reference made to a pedestrian connection being provided from Moira train station to the proposed car park and that this will further improve accessibility.
108. Whilst no additional cycle parking provision is made, a 2.0 metre wide cycle track is incorporated into the path allowing access to the cycle parking provision available at the existing Moira station.
109. For the reasons outlined above, the tests associated with TRA1 are considered to be met.

TRA3 Access to Protected Routes

110. The application site in the open countryside and access is proposed onto the Glenavy Road which is a protected route and part of the trunk road network. Policy TRA3 does make provision for other development which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road.
111. Station Road is the nearest minor road to the application site and it is where the existing Moira train station and car park is accessed from.
112. The current proposal does not extend to the Station Road and it is not shown how a vehicular access might link the site to the Station Road through the existing rail halt car park. Policy TRA9 does not establish an exception for access to a protected route in the open countryside. The onus is on the applicant to demonstrate that access cannot reasonably be achieved from an adjacent minor road.
113. On 11 July 2023 following an office meeting with the applicant and his team, the agent submitted documentation from MRA Transport Planning Partnership the objective of which was to justify, the provision of an access from the Glenavy Road as opposed to Station Road which they considered to be unsuitable. The submission focuses on Station Road Glenavy Road and the safety of this junction and the potential for increased incidences of traffic collision.
114. It does engage with how the existing access to the car park could be utilised and no design is offered. No traffic information is provided to mitigate the need for a right turn pocket into this car park. The need for free flowing traffic along Station Road towards Moira is not demonstrated through the submission of any traffic survey,
115. Moira is the closest settlement and the majority of turning movements into the existing car park are left turn. Traffic leaving the motorway have two choices to access Station Road. From the A26 the movements will be left turning movements into Station Road.
116. The submission of 11 July 2023 presumes that the majority of movements are right turning into Station Road from Maghaberry and the conflict this causes

with traffic turning right onto the A26. This presumes that the traffic leaving the rail halt car park will not turn right towards Moira and then left towards junction 9. No mitigation in the form of improvement to the junctions at the end of Station Road at either end is offered as mitigation as an alternative to the new access on the protected route.

117. A view is also expressed in earlier correspondence that it would not be possible to upgrade the existing access onto Station Road to provide a right turn lane to access the site as the works would require significant demolition and alteration of Lady's Bridge, Station Road, Moira which is a scheduled monument Ref: Ant/DPW 067:501 009:500. The view is expressed that Scheduled Monument Consent for such works would not be forthcoming. As previously indicated no design was offered to allow officers to consult with HED.
118. The view is also expressed that the development of Park & Ride facilities are regionally significant and as such, they are a recognised exception to the policy. There is no engagement with the latest expression of policy the Council's Plan Strategy.
119. In accordance with criteria iii of policy TRA3 for new accesses onto other protected routes this is a form of non-residential development that is in accordance with policy TRA9 as it meets a transport need and is located close to a motorway junction.
120. However, it proposes access onto a protected route and there is no exception for 'regionally significant development' as described by the applicant. It is not demonstrated that access cannot reasonably be achieved from Station Road for the reasons set out above. It is also not proposed to make use of an existing vehicular access onto the Protected Route as required by policy TRA3.
121. A letter from O'Toole and Starkey submitted on 9th October 2023 for consideration. It details their consideration of the comments from DfI Roads and their consideration of the proposal against PPS 3 policy AMP3 Access to Protected Routes. Again, it does not engage with the latest expression of policy.
122. It is stated on behalf of the applicant that Policy AMP3 would permit a regionally significant development to access onto a higher tier protected route, such as a dual carriageway or ring road where traffic volumes are anticipated to be secondary only to motorways. One would also expect tighter restrictions in terms of granting of new accesses onto this tier of protected route.
123. Logic would naturally follow that the policy is not intended to preclude a regionally significant development from accessing onto a lower tier of protected route, where one would expect traffic volumes to be lower and therefore restrictions to be less stringent. Indeed, we would argue that applying the policy with this sort of straight-jacket approach would be Wednesbury irrational.

124. Examples have also been provided where developments have been approved with access directly onto the protected route where access via adjacent minor roads were available.
125. Some of the examples provided have been determined by different planning authorities and in a different policy context. Each planning application is considered and assessed on its own merits and this application is not considered to be in accordance with policy TRA3 for all the reasons outlined in the preceding paragraphs.

TRA2 Access to Public Road

126. The application proposes a new access from the Glenavy Road. A right hand turning lane is also proposed coming from the Glenavy direction with visibility splays to the access of 4.5 metres by 134 metres to the south and 4.5m by 160m to the north shown on drawings.
127. The proposed access arrangement is contrary to policy TRA3 for the reasons outlined above and therefore also contrary to criteria b) of policy TRA2. As both criteria a) and b) have to be met to satisfy the policy test DfI Roads do not offer advice on whether the detailed design of the proposed access onto the protected route will prejudice road safety or significantly inconvenience the flow of vehicles.
128. Officers of the Council have no reason to disagree with this advice and the objection to an absence of response from the applicant is noted. An opportunity was offered to demonstrate an exception but insufficient information was provided to demonstrate an exception to policy. Policy TRA2 is explicit. Planning permission will only be granted for a new access where both criteria a) and b) are met.
129. Based upon a review of the information provided and the advice from statutory consultees, it is considered that the proposal does not comply with policy TRA2 as the proposed development is in conflict with policy TRA3.
130. Turning to the policies, the proposal also must be assessed against the requirements of policies COU15 and COU16.

COU15 Integration and Design of Buildings in the Countryside

131. The proposed development is predominantly made up of hard surfacing. No significant modification is required to the landform to facilitate the development and as such, it is not considered that it will be a prominent feature in the landscape.
132. The location of the facility is such that it is considered to be sited to cluster with an established group of buildings to its south and west.

133. The is established boundary vegetation along the northern and western boundaries. This along with the new planting proposed along the A26 on approach from Moira will also assist with integration without reliance on new landscaping.
134. The landscaping drawing indicates that a new hedge of native species will be planted in front of a new post and wire fence along the A26 access to the site.
135. No buildings and or structures are proposed as part of the application and as such, criteria (f) is not engaged.
136. The areas of hardstanding are shown to be broken up with grassed areas, high shrub planting and trees. A 2.4 metre high paladin fence is shown to extend around the perimeter of the P&R facility with planting shown to extend along the entire length of this fencing. The exact location of the lights are somewhat unclear. That said, they are likely to be well distributed throughout the site and is on balance acceptable.
137. For the reasons outlined above, the proposed development is considered to be sited and designed to integrate sympathetically with its surroundings and is of an appropriate design for the intended use. The tests associated with COU15 are met in full.

COU16 Rural Character and Other Criteria

138. For the reasons outlined above, the new development will not be prominent in the landscape and would be sited to cluster with existing dwellings to the south, north and east of the site. Criteria (a) and (b) are met.
139. The proposal is sufficiently removed from the settlements of Moira and Maghaberry and does not mar the distinction between a settlement and surrounding countryside. It also does not result in urban sprawl as it is enclosed on three sides by built development including the rail line to the north and it clusters with the established group of buildings for the reasons explained above. It will therefore not have an adverse impact on the rural character of the area. Criteria (d) and (e) are met.
140. Whilst no buildings are proposed, it is considered that the provision of a P&R facility adjacent to an existing train station will respect the pattern of development exhibited in the area without having an adverse impact on the rural character. Criteria (c) is met.
141. In relation to criteria (f) the proposed car parking has been designed and laid out to ensure that they will not have an adverse impact on the amenity of neighboring properties by reason of overlooking. A buffer of planting is provided around the edge of the car park to maintain separation between the parking spaces and the private amenity areas of the dwellings adjacent. This criterion is capable of being met.

142. In respect of criteria (g) and (h) all of the proposed services are provided underground. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
143. In respect of criteria (i) as the requirements of the protected routes policy are not met and the detail of the access arrangements not considered it is not possible to indicate whether the design of the access will prejudice road safety or significantly inconveniencing the flow of traffic. This criteria is not tested. All the other criteria of policy COU16 are met.

Natural Heritage

144. The site is within 10km radius of Maghaberry Area of Special Scientific Interest (ASSI), Ballynanaghten ASSI, Portmore Lough ASSI, Lough Neagh and Lough Beg ASSI, Special Protection Area (SPA) and Ramsar sites and Montiaghs Moss ASSI and Special Area of Conservation (SAC).
145. The site is also within a 10km radius of several Sites of Local Nature Conservation Importance (SLNCI's) and Local Wildlife Sites (LWS). The closest of these is Broadwater / Friar's Glen LWS which is 50m west of the site.
146. The application site consists of two agricultural fields divided by a small watercourse. There is a small pond just outside the application site. The site is bound by vegetation hedgerow and there are also a few trees. The Lagan Canal lies just south of the site.
147. The proposal would involve the loss of an area of agricultural field/pasture but retains the majority of boundary vegetation including the small pond.
148. A Biodiversity checklist and Preliminary Ecological Appraisal completed by ATEC NI Environmental Consultancy has been submitted in support of the application.
149. The checklist identified the presence of habitats within the site that could provide potential for protected species including badgers, otters, nesting birds, smooth newts and bats. Field surveys to determine the potential impacts of the development on protected habitats and species were deemed necessary.
150. A Preliminary Ecological Appraisal and related field survey results have been submitted for consideration. The findings are summarised below.
151. The development will involve the loss of an area of pasture assessed as having 'low' ecological value and the majority of the existing hedgerows and mature trees will be retained with only limited clearance along two small sectional boundaries. The loss of vegetation will be compensated for by replacement planting as denoted in the landscaping plan, drawing 04F.

152. Ponds are a Priority Habitat and the pond has been identified as having 'moderate' conservation value at a local level. Detail indicates that the pond will be retained and will be outside the development area. The pond was assessed as having 'poor' suitability for smooth newts.
153. The watercourse and ditches along the site boundaries were all assessed as having 'low' suitability for smooth newts. The likely impact of the development on smooth newts was assessed as 'low'.
154. The Lagan Canal is south of the site and there is a buffer zone between the proposal and the Canal which aids its protection.
155. Surveys recognise that the Lagan Canal is hydrologically connected to Broadwater / Friar's Glen LWS. To mitigate against any potential for degradation of the adjacent aquatic environment during the construction and operational phases of the development, it is recommended that a Construction Environmental Management Plan (CEMP) should be prepared prior to any work commencing on site.
156. The vegetation within the boundary of the site was assessed as having 'high' potential for foraging and commuting bats. Any loss of vegetation will be compensated for which will enhance the value of the site for foraging and commuting bats.
157. The potential impact of any new lighting on bats is considered and it is recommended that a lighting plan is submitted prior to any work commencing on site.
158. None of the mature and semi-mature trees within the site were assessed as having significant bat roosting potential. Therefore, the potential impact on roosting bats was assessed as 'low'.
159. The mammal survey results detail that evidence of badger activity was identified along two of the site boundaries and that evidence of otter activity was found along the bank of the Lagan Canal and along the bank of ditch adjacent to the southern field boundary. No evidence of an otter holt or couch was identified within the application site.
160. The proposed development and boundary measures take on board the above findings, through separation distances and provision of a mammal tunnel, as demonstrated on the landscaping plan, drawing 04F.
161. Natural Environment Division has been consulted and advise that they have considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions in relation to the provision of a CEMP, erection of protective fencing and submission of lighting plan along with an invasive species management plan prior to any works commencing onsite.

162. Based on a review of the information and advice from NED, it is accepted that the proposal would not result in demonstrable harm being caused to any feature of natural heritage importance and as such the requirements of policies NH2 and NH5 are considered to be met.

Flooding

163. Through the processing of the application a Flood Risk Assessment and Drainage Assessment were submitted for consideration.
164. DfI Rivers Agency have been consulted throughout the application and have raised no objections to the proposal. They advise that part of this site lies within the historical floodplain and that they have historical evidence of this flooding.
165. The applicant has carried out Hydraulic Modelling as part of the submitted FRA and has verified the extent of the 1 in 100 year fluvial floodplain. And DfI Rivers Agency advise that they have no reason to disagree with the outcome of the modelling results.
166. Through the processing of the application the agent has amended the scheme by removing the car park development within the modelled area of newly determined 1 in 100 year fluvial floodplain [as denoted on the site layout plan 03A dated 29th July 2022].
167. The floodplain still encroaches the red line site boundary however the proposed 2.4m boundary perimeter fencing has been pulled in from its original proposed positioning and sits between the proposed parking and the modelled floodplain area. This is considered to be acceptable and it is considered that the proposal complies with policy FLD1.
168. A working strip of appropriate width needs to be retained to enable riparian landowners to fulfil their statutory obligations/responsibilities. Rivers Agency are satisfied that the applicant has provided evidence that addresses policy FLD 2.
169. With regards to drainage, it is proposed to construct an attenuated drainage system to drain the proposed site which will restrict surface water run-off from the proposed site to 'green-field' run-off rate.
170. The drainage system will ultimately discharge to the designated watercourse to the south of the site. The drainage assessment details that these proposals will effectively mitigate against the risk of flooding to the proposed development and elsewhere outside the site.
171. It also details that consent to discharge stormwater from the proposed development to the nearby watercourse has been granted by DfI Rivers. It is considered that the proposal complies with policy FLD3.

172. Policy FLD 4 makes provision for a short length of culverting necessary to provide access to a development site, or part thereof.
173. The applicant is proposing to install a new short length of culverting to facilitate the access to the site. This culverting is considered to be necessary to allow access to the site and is considered to be acceptable.
174. Based on the information submitted it is considered that the proposal would not cause or exacerbate flooding and that the proposal complies with policies FLD 1, FLD2, FLD3 and FLD4 of the Plan Strategy.

Historic Environment and Archaeology

175. The application site is in close proximity to Moira Train Station which is a Listed Building (HN19/03/049).
176. Also in close proximity to and running through part of the application site is the Lagan Canal (a feeder channel) which is a Scheduled Monument.
177. Through the processing of the application the agent has provided a copy of Scheduled Monument Consent from the Department of Communities for the proposed works.
178. Advice from HED Historic Buildings advise that they are content with the proposal as presented within the context of its impact on the setting of the listed building.
179. HED Historic Monuments advise that Scheduled Monument Consent has been granted to the works associated with this proposal, and that they are content subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
180. Based on the advice from HED and the information submitted it is considered that the proposal would not harm the historic environment or archaeology and complies that it complies with Policy HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy.

Consideration of Representations

181. The following points of objection have been raised and are considered below:

Access from a Protected Route and Road Safety

182. Concerns are raised about road safety, the access coming off a Protected Route and the impact of the proposed access on the adjacent access to Ballycanal Manor and that there is no right hand turn proposed when coming from Glenavy direction. The view is expressed that the proposal is contrary to Policy AMP 2, AMP 3 and AMP 10 of PPS 3 Access, Movement and Parking.

183. The application has been assessed against the new policies in the Plan Strategy and for the reasons outlined above, the proposal is considered to be contrary to Policies TRA2 and TRA3.

Watermain across the site

184. The view is expressed that it appears to not comply with the exclusion zone required in relation to the major existing watermain which traverse the site.

185. NI Water have been consulted and advise that there is an existing watermain crossing the site and that no construction is to be made within 4m of watermains less than 350mm diameter or 8m of watermains of 350mm diameter or greater and that a diversion may be necessary.

186. These are standard comments from NI Water and they have made no objection to the proposal.

Principle of development not acceptable

187. Concerns are raised that the proposal is contrary to Policy CTY1 of PPS 21 Sustainable Development in the Countryside. The view is expressed that the proposal falls outside of the categories of development that are considered acceptable in principle in the countryside and that no legitimate overriding reasons have been put forward by the applicant to demonstrate why the scheme is essential on this specific site. Furthermore that the site is not designated for this purpose under the local development plan.

188. This proposal is in accordance with policy TRA9 and a park and ride facility at a rail halt which is also in the countryside would be acceptable subject to satisfactory access arrangements being achieved. For the reasons outlined above this proposal is contrary to policies TRA2 and TRA3.

Contrary to Policies BH1 and BH11 of PPS 6 Planning, Archaeology and the Built Heritage

189. The view is expressed that the proposal is contrary to policies BH 1 and BH 11 of PPS 6 in that it has the potential to adversely impact on the setting of Moira Train Station which is a grade B plus Listed Building and on the adjacent Lagan Canal Scheduled Monument.

Advice from HED Historic Buildings and Historic Monuments confirms that they are content with the proposal as presented.

Contrary to policies FLD1 and FLD 3 of PPS 15 Planning and Flood Risk

190. The view is expressed that in the absence of the submission of a Flood Risk Assessment and Drainage Assessment which can demonstrate to the satisfaction of Rivers Agency that the proposed development will not increase the risk of flooding on the site or elsewhere, the proposed scheme is contrary to policies FLD1 and FLD3 of PPS 15.
191. Also concern is expressed with regards to the raised levels of the car park and the potential effect of surplus drainage on the adjacent commercial property to the south.
192. A Flood Risk Assessment and Drainage Assessment has been submitted as part of the application process and no issues in relation to flood risk are raised.

Description of the site

193. Concern has been raised about the description of the site in the submission. The view is expressed that this should be changed from agricultural land to a commercial property, referring to the property to the south which is a guesthouse.
194. The P1 form details that the existing site is agricultural land. A site inspection is carried out to ascertain the site characteristics and the commercial property south of the application site has been noted and taken on board.

Conclusions

195. As it is not demonstrated that access cannot be reasonably taken from the Station Road and that the proposal does make use of an existing access is on the A26 Glenavy Road the proposal fails to meet the tests of policies TRA2, and TRA3 of the Plan Strategy.

Recommendations

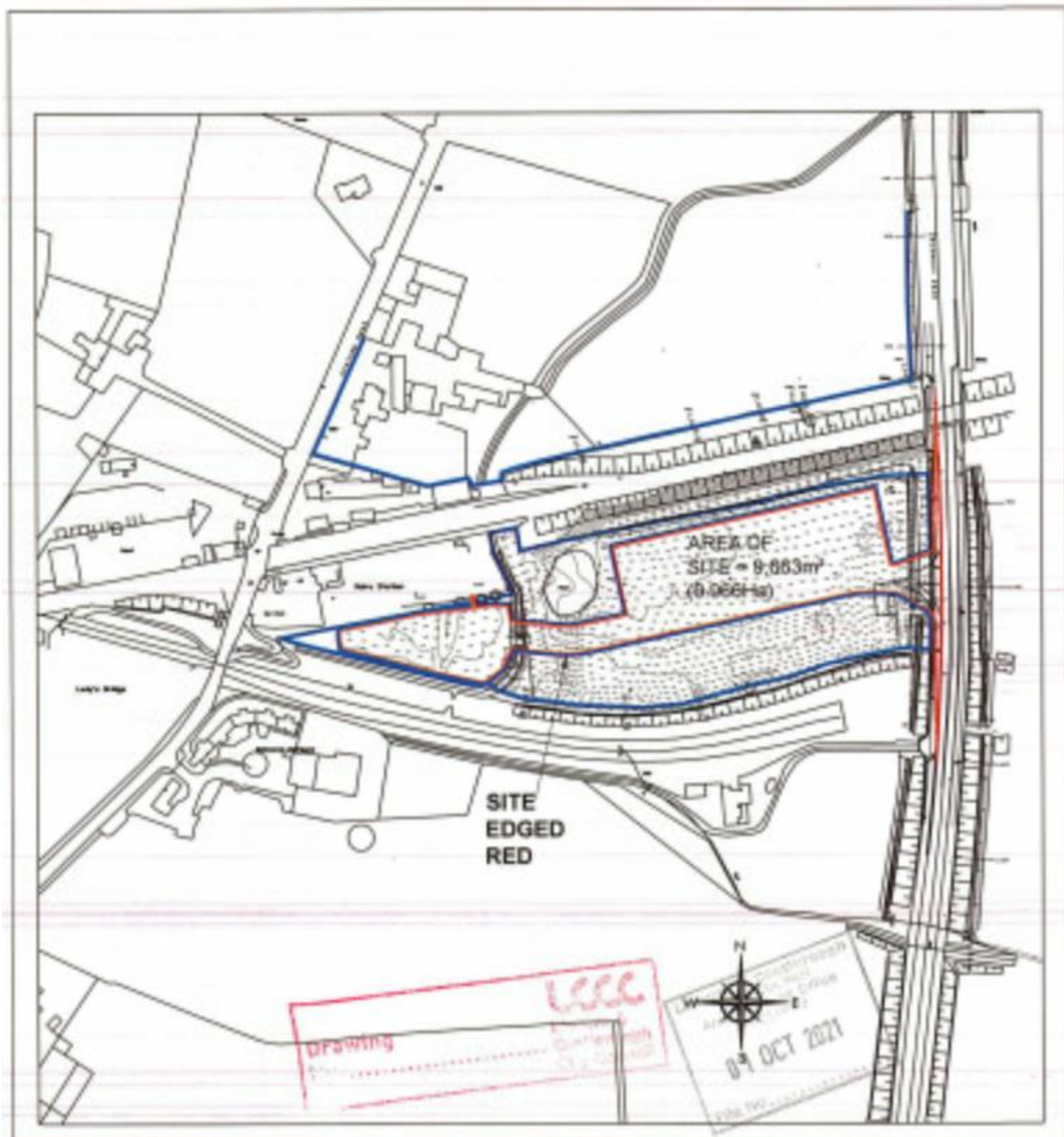
196. It is recommended that planning permission is refused.

Refusal Reasons


197. The following refusal reasons are recommended:

- The proposal is considered to be contrary to policy TRA3 of the Plan Strategy as its is not demonstrated that the proposal cannot reasonably use an existing or new access on the Station Road or that an existing vehicular access onto the A26 Glenavy Road is used.
- The proposal is contrary to policy TRA2 of Plan Strategy, in that the applicant has not demonstrated that criteria b) is met ore that an exception to the policy is demonstrated.

Site Location Plan – LA05/2019/1077/F



A-AMENDED 19/08/21

Project	Moira Park & Ride A28 Glenavy Road, Moira	
Client	Mr Nigel Herdman	
Drawing Title	Site Location Plan	
Scale	1/2500	mc creanor & co architects <small>28 Peniston Road, Glasgow, G4 0JH 0JH 011 562 2711 - info@mccreanor.co.uk © copyright mc creanor & co. architects</small> 
Date	October 2019	
Drawing No.	13/108C/PL01A	

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 February 2024
Committee Interest	Major Application
Application Reference	LA05/2023/0292/F
District Electoral Area	Downshire West
Proposal Description	Proposed residential development comprising 81 dwellings, including open space and landscaping, and all associated site and access works (amendment to approval Y/2009/0114/F)
Location	Lands south of Mealough Road, west of Saintfield Road, to the rear and west of 615 Saintfield Road, and c.200 metres north of Blenheim Park, Carryduff
Representations	None
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This is a Major Application. It is presented to the Committee with as the proposal is in accordance with the requirements of policies HOU1, HOU3, HOU4 and HOU5 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
2. Furthermore, the density is in keeping with the local context than that found in the established residential area and the proposed development is in keeping with the overall character and environmental quality of the established residential area.
3. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.
4. The proposal complies with Policy NH 5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or

features of Natural Heritage Importance including any European designated sites.

5. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points to the wider neighbourhood.
6. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
7. The proposal is considered to comply with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
8. The proposed development complies with policies FLD 1 and FLD 3 of the Plan Strategy in that the site lies outside the 1 in 100 year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.
9. The proposal complies with policies HE1, HE3 and HE4 of the Plan Strategy in that the proposed development will not adversely affect existing archaeological sites which are of local importance.

Description of Site and Surroundings

Site Context

10. The application site is approximately 7.4 hectares in size and comprises a number of former agricultural fields that are stripped in preparation for development as part of a much larger proposal. Estate roads and buildings are under construction with and adjacent to the site.
11. The lands have a frontage to the Mealough Road and can be seen from the Saintfield Road which is to the east of the site.
12. The northern boundary is defined by the Mealough Road, the eastern boundary is defined by the Carryduff River. The southern and western boundaries of the site are defined by hedgerow and fencing.

Surrounding Context

13. The immediate area is predominately residential in character with established residential neighbourhoods located to the south and east of the site.

14. The Lets Go Hydro complex is located to the north of the site and the open countryside is to the west.

Proposed Development

15. The proposed development is the erection of 81 dwellings, including open space and landscaping, and all associated site and access works
16. The following documents are submitted in support of the application:
- Design and Access Statement
 - Drainage Assessment
 - Landscape Management and Maintenance Plan

Relevant Planning History

17. The planning history associated with the application site is set out in the table below:

Reference Number	Description	Decision
Y/2009/0288/O	New Suburban Village with mixed use centre	Approved May 2004
Y/2005/0339/RM	Erection 350 dwellings and associated car parking	Appeal allowed December 2006
Y/2009/0034/F	Road improvements, Mealough/Saintfield Road junction	Approved April 2011
Y/2009/0114/F	Erection 126 Dwellings access Roads and open space	Approved March 2019
LA05/2022/0086/F	Erection 27 dwellings and associated site works (amendment to approval Y1999/0114/F)	Approved October 2022

Consultations

18. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
NIEA Water Management Unit	No Objection

Consultee	Response
Dfl River Agency	No Objection

Representations

19. No representations have been received in relation to the proposal.

Environmental Impact Assessment (EIA)

20. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment. As the site area exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
21. An EIA determination was carried out and it was concluded given the scale and nature of the proposal that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Pre- Community Consultation

22. The application exceeds the threshold for major development as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is more than two-hectares in size.
23. As a consequence the applicant was required to engage in pre-application community consultation (PACC).
24. A Pre-Application Community Consultation report [March 2023] submitted in support of the application provides a record of the consultation that had taken place to inform interested parties of the details of the proposed development.
25. In this case the PACC process involved two in person Public Information Event held on Thursday 17 January 2023 and 23 January 2023 in the Ivanhoe Hotel Belfast.
26. A total of 20 people attended the events over the two days.
27. A public advert notice providing details of the consultation and how to access hard copies of the papers was published in the Belfast Telegraph on 13 January 2023.

28. Within a 200 metre radius from the edge of the proposed site, approximately 200 properties were either sent or hand delivered a hard copy of the leaflet advertising the event on Tuesday 10th January 2023. The leaflet provided information on the Public Consultation event, details of the proposals and the location of the site. Contact details for the design team were provided facilitate members of the general public wishing to discuss any aspect of the proposals prior to, or after, or in person at the consultation event.
29. The format of the report that is submitted with the application in response to the consultation has been prepared in accordance with the Practice Note published by DfI Planning Group and contains the relevant information required. It advises that all feedback received during the consultation period has been recorded and considered as part of the evolution of the design of the proposed scheme.

Local Development Plan

30. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

31. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

32. In accordance with the transitional arrangements the Carryduff Local (Area Plan 1988-1993 and draft BMAP remain material considerations.
33. When the Carryduff Local Plan was adopted the area subjected to this application was excluded from the settlement limit.

34. The site was subsequently brought within the settlement limit of Carryduff in draft BMAP.
35. At the public enquiry into draft BMAP the PAC considered that too much land had been zoned for residential development at that time. Subsequently within the up to date plan this site is not zoned for residential use. Zoning CF 04/02 contained a number of Key Site Requirements (KSR's) to which any development proposal was to comply.
36. The site forms part of a wider residential zoning (CF 03/05) in BMAP which benefits from varying planning approvals including Y/2009/0114/F which covers the subject site.
37. There is an extant planning permission for a much larger development (Y/2009/0114/F) which this proposal seeks to alter in terms of the layout and arrangement of the buildings. The total number of units is not increased.

38. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

39. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

40. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity, and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which

promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

41. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

42. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

43. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

44. The following operational policies in Part 2 of the Plan Strategy also apply.

Housing in Settlements

45. The application is for residential development and policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

46. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

47. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing.*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area.*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded.*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment.*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way.*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points.*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage.*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles.*
- l) *the development is designed to deter crime and promote personal safety.*
- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

48. The Justification and Amplification states that:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

49. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

50. Given the scale of residential development public open space is required as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

- a) *the open space must be at least 10% of the total site area.*
- b) *for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.*

The following exceptions to the above open space provision will apply where:

- a) *the residential development is designed to integrate with and make use of adjoining public open space.*
- b) *the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space.*
- c) *in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is being provided.*

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

Public open space required by this policy will be expected to conform to all of the following criteria:

- *it is designed as an integral part of the development with easy and safe access from the dwellings.*
- *it is of demonstrable recreational or amenity value.*

- *it is designed, wherever possible, to be multi-functional*
- *its design, location and appearance takes into account the needs of disabled persons and it respects the amenity of nearby residents*
- *landscape and heritage features are retained and incorporated in its design and layout.*

In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

51. Policy HOU6 - Design Concept Statements, Concept Masterplans and Comprehensive Planning states that,

A Design Concept Statement, or where appropriate a Concept Masterplan, must accompany all planning applications for residential development. A Concept Masterplan will be required for major planning applications involving:

- a) 50 dwellings or more*
- b) the development, in part or full, of sites of 2 hectares or more zoned for housing in development plans*
- c) housing development on any other site of 2 hectares or more.*

For partial development of a site zoned for housing the Concept Masterplan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken.

Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land zoned for housing.

52. As the application relates to a proposal for change of house types whereby a concept masterplan was provided in relation to the parent permission, this policy is not considered to be engaged in this instance.

53. As more than five dwellings are proposed there is a need to consider the requirement for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76

Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

54. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

55. The Glossary associated with Part 2 of the Plan Strategy states that:

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Archaeology and Built Heritage

56. The decision associated with planning application Y/2009/0114/F was subject to conditions in relation to archaeological works and a developer funded programme to survey the site. This application is a change of house type and consideration of Archaeology and built Heritage remains a material consideration.

57. Policy HE4 – Archaeological Mitigation states that:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ

58. Policy HE9 – Development affecting the Setting of a Listed Building states that:

Proposal which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) *The detailed design respects the listed building in terms of scale, height, massing and alignment.*
- b) *The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building*
- c) *The nature of the proposed respects the character of the setting of the building.*

Natural Heritage

59. Given this is a large site the potential impact on the natural environment is considered. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

60. The P1 Form indicates that the proposal will make use of an unaltered access onto the public road. Policy TRA1 Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions.*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian **and cycling** movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

61. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

62. The justification and amplification states that:

For development proposals involving a replacement dwelling in the countryside, there an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

63. Policy TRA7 - Car parking and Servicing Arrangements in New Development states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*
- b) *where the development is in a highly-accessible location well served by public transport*
- c) *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*
- d) *where shared car parking is a viable option*
- e) *where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

64. Policy TRA8 - Active Travel Networks and Infrastructure Provision states that:

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal.

A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

- a) *safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks*
- b) *the needs of mobility impaired persons; and respect existing public rights of*

- way
- c) safe, convenient and secure cycle parking.

In addition major employment generating development will be required to make appropriate provision for shower and changing facilities.

Flooding

65. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere.

66. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that:

Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.

67. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) a residential development of 10 or more units
- b) a development site in excess of 1 hectare
- c) a change of use involving new buildings and/or hard surfacing exceeding 1,000 square metres in area.

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

68. Policy FLD4 Artificial Modification of Watercourses states that:

Artificial modification of a watercourse, including culverting or canalisation, will only be permitted in the following exceptional circumstances:

- a) a short length of culverting necessary to provide access to a development site, or part thereof
- b) where it can be demonstrated to the satisfaction of DfI Rivers that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

Regional Policy and Guidance

Regional Policy

69. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

70. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

71. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

72. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

73. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

Retained Regional Guidance

74. Whilst not policy, the following guidance documents remain a material considerations:

Creating Places

75. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
76. The guide is structured around the process of design and addresses the following matters:
- the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.
77. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 meters between the rear of new houses and the common boundary.

78. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

79. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

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Housing in SettlementsPolicy HOU 1 – New Residential Development

80. This application is for the change of house types for 81 residential units within the settlement limit of Carryduff. The land on which this development is proposed has been zoned for housing (CF 04/02) in draft BMAP. There is also a history of an extant planning permission for housing. As such, this is a suitable location for new residential development and the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

81. The lands to the south of the application site are partly built out and the proposed road infrastructure in part developed consistent with the extant planning permission. The new buildings are laid out to take account of this existing constraint of the road layout as constructed.
82. The scheme comprises eighty-one detached and semi-detached dwellings. The dwellings are of different size and design but typical of a suburban setting. They broadly follow the general layout and arrangement of the previously approved scheme.
83. The form and general arrangement of the buildings are characteristic of those that have been built in the surrounding residential developments adjacent to the south and north of the site.
84. The plot sizes and general layout of the proposed development is consistent with and comparable with other built development in the general vicinity of the site.
85. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development and it is considered that the established residential character of the area would not be harmed.
86. The layout of the rooms in each of the units, the position of the windows and separation distances to existing properties also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
87. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Place document and that criteria (a) of policy HOU3 met.
88. With regard to criteria (b), advice from Historic Environment Division states that no further mitigation measures are required and they are content with the proposal.

89. No other landscape characteristics/features have been identified that require integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

90. A range of new house types are proposed and a description of the main changes are detailed below.
91. House Type B1 is a four-bed detached dwelling with a ridge height of approximately 8.2 metres. The dwelling is a modern design and the materials to be used in the construction of the property includes white render/grey brick walls with grey fibre cement cladding, slate grey concrete roof tiles and grey coloured windows.
92. House Type B2 is narrow linear style detached dwelling. These properties are four-bed and have a ridge height of approximately 7.6 metres. The dwelling is a modern design and the materials to be used in the construction of the property includes white render/grey brick walls with grey fibre cement cladding, slate grey concrete roof tiles and grey coloured windows.
93. Some of the dwellings have integral garages and detached garages. The detached garages are generally located to the side and behind the properties.
94. The rooms are laid out, the position of the windows arranged along with adequate separation to the boundary ensures that there is no overlooking into the private amenity space of neighbouring properties.
95. The proposed development does not conflict with surrounding land uses. It is well separated from adjoining residential development to the east and is situated at a lower ground level. The buildings are not dominant or overbearing and no loss of light would be caused.
96. A minimum of 20 metres separation distance is provided between the two-storey dwelling units which back onto each other within the proposed development. These separate distances are consistent with the guidance set out at paragraphs 5.19 – 5.20 of the Creating Places document.
97. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service road. Two in curtilage parking spaces are provided with each dwelling. Those dwellings located on corner sites have a strong double frontage.
98. Whilst some of the houses have parking to the fronts all the properties have a lawn areas to ensure the building frontages are not dominated by hardstanding/car parking.
99. The house types provided are accessible and designed to ensure that they can provide accommodation that is wheelchair accessible for persons with impaired mobility.

100. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
101. For the reasons outlined above, criteria (a), (e), (f) and (i) are met.
102. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in Carryduff. Criteria (c) is met.
103. Detail submitted with the application demonstrates that the provision of private amenity space varies from plot to plot ranging from a minimum of 99 square metres up to 352 square metres. The average provided across the site is consistent with the guidance in the Creating Places document for a medium density housing development made up of detached and semi-detached dwellings.
104. The site layout and landscape plan submitted in support of the application illustrates that the scrub vegetation along the eastern boundary of the site shall be retained. This is in line with previous NED comments, and a suitable condition will be added should the proposal be approved.
105. The landscape plan also details all proposed planting along the remaining boundaries of the site and within the development.
106. A drawing is also provided which includes details of other internal boundary treatments including red clay multi-facing brick wall, close boarded timber fence and details of the retaining structures that are proposed.
107. Section 3 of the Landscape Management Plan provides details on general maintenance activities with maintenance of all soft landscaped areas becoming the sole responsibility of the Developer and their appointed Management Company, the agreement for which shall be set up by the Developer.
108. For the reasons outlined above, criteria (b) is considered to be met.
109. The development proposals will provide a residential density consistent with that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size exceeds space standards set out in supplementary planning guidance. The density is considered to be appropriate to the location. No additional units are proposed, and the requirements of criteria (d) are met for these reasons.
110. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
111. The careful delineation of plots with appropriate fencing and brick walls will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.

112. Provision can be made for householder waste storage within the driveways for each unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

113. Detail submitted with the application indicates that the site exceeds one hectare and that more than twenty-five residential units are proposed. As such open space must be provided as an integral part of this development.
114. The application provides for a change of house type for 81 dwellings. As previously indicated this site is part of a wider planning approval (Y/2009/0114/F).
115. Detail submitted with the above application demonstrated that areas of open space were provided throughout the site.
116. One landscaped area of open space is located centrally within this proposal and within walking distance of all the dwellings.
117. No additional open space is required and the existing previously approved open space does not need to be reconfigured.
118. It is accepted that adequate provision is made in the wider scheme and that within the context of policy HOU 5 the thresholds and requirements for open space is met.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires affordable housing to be provided at a minimum of 20%. This equates to 17 dwellings. The provision of 17 affordable housing units will be secured through a section 76 planning agreement in line with wording of the policy.
103. The agent has confirmed in an email dated 27 November 2023 that 17 dwellings will be provided and this will be contained as an obligation within the section 76 agreement.
104. A scheme is not yet designed for the proposed affordable housing due to a time constraint and the need to keep existing staff delivering the scheme on site. However, the section 76 agreement will also include covenants to include timescales for a separate affordable housing planning application to be submitted within 12 weeks of this application being approved.
105. A map was sent to the Council on 19 December 2023 indicating where the affordable dwellings would be located within the scheme. The areas proposed area located in the southeast portion of the site which is currently identified on the site layout map as sites 27-44, and the northern portion of the site including sites 107-123. Again this location will be captured by section 76 agreement text.

106. The section 76 agreement will also include the following covenant t
- that prior to the occupation of the 22nd residential unit associated with this current application the affordable housing element (approved by way of the separate planning application) must be commenced;
 - that 8 residential units associated with the affordable housing application to be available for occupation prior to the occupation of the 35th residential unit associated with this current application; and
 - The affordable housing will also have to be delivered in full before the 60th residential unit associated with this current application is occupied.
107. These triggers are aimed at ensuring the full delivery of the affordable housing element of the mix tenure scheme consistent with requirements of policy HOU10.
108. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

109. As previously stated, this is an application for a change of house type only from that approved under file reference Y/2009/0114/F. The site is currently being developed to both the south and north of this current proposal.
110. Large areas of the site have already been cleared to provide internal roads infrastructure associated with the wider development of the site.
111. NIEA were consulted initially and after the submission of numerous ecological reports they had no concerns subject to a number of conditions. These conditions included one that stated that the area existing rough grassland (scrub) along the east boundary of the site should be retained.
112. The site layout drawing and landscaping plan submitted with this application indicates that this scrub area previously conditioned to be retained has not changed and will be augmented with additional tree planting. A suitable condition will be added to this application if required.
113. Given the current condition of the site and ongoing construction works it was not necessary to reconsult NIEA with what is a change of house type application.
114. That said the developer will have to have cognisance to the Wildlife order when carrying out any works should the application be approved.
115. For the reasons outlined, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other

developments nearby and as such Policy NH5 of the Plan Strategy is capable of being met.

Access and Transport

116. The P1 Form indicates that the proposal does not involve the construction of a new access to the public road.
117. The road layout as proposed is the same as that approved under the previous application Y/2009/0114/F. It is not shown to be amended in anyway and part of this road has already been implemented.
118. DfI Roads have not identified any concerns in relation to the detailed layout, access and arrangement of the parking associated with the change of house type plots and have advised in their consultation response that the application does not require a determination under The Private Streets Order 1980 and the Private Streets (Amendment) (Northern Ireland) Order 1992 as the street was previously determined under Application Reference Y/2009/0114/F.
119. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
120. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that regard has been given to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
121. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.
122. The proposal continues to provide for connectivity to active travel networks and as such, policy tests associated with TRA8 continue to be met.

Planning and Flood Risk

123. A Flood Risk and Drainage Assessment (DA) dated February 2023 by Marrac Design was submitted in support of the application.
124. The DA states that the NI flood maps indicate that there is marginal pluvial flooding on the extents of the site but no fluvial or costal flood plain within the site. It further states that there is no history of flooding and the site is not in the inundation zone of a reservoir.
125. The DA sets out that due to the topography of the site the development will be served by four storm drainage networks to serve the overall site. It goes on to say that this phase of the proposed development will utilise three of these drainage

networks outlets and that each has a schedule 6 consent to discharge greenfield rate generated by the respective catchment area.

126. With regards to FLD1 Development in Fluvial (River) Dfl Rivers have commented that

The Flood Maps (NI) indicates that the eastern boundary and an area at the south-east of the site lies within the 1 in 100 year fluvial flood plain including the most up to date allowance for climate change.

Dfl Rivers have reviewed Drawing No. SK100 and as the built development is outside the flood plain a Flood Risk Assessment is not required on this occasion. Taking the precautionary approach embodied within Revised PPS 15, Dfl Rivers recommends that the applicant's agent sets the finished floor levels a minimum 600mm above the Q100 flood plain.

Drawing No: PL02 Rev A indicates the levels of the site and provides the finished floor levels of the buildings which appears to comply with Dfl Rivers' recommendation.

127. Based on the above advice from Dfl Rivers it is considered that policy FLD1 is met.

128. With regards to FLD2 - Protection of Flood Defence and Drainage Infrastructure – Dfl Rivers have confirmed:

that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site is bounded at the east and briefly at the south-east and in close proximity at the north to an undesignated watercourse known as 'Carryduff River'. The site may be affected by undesignated watercourses of which we have no record.

129. Dfl went on to say that It is essential that a working strip of minimum width 5m from the top of the bank is retained but up to 10m where considered necessary.

130. Based on the advice of Dfl Rivers the policy test associated with FLD2 are satisfied.

131. In relation to FLD3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains – Dfl Rivers have reviewed the Drainage Assessment by Marrac Design, and stated that

Dfl Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. Consequently, Dfl Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 16 of LDP 2032).

132. It is considered that adequate measures have been put in place so as to effectively mitigate against flood risk and therefore policy FLD 3 is satisfied.
133. With regards to FLD4 - Artificial Modification of Watercourses – Dfl Rivers have stated that

Artificial modification of a watercourse, including culverting or canalisation, will only be permitted in the following exceptional circumstances:

- *A short length of culverting necessary to provide access to a development site, or part thereof;*
- *Where it can be demonstrated to the satisfaction of Dfl Rivers that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. Any culverting approved by the Planning Authority will also be subject to approval from Dfl Rivers under Schedule 6 of the Drainage Order 1973. These approvals are both independently necessary

134. No culverting is proposed as part of this application and schedule 6 consent has been granted for the development. It is considered that FLD4 is satisfied.
135. NI Water in a response received on 2 May 2023 confirmed that there is a public water main within 20 metres of the proposed development boundary which can adequately service these proposals. They also acknowledged that this application was for a proposed change of house design from that previously approved under Y/2009/0114F that there is Article 161 (sewer adoption) in process for the site. There is no increase in the number of houses proposed.
136. Based on a review of the information provided and the advice received from both Dfl Rivers, and NI Water, it is considered that the proposed development is being carried out in accordance with the requirements of policies FLD 1, 2, 3 and 4 of the Plan Strategy.

Historic Environment and Archaeology

127. Archaeological conditions were attached to the previous history of approval under application Y/2009/0114/F. The agent has submitted evidence that they had complied with these conditions and that the relevant conditions had been discharged from the previous approval. The records have been verified and are accurate.
128. HED were consulted in relation to the current proposal and in a response dated the 26 January 2024 they stated that:

HED has reviewed related case records and the additional information submitted. The archaeology site works within the development area were undertaken in 2022 under licence AE/22/080. HED (Historic Monuments) has assessed the

application and on the basis of the information provided, due to previous archaeological excavations, is content that the proposal is satisfactory to archaeological policy requirements.

129. It is therefore contended that the proposed development complies with policies HE1, HE3 and HE4 of the Plan Strategy.

Recommendation

130. The application is presented with a recommendation to approve subject to condition and a Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.
131. The section 76 agreement will include the following covenants amongst other requirements as deemed necessary during the negotiation of same:
- a. that a separate affordable housing planning application is to be submitted within 12 weeks of this application being approved;
 - b. that prior to the occupation of the 22nd residential unit associated with this current application the affordable housing element (approved by way of the separate planning application) must be commenced;
 - c. that 8 residential units associated with the affordable housing application to be available for occupation prior to the occupation of the 35th residential unit associated with this current application; and
 - d. The affordable housing will also have to be delivered in full before the 60th residential unit associated with this current application is occupied.

Conditions

132. The following conditions are recommended:

- 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

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no PL02 REV N0. B published to the Councils on 10 January 2024 to provide adequate facilities for parking 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.

- All hard and soft landscape works shall be carried out in accordance with Drawing No. PL 05 published to the Councils portal on 10 January 2024 and the approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

- Prior to the occupation of the first dwelling, a phasing plan for the landscaping works shall be submitted to and agreed in writing with the Council.

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

- The existing rough grassland (scrub) along the east boundary of the site as indicated on the PL 05 published to the Councils Portal on 10th January 2024 shall be retained

Reason: To protect local biodiversity, avoid loss of habitat and ensuring retention of an important wildlife corridor.

- Existing trees and hedgerow along the site boundaries shall be retained, and additional planting of trees and hedgerow shall be carried out in accordance with submitted drawing PL 05 published to the Councils Portal on 10th January 2024.

Reason: To protect the biodiversity of the site, including protected species.

- Prior to the occupation of the first dwelling the hard and soft landscaping works shall be carried out in accordance with the agreed phasing plan and maintained and managed thereafter, in accordance with the approved Plan by a suitably constituted management company.

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

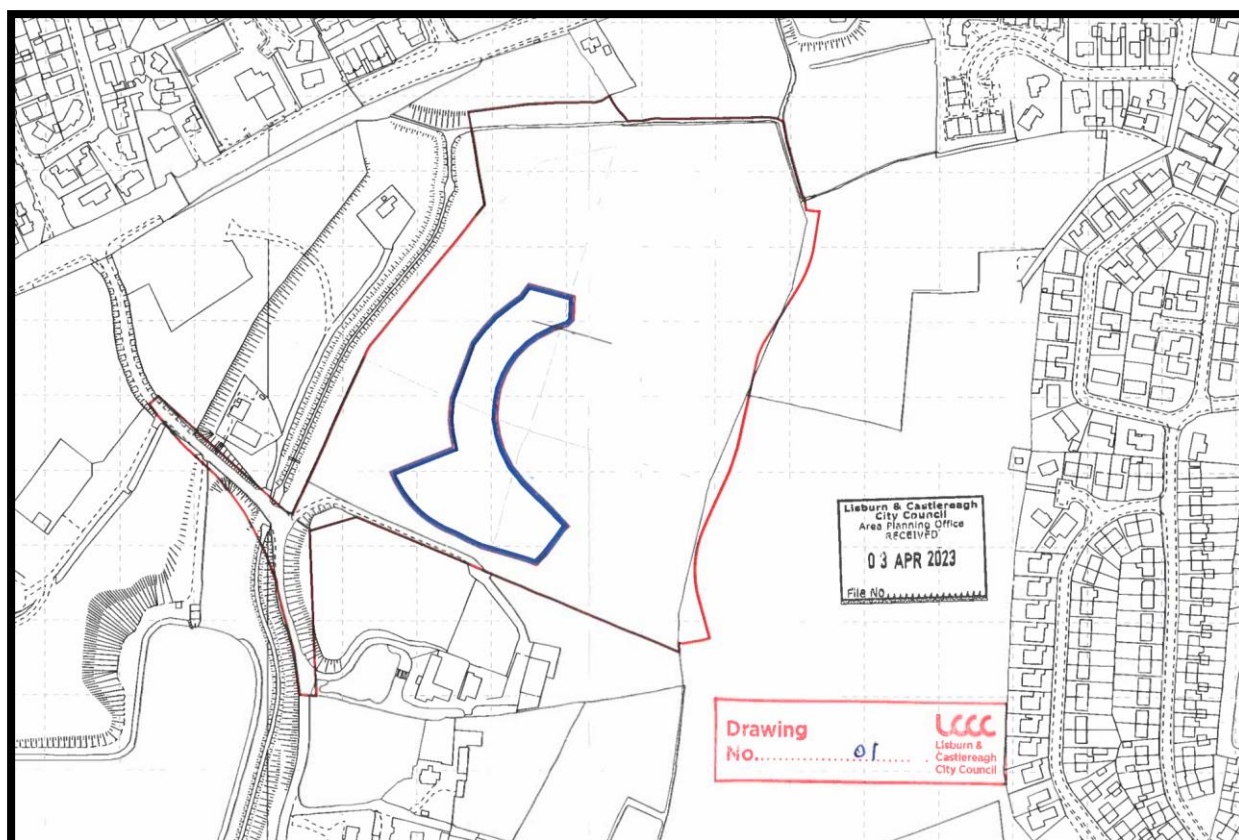
- If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that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

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

- No retained tree as identified on PL 05 published to the Councils Portal on 10th January 2024 shall be cut down, uprooted or destroyed or have its roots damaged nor shall arboriculture work or tree surgery take place on any retained tree without the written consent of the Council. Any retained tree that is removed, uprooted or destroyed shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

Site Location Plan – LA05/2023/0292/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	05 February 2024
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2019/0316/F
Date of Application	25 March 2019
District Electoral Area	Killultagh
Proposal Description	Proposed pair of semi-detached dwellings on the site of two former dwellings at 31 and 33 Islandkelly Park and three additional dwellings to rear
Location	Lands at 31 & 33 Islandkelly Park, Lisburn, BT28 3HB
Representations	Three
Case Officer	Brenda Ferguson
Recommendation	APPROVAL

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a section 76 agreement to secure the delivery of affordable housing at this location.
2. It is considered that the detailed layout and design of the residential units creates a quality residential environment in accordance with the requirements of policies HOU1, HOU3 and HOU4 and HOU6 of the Plan Strategy and when the buildings are constructed, they will not adversely impact on the character of the area nor will they have a detrimental impact on the amenity of existing residents in properties adjoining the site.
3. Furthermore, Policy HOU8 is met in that the density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.

4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that it has been demonstrated that adequate provision is to be made for affordable housing within the site at a minimum of 20%.
5. The proposal complies with policies NH2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to result in the unacceptable adverse impact on, or damage to known habitats, species, or features of Natural Heritage Importance.
6. The proposed complies with policy TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways.
7. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the extension of the existing access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
8. The proposal is considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.
9. The proposal also complies with policy TRA8 in that it promotes public transport, cycling and walking as an alternative to the use of the car.
10. The proposed development complies with policy tests set out in policies FLD 1 and FLD 3 of the Plan Strategy in that the site lies outside the 1 in 100 year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site

11. The proposed site is located between 29 and 35 Islandkelly Park, Lisburn. The former buildings on the site have been removed and the site cleared. It is overgrown with vegetation. The land slopes up gradually from the edge of Islandkelly Park to the east.
12. The boundary to the edge of the road is secured by temporary site fencing and along the other three edges by a mixture of closed boarded timber fencing or hedgerow.

Surroundings

13. The surrounding area is predominantly residential in character. There is a mixture of two-storey detached, semi-detached and terraced dwellings adjacent to the north, east and west and single storey bungalows to the south.

Proposed Development

14. The application is for full planning permission for the proposed pair of semi-detached dwellings on the site of the former dwellings at 31 and 33 Islandkelly Park and three additional dwellings to rear.

Relevant Planning History

15. The following planning history is relevant to the site:

Reference Number	Description	Location	Decision
S/2012/0333	Proposed revised residential development comprising of 5 dwellings, access, garages and associated site works from previous approved development S/2008/0260/F comprising of 7 apartments	Lands to the rear of 29-37 Islandkelly Park, Lisburn, BT28 3HB	Approved
S/2012/0200/F	Revised residential development comprising 12 apartments in 2 blocks with access and associated site works	Lands to rear of 29-37 Islandkelly Park Lisburn	Withdrawn
S/2008/0260/F	Proposed residential development consisting of 7 apartments and associated site works.	Lands behind 29-37 Islandkelly Park, Lisburn, BT28 3GB.	Approved

Consultations

16. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
HED	No Objection
NIHE	No objection
DAERA Water Management Unit	No Objection

Representations

17. Three representations in opposition to the proposed development have been received from owners/occupiers of properties along Lady Wallace Road. The following issues are raised:
- Replacement of 2 dwellings with 5 does not respect the surrounding context.
 - Significant increase in terms of layout, scale and massing of buildings at the site
 - Lack of detail on landscaping provisions which would soften the impact of the development.
 - Mature vegetation removed along the eastern site boundary during site clearance.
 - Potential for overlooking of existing properties close to eastern boundary at 72-78 Lady Wallace Road due to proximity of dwellings to this boundary.
 - Loss of light/privacy
 - Lack of topographical data in relation to ground levels
 - Overall, failure to comply with Policy QD1 of PPS 7 and PPS 12 Planning Control Principle 1 and Planning Control Principle 2.
 - Proposal contrary to the addendum to PPS 7 due to impact on character of area
 - Absence of site analysis and Design Concept Statement
18. The issues raised are considered as part of the assessment below.

Local Development Plan

Local Development Plan Context

19. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

20. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

21. In accordance with the transitional arrangements the existing Lisburn Area Plan 2001 and draft BMAP remain material considerations.
22. In both the statutory development plan and the draft BMAP, the application site is identified as being within the defined Settlement Development Limit of Lisburn. No specific designation applies to the site.
23. Housing is proposed. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

24. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

25. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

26. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

27. Five dwellings are proposed and Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*

- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

28. Strategic Policy 08 Housing in Settlements states that

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

29. The following operational policies in Part 2 of the Plan Strategy also apply.

Housing in Settlements

30. As this application is for residential development and policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

31. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area.

Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

32. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range*

- of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwelling should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
 - g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
 - h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
 - i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
 - j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
 - k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
 - l) *the development is designed to deter crime and promote personal safety.*
 - m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

33. The Justification and Amplification states that:

The Department's publication 'Creating Places – Achieving Quality in Residential Developments' (May 2000) should be taken into account in the application of these policies.

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

34. Policy HOU6 - Design Concept Statements, Concept Masterplans and Comprehensive Planning states that,

A Design Concept Statement, or where appropriate a Concept Masterplan, must accompany all planning applications for residential development. A Concept Masterplan will be required for major planning applications involving:

- a) *50 dwellings or more*
- b) *the development, in part or full, of sites of 2 hectares or more zoned for housing in development plans*
- c) *housing development on any other site of 2 hectares or more. For partial development of a site zoned for housing the Concept Masterplan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken. Any proposal for housing that would result in*

unsatisfactory piecemeal development will not be permitted, even on land zoned for housing.

35. As this proposal is for the redevelopment of an existing site comprised formerly of a pair of semi-detached houses Policy HOU8 - Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas states that:

Planning permission will be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where the criteria set out in Policies HOU3 and HOU4 (with the exception of Policy HOU4(d) – Density Bands), and all the additional criteria set out below are met: a) the proposed density is not significantly higher than that found in the established residential area b) the pattern of development is in keeping with the local character, environmental quality and existing residential amenity of the established residential area c) all dwelling units and apartments are built to a size not less than those set out in Supplementary Planning Guidance, Part A: Space Standards for Dwellings.

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

36. As five dwellings are proposed there is a need to make provision for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

37. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

38. The Glossary associated with Part 2 of the Plan Strategy states that

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

39. Given the size of the site and as it was previously developed for housing the potential impact on the natural environment is considered in this case. Policy NH2 - Species Protected by Law states that,

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted

where:

- a) there are no alternative solutions
- b) it is required for imperative reasons of overriding public interest; and there is no detriment to the maintenance of the population of the species at a favourable conservation status
- c) compensatory measures are agreed and fully secured.

40. In relation to National Protected Species the policy states that,

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

41. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) priority habitats
- b) priority species
- c) active peatland
- d) ancient and long-established woodland
- e) features of earth science conservation importance
- f) features of the landscape which are of major importance for wild flora and fauna
- g) rare or threatened native species
- h) wetlands (includes river corridors)
- i) other natural heritage features worthy of protection including trees and woodland.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

42. The proposal involves the creation of a new access to serve the three dwellings to the rear and one of the dwellings on the road frontage. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where

appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

43. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

44. The justification and amplification states that:

For development proposals involving a replacement dwelling in the countryside, there an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

45. Policy TRA7 - Car parking and Servicing Arrangements in New Development states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*
- b) *where the development is in a highly-accessible location well served by public transport*
- c) *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*
- d) *where shared car parking is a viable option*
- e) *where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

46. Policy TRA 8 – Active Travel Networks and Infrastructure Provision states that:

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal. A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

- a) *safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks*
- b) *the needs of mobility impaired persons; and respect existing public rights of way*
- c) *safe, convenient and secure cycle parking.*

In addition major employment generating development will be required to make appropriate provision for shower and changing facilities.

Regional Policy and Guidance

Regional Policy

47. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

48. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

49. It states that:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

50. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

51. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

52. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

53. The proposal involves the erection of dwellings. It is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing

infrastructure and services, and the creation of more balanced sustainable communities.

Retained Regional Guidance

54. Whilst not policy, the following guidance documents remain a material considerations.

Creating Places

55. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
56. The guide is structured around the process of design and addresses the following matters:
- the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.

57. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 meters between the rear of new houses and the common boundary.

58. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

59. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Policy HOU1 New Residential Development

60. This application proposes a pair of semi-detached dwellings on the site of two former dwellings and the construction of three detached dwellings to the rear. A total of 5 dwellings are proposed.
61. The site lies within the Lisburn settlement limit and is a brownfield land. Housing surrounds the site on all sides and the site was previously developed for housing. The re-use of previously development land is in accordance with the requirements of policy HOU1.

Policy HOU3 Site Context and Characteristics of New Residential Development

62. The site fronts onto Islandkelly Park which is accessed off the Nettlehill Road, Lisburn. The eastern boundary immediately abuts the Lady Wallace housing development which consists of two storey hipped roof white rendered/brown brick dwellings.
63. Immediately to the north of the site two storey semi-detached rendered dwellings front onto Islandkelly Park and further residential properties lie opposite the site in the form of two storey semi-detached/terraced dwellings. South of the site there are single storey bungalows.
64. The area is characterised by a mixture of detached, semi-detached and terraced house types. The proposal is for the erection of five dwellings in total, two of which are a pair of two storey semi-detached sited to the front in keeping with the previous pair of semi-detached previously in-situ on the site. The three dwellings to the rear are a detached and semi-detached. These dwellings are 1.5 story chalet style dwellings.
65. In-curtilage car parking is provided for each of the dwellings with private driveways to the side/front of each.
66. The proposed semi-detached dwellings to the front (sites 1 and 2) are two-storey in height with a maximum ridge height of 8.15 metres in keeping with the area. The three dwellings to the rear are 1.5 storey measuring at 7.1 metres in height.
67. For the reasons outlined above, the proposed development will respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of the dwellings, landscaped and hard surfaced areas. Criteria (a) is considered to be met.

68. No archaeological, historic environment or landscape characteristics/features have been identified that require to be integrated into the overall design/layout. Criteria (b) is considered to be met.

Policy HOU4 - Design in New Residential Development

69. The layout as shown on the proposed drawing 04 (Revision 11) dated 12 December 2023 demonstrates that there three house types proposed.
70. Sites 1 and 2 relate to the semi-detached plots at the front of the site. Floor plans for these dwellings include a lounge room and kitchen/dining room at ground floor level and bedrooms/bathroom/ensuite at first floor level.
71. The ridge height of the semi-detached dwellings are 8.15 metres. Finishes consist of a flat concrete roof tile with a blue/black finish, rendered external walls and white uPVC windows.
72. Finishes for sites 3, 4 and 5 consist of same. Site 3 is a 1.5 storey detached dwelling with a ridge height of 7.2 metres and ground floor lounge, kitchen/dining area and 4 no. bedrooms with ensuite/bathroom at first floor level. Sites 4 and 5 are also 7.2 metres in height and a similar layout at ground floor level with 3 bedrooms at first floor level.
73. In terms of layout, the detail associated with the proposed layout ensures that the building lines within the Islandkelly Park are respected. All of the dwellings are orientated to face the access road. Private rear amenity space is provided for all units.
74. The detail of the proposed layout demonstrates that there are appropriate separation distances between the proposed dwellings and existing dwellings so as not to have an adverse impact on residential amenity.
75. Externally, the sites located at the rear closest to the common boundary are sites 4 and 5 however these dwellings maintain a suitable separation distance of 10 metres to the rear of 74 - 76 Lady Wallace Park. The separation distances as shown are considered to be acceptable in line with guidance stipulated in the Department's Creating Places document.
76. The dwellings are positioned suitably within the site so as not to impact on the neighbouring properties in terms of overlooking, overshadowing and loss of light. Ridge heights for sites 3 to 5 are lower than the two-storey dwellings in Lady Wallace Park. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
77. The proposed dwellings are considered to have a modern design which is in keeping with and consistent with the built form surrounding. The proposed design and finishes are considered to draw upon the materials and detailing

exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.

78. For the reasons outlined above, criteria (a), (e), (f) and (i) are considered to be met.
79. Detail submitted with the application demonstrates that the provision of private amenity space varies from 66 square metres minimum to a maximum of 96 square metres. As an average, 78 square metres is provided across the site which is in excess of the standards contained with Creating Places for a medium density housing development made up of three and four bedroom dwellings.
80. The site layout illustrates that the existing boundaries are to be retained to all sides of the site and additional tree planting to be provided to the rear along the length of the eastern boundary.
81. For the reasons outlined above, criteria (b) is considered to be met.
82. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. That said, it is noted that the development is within walking distance of the existing local facilities already within the area.
83. With regard to criteria (d) the proposed density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size exceeds space standards set out in supplementary planning guidance prepared in support of the Plan.
84. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
85. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
86. Provision can be made for householder waste storage within the driveways for each unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU6 - Design Concept Statements, Concept Masterplans and Comprehensive Planning

87. A Design Concept Statement has been submitted in accordance with policy HOU6 and this demonstrates how the proposal meets the criteria set out in

Policies HOU3 and HOU4 for the reasons outlined in the preceding paragraphs.

Policy HOU8 - Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas.

88. The redevelopment of this former site of two houses has been considered in the context of policy HOU8.
89. The layout effectively replaces the two dwellings to the front and provides three additional units within the former garden areas to the rear. There are similar examples of similar in-depth suburban development locally and the site is deep enough at 85 metres to accommodate the number of units proposed. The density of development and plot sizes for the five dwellings are considered to be characteristic of the medium to high density housing within Islandkelly Park, Killowen Grange, Lady Wallace Park and Lady Wallace Road.
90. The proposed density is not significantly higher than that found in the established residential area and the pattern of development is in keeping with the local character, environmental quality and existing residential amenity of the area.
91. All the dwelling units are built to a size not less than those set out in Supplementary Planning Guidance, Part A: Space Standards for Dwellings. The proposal is in compliance with Policy HOU8.

Policy HOU10 – Affordable Housing in Settlement

92. A letter has been provided by the agent on 30th October 2023 indicating the applicant's intention to offer 1 dwelling as an "affordable" home within the intermediate category of affordable housing.
93. The Housing Executive has also been consulted and has advised that it supports the minimum of 20% social housing in this development as there is housing need in the area. The applicant has not advised that the proposed affordable housing will be delivered as social rented accommodation.
94. It is considered that the agent has demonstrated that provision will be made within the site for affordable housing in line with the policy requirement of a minimum of 20% and as such, the exception test associated with HOU10 can be met subject to section 76 agreement.

Access and Transport

95. The P1 Form indicates that the development involves the construction of a new access to a public road for both vehicular and pedestrian use. The access proposed will run parallel to the southern boundary of the site.

TRA1 – Creating an Accessible Environment

96. The vehicular access and internal road layout has been designed to an adoptable standard in accordance with the submitted Private Streets Determination drawing.
97. The drawings submitted with the application indicates that none of the dwellings will have garages but that all will have appropriate in-curtilage car parking provision in line with current standards. .

DfI Roads have not identified any concerns in relation to the detailed layout, access and arrangement of the parking.

98. For the reasons outlined above, the tests associated with TRA1 are capable of being met.

TRA2 Access to Public Roads

99. The detail submitted demonstrates that the provision of the new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses along the Islandkelly Road and the standard of the existing road network and the detail demonstrates that a safe access can be provided. Policy TRA 2 is met.

TRA7 Car Parking and Servicing Arrangements

100. For the reasons outlined earlier in the report, the detail demonstrates that adequate provision for in-curtilage car parking and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic. The tests associated with Policy TRA7 are capable of being met.

TRA8 Active Travel Networks and Infrastructure Provision

101. The proposal also complies with policy TRA8 in that the proposal, due to its location within Lisburn supports public transport, walking and cycling as part of the wider residential area. A Transport Assessment/Travel Plan was not required in this instance.

Natural Heritage

102. At the time of site inspection the site had been cleared of any vegetation previously contained within. The dwellings which previously occupied the site were also demolished prior to submission of the application.

103. The site layout includes landscaping details which shows the existing hedgerow along the northern boundary to remain with additional tree planting proposed along the eastern boundary. The proposal will not necessitate the removal of mature vegetation and a biodiversity checklist was not considered necessary for this reason.
104. It is considered that the proposal complies with the policies NH2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to result in the unacceptable adverse impact on, or damage to known habitats, protected species or features of Natural Heritage Importance.

Consideration of Representations

105. The issues raised by way of third party representations are set out in the paragraphs below:
- Replacement of 2 dwellings with 6 does not respect the surrounding context.
106. The scheme has been revised and reduced to 5 dwellings with two semi-detached to the front and three dwellings to the rear. It is considered that the layout, form, density, height and design of the dwellings respects the surrounding context for the reasons described above.
- Significant increase in terms of layout, scale and massing of buildings at the site.
107. The ratio of built form to plot size is characteristic of the areas and in a and similar to the plot sizes of the other similar dwellings in Islandkelly Park, Killowen Grange and Lady Wallace Road/Gardens.
- Lack of detail on landscaping provisions which would soften the impact of the development.
108. Landscaping details have been provided on the proposed site layout dated 12th December 2023. Additional tree planting is proposed along the eastern boundary which will add screening along the boundary with Lady Wallace and assist in integrating the development into the streetscape.
- Mature vegetation removed along the eastern site boundary during site clearance.
109. The site had been cleared at the time of site inspection and compensatory tree planting is proposed to provide screening along the eastern boundary.

- Potential for overlooking of existing properties close to eastern boundary, namely nos. 72-78 Lady Wallace Road due to proximity of dwellings to this boundary.
110. The proposal has been assessed against Policy HOU4 and supplementary guidance as stipulated in Creating Places and it is considered that it will not result in the loss of residential amenity for the neighbouring properties due to the separation distance to the boundaries, the position of the window openings and the heights of the proposed dwellings.
- Loss of light/privacy
111. The proposal will not result in the loss of light or privacy for any of the neighbouring dwellings that surround the site for the reasons outlined above.
- Lack of topographical data in relation to ground levels
112. The topography of the site is such that there is only a very gradual slope up to towards the east. Finished floor levels and road levels have been provided. The Council has determined there is sufficient information on the proposed site layout to determine that there will be no adverse impact on neighbouring properties by reason of height, scale, massing or dominance. Adequate separation is provided to the boundaries and the buildings are not sited at higher levels than the neighbouring buildings.
- Overall, failure to comply with Policy QD1 of PPS 7 and PPS 12 Planning Control Principle 1 and Planning Control Principle 2.
113. It is concluded that the proposal meets the operational policies contained within the LCCC Plan Strategy in relation to housing, namely HOU1, HOU3, HOU4, HOU6, HOU8 and HOU10. These policies are now superseded.
- Proposal contrary to the addendum to PPS 7 due to impact on character of area
114. It is considered that the proposal will not have an adverse impact on the character of the area and is in keeping with the established character in terms of siting, design, plot size, layout and heights of the dwellings for the reasons outlined above.
- Absence of site analysis and Design Concept Statement
115. A design concept statement is submitted for the revised scheme which includes an analysis of the site. The policy requirement is met.

Conclusions

116. For the reasons outlined above the proposal is considered to comply with policies HOU1, HOU3, HOU4, HOU6 and HOU10 of the Plan Strategy. A section 76 planning agreement will be required to secure an affordable housing contribution.
117. The other planning and environmental considerations have also been assessed. The proposal also complies with policies NH2, NH 5, TRA1, TRA2, TRA7, and TRA8 of the Plan Strategy.

Recommendations

118. It is recommended that planning permission is approved subject to a section 76 agreement to secure the delivery of one affordable housing unit at this location.

Conditions

119. The following conditions are recommended:

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.

2. No development shall take place until drawings necessary to enable a determination to be made in accordance with Article 3 of the Private Streets (Northern Ireland) Order 1980 have been submitted to, and approved by, the Council.

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

3. All hard and soft landscape works shall be carried out in accordance with Drawing 04 Revision 11, bearing the Council date stamped 12th December 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the development.

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

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or

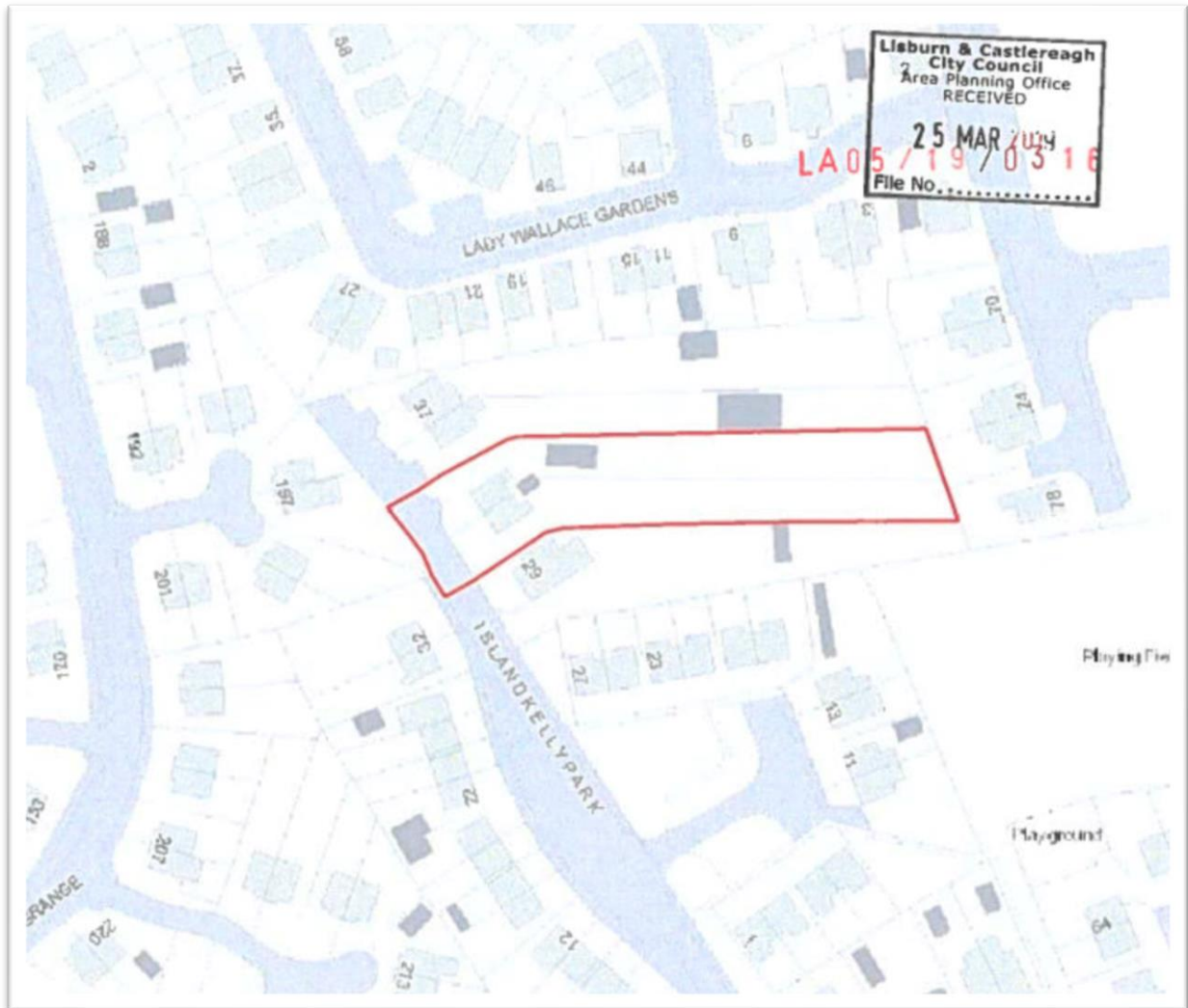
defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

5. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged. Any retained tree that is removed, uprooted or destroyed shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

Site location Plan – LA05/2019/0316/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	05 February 2024
Committee Interest	Local Application [Called In]
Application Reference	LA05/2022/1081/O
Date of Application	16 November 2022
District Electoral Area	Killtulagh
Proposal Description	Dwelling and garage
Location	Between 15 and 15a Crumlin Road, Upper Ballinderry
Representations	One
Case Officer	Richard McMullan
Recommendation	Refusal

Background

1. A recommendation to refuse planning permission was first placed on the Schedule of Applications for consideration by Members in December 2023 as the application had been called-in.
2. At the request of the applicant and with agreement of the Chair, the application was removed from the Schedule as an exceptional circumstance was cited which meant that the applicant was not able to attend and make representation to the meeting.
3. The application was then included on the Schedule of applications to be considered by the Committee at its meeting in January 2024 whereby the Chair agreed to remove the application from the schedule as the circumstance from the previous meeting was unchanged. The Chair further advised that the application would not be removed from the schedule for a third time.

Summary of Recommendation

4. This is a local application presented to Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
5. The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
6. The proposal is contrary to policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the site is not a substantial and continuous built-up frontage sufficient to accommodate two dwellings and the development would if permitted fail to respect the existing pattern of development in terms of plot size adding to a ribbon of development.
7. The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would if permitted fail to respect the traditional pattern of settlement resulting in an adverse impact on rural character of the area due to urban sprawl.

Description of Site and Surroundings

Site

8. The application site is located on the western side of the Crumlin Road between two existing properties at 15 and 15a Crumlin Road, Upper Ballinderry, Lisburn.
9. The application site is 0.82 hectare. It comprises access to 15a which transverses the site from west to east. Two stone pillars mark this access point.
10. Another new access is formed towards the northern side of the site which extends to the west connecting with another access that runs parallel to the Crumlin Road.
11. The eastern roadside boundary is undefined. The northern boundary adjacent to 15a Crumlin Road is defined in part by mature trees. The boundary to the south is defined by a post and wire fence. The western boundary to the internal laneway is defined by hedgerow interspersed with trees.

Surroundings

12. The site is located within a rural location and the land is mainly for agricultural use. There is evidence of a local build-up of development with a number of detached dwellings located along the roadside and on lanes behind.

Proposed Development

13. The application seeks outline planning permission is sought for a dwelling and garage.

Planning History

14. The following planning history linked to the site is set out in the table below:

Reference	Description of Development	Location	Decision
LA05/2020/0231/O	Site for infill dwelling	Between 15 and 15a Crumlin Road Upper Ballinderry	Withdrawn
LA05/2022/0083/F	Section 54 application to vary Condition 02 of Planning Approval LA05/2017/1292/F	5c Crumlin Road Ballinderry Upper Lisburn BT28 2JU	Under Consideration
LA05/2022/0085/F	Section 54 application for Variation of Condition 04 of planning application S/2004/1133/F. (amended proposal description)	15a Crumlin Road Ballinderry Upper Lisburn BT28 2JU	Under Consideration
LA05/2022/0090/F	Proposed new entrance to serve replacement dwelling	Land at 15a Crumlin Road Upper Ballinderry Lisburn	Approved

15. The applicant raises an issue of administrative fairness stating that the Council had committed to approve a dwelling at this location following withdrawal of application LA05/2020/0231/F. This issue is addressed later in the report.
16. Applications LA05/2022/0083/F, LA05/2022/0085/F and LA05/2022/0090/F are also a relevant material consideration as these applications were linked to the

engagement with the applicant and his agent at the time the first application was withdrawn.

Consultations

17. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
LCCC EHO	No objection
NI Water	No objection
NIEA NED	No objection

Representations

18. No representations in opposition to the proposal have been received.

Local Development Plan

19. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

20. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

21. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
22. The site is located in the Green Belt in LAP. In draft BMAP (2004) this site was in the open countryside and the Belfast Metropolitan Area Green Belt. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed.
23. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
 - (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
 - (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*
24. The following operational policies in Part 2 of the Plan Strategy also apply.

Development in the Countryside

25. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

26. As explained this is an application for an infill dwelling and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU8, COU 15 and COU 16.

Infill/Ribbon Development

27. Policy COU8 – Infill/Ribbon Development states:

Planning permission will be refused for a building which creates or adds to a ribbon of development.

Exceptionally, there may be situations where the development of a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage, may be acceptable. For the purpose of this policy a substantial and continuously built-up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway.

The proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. Buildings forming a substantial and continuously built-up frontage must be visually linked.

28. The justification and amplification of Policy COU8 states:

A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.

Integration and Design of Buildings in the Countryside

29. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *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*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

30. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Waste Management

31. A septic tank is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Access and Transport

32. A new access is proposed to the public road and Policy TRA2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

33. The justification and amplification states:

New development will often affect the public road network surrounding it. This policy seeks to avoid or mitigate adverse impacts and ensure that proposed access arrangements are safe and will not unduly interfere with the movement of traffic.

Development proposals involving a new access, or the use of an existing access must be in compliance with the requirements of the Department's Development Control Advice Note 15, Vehicle Access Standards (2nd Edition, published in August 1999). For the purposes of this policy, a field gate is not an existing access.

The proximity of the proposed access to junctions, other existing accesses, and the total number of accesses onto a given stretch of road are relevant matters in the assessment of traffic hazards. The combining of individual access points along a road will be encouraged as this can help to improve road safety.

Control over the land required to provide the requisite visibility splays will be required to ensure that they are retained free of any obstruction. This may be subject to a planning condition requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out.

Natural Heritage

34. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

35. The justification and amplification states:

Priority habitats and species may fall within and beyond designated sites. They include both European (as identified under Annex I and II of the Habitats Directive and Annex I of the Birds Directive) and/or Northern Ireland priority habitats and species, identified through the Northern Ireland Biodiversity Strategy (NIBS) (in pursuance of the statutory duties under the Wildlife and Natural Environment (NI) Act 2011.)

'Other' natural heritage features worthy of importance are most likely to include those located along green and blue infrastructure, trees and woodland which do not fall under the priority habitat or long-established woodland categories but are in themselves important for local biodiversity. Certain other features which make a significant contribution to biodiversity may also be included.

To ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, the habitats, species and features mentioned above are material considerations in the determination of planning applications.

It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk.

Regional Policy and Guidance

36. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

37. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance

38. This proposal is for infill development. Paragraph 6.73 of the SPPS states that:

provision should be made for the development of a small gap site in an otherwise substantial and continuously built-up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development.

39. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

40. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy (as modified) have been drafted to be consistent with the SPPS.

Consideration of the Courts:

41. Officers have paid close attention to consideration of this planning policy by the High Court. On the 24th May 2022 Mr Justice Scofield delivered judgment in Gordon Duff's Application (Re Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.

42. That case involved CTY8 and at paragraph [91] the Judge stated:

In light of the amount of litigation which has been generated in relation to Policy CTY8 and the designation of the present case as being in the nature of a 'lead' case

in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:

- (i) Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*
- (ii) Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and Policy CTY14 in this regard (taking into account the strength of the wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).*
- (iii) In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1 is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.*
- (iv) Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*
- (v) Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect*

the existing development pattern, it should not be assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.

- (vi) *Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement.”*

43. Officers have borne in mind that the policy in COU8 of the Lisburn and Castlereagh City Council Plan Strategy is similarly restricted as CTY8 and that any infill application is an exception to the prohibition on ribbon development. However, the plan strategy contains new interpretation of relevant buildings that are important new considerations.

Retained Regional Guidance

44. Whilst not policy, the following guidance documents remain material considerations:

Building on Tradition

45. Whilst not policy, and a guidance document, the SPPS states:
- *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*
 - *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*
 - *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.*
 - *Some ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon.*
 - *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*
46. It also notes that:
- 4.5.0 *There will also be some circumstances where it may not be considered appropriate under the policy to fill these gap sites as they are judged to*

offer an important visual break in the developed appearance of the local area.

4.5.1 As a general rule of thumb, gap sites within a continuous built-up frontage, exceeding the local average plot width may be considered to constitute an important visual break. Sites may also be considered to constitute an important visual break depending on local circumstances. For example, if the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings.

47. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.
48. It includes infill principles with examples that have been considered as part of the assessment:
- *Follow the established grain of the neighbouring buildings.*
 - *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
 - *Design in scale and form with surrounding buildings*
 - *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
 - *Use a palette of materials that reflect the local area*
49. With regards to the provision of waste treatment facilities on the site, Building on Tradition [page 131] states that:

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Development Control Advice Note 15 – Vehicular Access Standards

50. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain that:

The Department's Planning Policy Statement 3 "Development Control: Roads Considerations" (PPS3) refers to the Department's standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Assessment

51. As the Courts have noted in the Glasdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer's bear in mind that the regional policy in PPS21 CTY8 is restricted and that any infill application is an exception to the prohibition on ribbon development. The same approach applies to COU8, however COU8 contains a new and significant definition of the buildings to be taken into account.
52. The first step is therefore to consider whether the proposal creates or adds to a ribbon of development. The justification and amplification of COU8 describes a ribbon as:
- A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.*
53. Officers are satisfied that the proposal does engage ribbon development. There are two dwellings either side of the application site, namely 15 and 15a Crumlin Road. The application site is located between these buildings.
54. The property at 15 Crumlin Road comprises a modest single-storey roadside dwelling. This dwelling is set below the road. There are a number of other buildings within the curtilage of 15 Crumlin Road including:
- two single-storey agricultural buildings which extend into the site along the northern boundary;
 - A larger agricultural building to the rear; and
 - A domestic outbuilding to the southern side of the site access.
55. The property at 15a Crumlin Road comprises a one and a half storey dwelling with a double detached garage and a stone cladded porch projection. This dwelling is set back from the road by approximately two metres.

56. The buildings are visually linked when travelling along the Crumlin Road. This is sufficient to conclude that the proposal does engage ribbon development.

The issue of exception

57. The next step is to consider whether the proposal comes within the exception set out in the policy.
58. The first step is to consider whether there is a substantial and continuously built-up frontage. This is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.
59. Whilst no concept plan is submitted in support of the application, a proposed site layout plan assists with the identification of the following buildings:
- A dwelling at 15a Crumlin Road
 - A dwelling at 15 Crumlin Road
60. The agricultural buildings by virtue of their orientation and location within the site to the rear are not counted as forming part of the substantial and continuously built-up frontage. The shed to the south is also discounted as being a domestic ancillary building.
61. For the reasons outlined, this first part of the policy test is not considered to be met.
62. Without prejudice to the view expressed above and in consideration of whether a small gap site exists, whilst the policy text and supplementary guidance recognise that such a site may be able to accommodate two infill dwellings which respect the existing development pattern officers have not assumed that any site of that size is necessarily a small gap site within the meaning of the policy.
63. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.
64. In a previous application it was concluded that no gap existed as the site was on top of the access to a dwelling to the rear of 15 Crumlin Road and behind the access to 15a Crumlin Road.
65. The approval and implementation in part of application LA05/2022/0090/F creates a gap between the buildings at 15 and 15a Crumlin Road which is measured to be 44 metres.
66. The frontage width of 15 Crumlin Road measures 40 metres and the frontage of number 15a Crumlin Road 65 metres. The frontage width of the application site is 35 metres. This provides for an average road frontage of approximately 46 metres.

67. Having regard to these plot frontage measurements, the gap is not considered to be a small gap sufficient to accommodate two dwellings whilst respecting the established pattern of development.
68. Two sites would have widths of 17.5 metres. This is much smaller than the average frontage of 46 metres.
69. The policy also requires that the dwellings respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development.
70. Using the site location map submitted with the application, the following plot sizes are measured:
 - 15 Crumlin Road has a plot area of 3052.4 metres squared
 - 15a Crumlin Road has a plot area of 1678.1 metres squared
 - The application site has a plot area of 2334.5 metres squared
71. The average plot size measures approximately 2355 metres squared. To provide for two dwellings, this plot would need to be subdivided into two resulting in a plot size of approximately 1177.5 metres squared.
72. This would be significantly less than the average plot size and not in keeping with the established pattern of development.
73. The Building on Tradition document is written with a different policy in mind and the guidance contained at 4.4.0 and 4.4.1 and the worked examples on page 71 are limited material weight in the assessment of this proposal as the site is not sufficient in size to accommodate two dwellings consistent with the existing pattern of development. The words 'a maximum of' will no longer apply.
74. That said, the general criteria at 4.5.0 and 4.5.1 still apply and for the reasons outlined above, the site is not a small gap capable of accommodating two dwellings whilst respecting the existing pattern of development.
75. Whilst it is noted that the application form is not amended to two dwellings regard is also given to a notional layout drawing submitted informally by the Agent on 22 August 2023 for two dwellings within the gap. This drawing does not address the concern expressed in relation to there not being a line of four or more buildings along the frontage nor are access arrangements explained.
76. Furthermore, the drawing simply presents a concept of three equal sized plots with no regard given to the characteristics of the actual plot associated with 15a currently – a plot that currently has a frontage of 65 metres and a plot size of 1678.1 metres squared is now presented as having a frontage of approximately 22 metres. No weight is attached to the drawing and the application is assessed on the basis of what is applied for which is a single dwelling.

Integration and Design of Buildings in the Countryside

77. Without prejudice to the view expressed that the proposed development is not an exception to Policy COU8, a dwelling of appropriate size and scale would also be a prominent feature within the local landscape given the absence of a back drop and the limited vegetation to roadside boundary when viewed from surrounding vantage points. Criteria (a) is not met.
78. Any dwelling would be able to be sited to cluster with the existing buildings to the north and south. Criteria (b) is capable of being met.
79. That said, there is no existing vegetation along the eastern boundary with the Crumlin Road and very limited existing vegetation along the southern boundary with 15 Crumlin Road and only partial existing vegetation along the boundary with 15a Crumlin Road. In addition, there are no natural features to provide a backdrop or help the development blend into the landform. Criteria (c) is not met.
80. The site also lacks long-established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
81. With the exception of the western boundary and part of the boundary to the north, all other boundaries are not defined with any established natural boundaries and as such, the development if approved would rely on the use of new landscaping for integration.
82. For the reasons outlined, criteria (d) and (e) are not considered to be met.
83. As this application seeks outline approval only, no detailed design details have been provided for consideration apart from a proposed site layout. That said, it is accepted that a dwelling of an appropriate rural design could be presented at reserved matters stage. Criteria (f) is capable of being met.
84. Given the nature of the site it is considered that required ancillary works associated with the access and any other infrastructure above or below ground could be designed so as to integrate into the surroundings without harm to the rural character. Criteria (g) is capable of being met.

Rural Character and other criteria

85. For the reasons outlined above, a new building would be prominent in the landscape. Criteria (a) is not met.
86. For the reasons outlined within the context of policy COU8 a new dwelling would not respect the traditional pattern of settlement exhibited in the area. Criteria (c) is not met.
87. Whilst the proposal does not mar the distinction between a settlement and surrounding countryside, it does result in urban sprawl by adding to a ribbon of

development which in turn has an adverse impact on the rural character of the area. Criteria (d) and (e) are not met.

88. In relation to criteria (f) a dwelling is capable of being sited and designed to ensure that the proposal does not have an adverse impact on neighboring residential amenity levels. This criteria is capable of being met.
89. In respect of criteria (g) and (h) all the proposed services are provided underground or from existing overhead lines along the road frontage or adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
90. In respect of criteria (i) for the reasons set out in the following paragraphs, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Access and Transport

91. Detail submitted with the application indicates that the proposal involves the use of an existing unaltered access to a public road for both pedestrians and vehicles to use. This relates to the new access approved within the context of planning application LA05/2022/0090/F.
92. DfI Roads have been consulted and offer no objections subject to conditions in relation to the provision of access arrangements and car parking at reserved matter stage.
93. Based upon a review of the information provided and the advice from statutory consultees, it is accepted that a new access to the public road can be accommodated without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of policy TRA2 of the Plan Strategy are met in full.

Waste Management

94. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soak away and foul via septic tank. A treatment plant and soak away are shown to the rear of the site.
95. LCCC Environmental Health were consulted and offer no objection.
96. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
97. Consideration of flood risk is included as a criteria for assessment in policy WM2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process.

Foul and storm discharge is normally through a soak-away designed to an appropriate standard. No flood risk is identified.

98. Based on a review of the information and advice received from consultees, it is accepted that a septic tank and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of policy WM2 of the Plan Strategy are met in full.

NIE Infrastructure

99. The site layout drawing shows that an electric pole is to be relocated to the perimeter of the site.

The issue of administrative fairness

100. At a meeting with the applicant in respect of application LA05/2020/0231/O officer's advised that the application was going to be recommended for refusal as no gap existed at this part of the Crumlin Road as the site did not have frontage to the road.
101. The site where the dwelling was proposed was behind and partly on top of the access for an existing dwelling behind 15 Crumlin Road and the proposed access for 15a Crumlin Road not fully implemented in accordance with the condition attached to this permission. The drawings submitted with the application also showed works to construct a lane and an access not included as part of the application description and outside of the application site.
102. It was confirmed that no weight would be given in the decision-making process to potential alternative means of access were no planning permission was granted to vary or not comply with the conditions of an earlier approval. This application did not seek to modify those permissions and no alternative means of access (following the grant of planning permission) had been constructed to justify this site having frontage to the Crumlin Road and being considered an exception to the infill policy.
103. The option to withdraw the application was one of number of options discussed and the advice offered must be considered in the context of a meeting that was arranged to explain the reasons why officers of the Council were recommending the application for refusal. It is acknowledged that the option to withdraw was made time limited to allow the officer to conclude her assessment. It was not binding on the applicant withdraw the application.
104. Officers did answer the question in the meeting that if a gap existed would the other requirements of policy be met. Without prejudice to any application process that might follow it was accepted there were sufficient buildings within the meaning of policy at that time to demonstrate there was a substantial and continuous built up frontage and that if a house was propose in the gap seemed to be broadly consistent with the established pattern of development.

105. No advice was offered on how and when the applications should be submitted. Three applications followed to regularise the access arrangements and one of those applications (LA05/2022/0090/F) was approved in October 2022. This application was not delayed. The initial submission was not agreed to by DfI Roads and was subject to amendment. The other two applications are not decided but show the same access arrangements.
106. The application for the dwelling was not submitted until November 2022 approximately 12 months after the meeting in respect of application LA05/2020/0231/F took place. The advice offered two years ago is not binding on the Council and must be considered for what it is - advice offered to an applicant framed in the context of a discussion about a refusal of permission for an infill dwelling and the reasons offered as to why the proposed access arrangements could not be afforded weight in the decision-making process. It is not accepted that any administrative unfairness occurred.
107. As the application remains undecided and as the circumstances are changed in the intervening period the Council is required to determine this application on the basis of the policy that is now adopted.

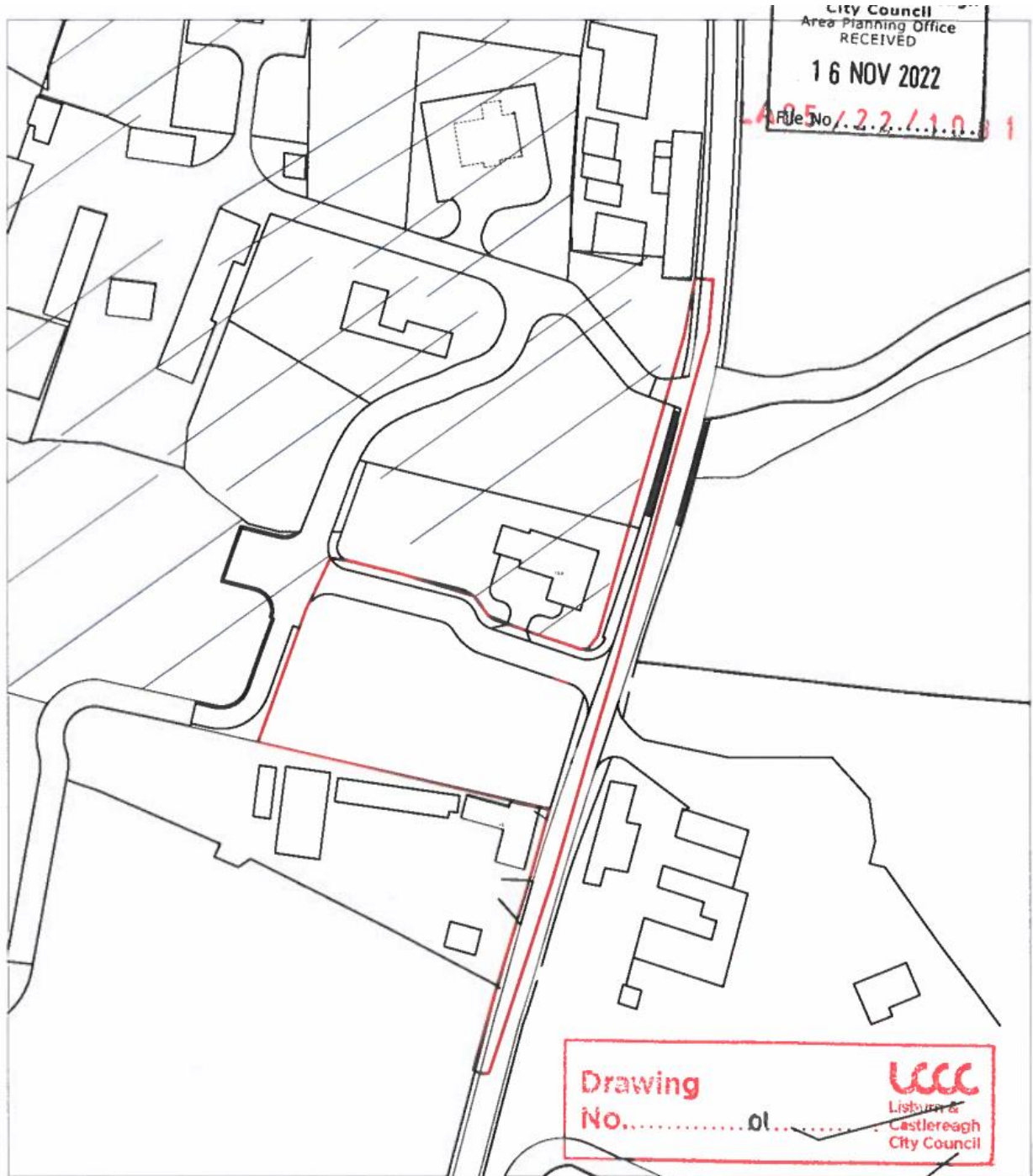
Conclusion and Recommendation

108. For the reasons outlined, the application is considered to be contrary to policies COU1, COU8 and COU16 of the Plan Strategy.

Refusal Reasons

109. The following reasons for refusal are proposed:
- The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
 - The proposal is contrary to policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the site is not a substantial and continuous built up frontage sufficient to accommodate two dwellings and the development would if permitted fail to respect the existing pattern of development in terms of plot size adding to a ribbon of development.
 - The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would if permitted fail to respect the traditional pattern of settlement resulting in an adverse impact on rural character of the area due to urban sprawl.

Site Location Plan – LA05/2021/1081/O



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 February 2024
Committee Interest	Local Application [Called In]
Application Reference	LA05/2022/0033/F
Date of Application	6 January 2022
District Electoral Area	Downshire East
Proposal Description	Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road (amended proposal).
Location	Lands between 58 and 66 Quarterlands Road northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg.
Representations	349 letters of objection and 5 letters of support have been received.
Case Officer	Maire-Claire O'Neill
Recommendation	APPROVAL

Background

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application was previously presented to the Planning Committee on 4 September 2023 with a recommendation to approve. In advance of the application being presented to the Committee the Members agreed to defer consideration to allow for a site visit to take place.
3. A site visit took place on 19 September 2023 with members in attendance. A note of the site visit is included as part of the papers.

4. Before the application could be returned to the committee the applicant indicated their intention to submit and updated Ecological Report having regard to concerns expressed by third parties that the surveys provided in support of the proposed development were out of date. The agent was as part of that submission asked to have regard to concerns expressed by members at the site visit in relation to the amount of standing water and the capacity for the habitat to support wildlife protected under the Wildlife Order.

Summary of Recommendation

5. The application is presented to Committee with a recommendation to approve as the detailed layout and design of the residential units as amended continues to create a quality residential environment in accordance with the requirements of the SPPS and Policies HOU1, HOU3 and HOU4 of the Plan Strategy and when the buildings are constructed, they will not adversely impact on the character of the area nor will they have a detrimental impact on the amenity of existing residents in properties adjoining the site.
6. The proposal complies with HOU6 in that a Design Concept is explained in the Design and Access Statement with a contextual analysis of the site, surrounding land uses, Built Heritage and Landscape Character.
7. The proposal also complies with Policy HOU8 in that the density of development is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the small settlement of Drumbeg with the units built to a size not less than those set out in supplementary planning guidance.
8. Whilst the minimum policy requirement is 3.4 units, for the reasons outlined later in the report and taking the NIHE consultation response into account, it is accepted on balance that the affordable housing requirement is met at this location.
9. The proposal complies with policies NH2 and NH5 of the Plan Strategy, in that it has been demonstrated that the development is not likely to harm any species protected by law nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance within or adjacent to the site.
10. It is also considered to comply with policy NH6 of the Plan Strategy in that the development is of an appropriate design, size and scale for the locality and the detail demonstrates how it respects the character of the Lagan Valley Regional Park which is an AONB.
11. The proposal complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points linking the new

development to the existing footpath network on the opposite side of Quarterlands Road.

12. It is also considered that the development complies with policy TRA2 of the Plan Strategy, in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
13. The proposal is considered to comply with policy TRA7 of the Plan Strategy, in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.
14. The proposed development complies with Policy FLD3 of the Plan Strategy in that the site lies outside the 1 in 100-year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal and that there is sufficient capacity within the existing waste-water treatment works to services the development.

Description of Site and Surroundings

Site

15. This 1.1 hectare site is irregular in shape and comprised of overgrown undeveloped land adjacent to and the rear of Zenda Park Drumbeg.
16. It is accessed along its frontage from the Quarterlands Road Drumbeg between two dwellings at 58 and 66 Quarterlands Road.
17. The site boundary to the west is defined by Quarterlands Road and the boundary to the north by the existing fence of 66 Quarterlands Road and fencing to two properties at Zenda Park.
18. The north-east and eastern boundaries are defined by existing hedgerow and the southern boundary abuts the properties at Rural Cottages and the rear of 56 and 58 Quarterlands Road.
19. The land within the site rises gradually by approximately two metres from west to east and north to south.

Surroundings

20. The site is in the small settlement of Drumbeg approximately four miles from Lisburn City.

21. The lands to the north, west and south of the site are developed as low to medium density suburban residential housing and the lands to the east are primarily agricultural in use.
22. The area beyond the immediate context of the site and settlement is primarily rural in character and the land is mainly in agricultural use.

Proposed Development

23. The application is for full planning permission for the erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road.
24. The application is supported with the following documents:
 - Design and Access Statement
 - Planning and Supporting Statement
 - Rebuttal Statement
 - NI Biodiversity Checklist
 - Preliminary Ecological Assessment
 - Ecological Appraisal Report
 - Drainage Assessment
 - Transport Assessment Form
 - Service Management Plan
 - Landscape Management Plan
 - Tree Survey and Report

Relevant Planning History

25. The following planning history is relevant to the site.

Application Reference	Site Address	Proposal	Decision
S/2006/0690/F	Lands to the rear of 58 Quarterlands Road, and adjacent to Zenda Park, Drumbeg, Dunmurry, BT17 9LN	15 dwellings comprising 8 semi-detached two-storey houses, 3 detached two-storey houses, and 4 semi-detached chalet style houses.	7 January 2008

26. There is some evidence that this earlier planning permission was commenced. The access to the site was formed and a dwelling was constructed but as no

Certificate of Lawfulness is certified by the Council the planning history is given no material weight in the assessment of this application. This proposal is considered on its own merits in the context of prevailing planning policy.

Consultations

27. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
DFI Rivers	No objection
LCCC Environmental Health	No objection
NI Water	No objection
Natural Heritage	No objection
DAERA Water Management Unit	No objection
Northern Ireland Housing Executive (NIHE)	No objection

Representations

28. Three hundred and forty-nine letters of representation have been submitted in opposition to the proposal. The following issues are raised:

- Neighbour notification not accurate
- Further consultation with residents should have taken place.
- Design and scale of houses not in keeping with area and layout incompatible with surroundings.
- Density is too high.
- The proposed dwellings will overlook existing properties in Zenda Park and result in a loss of privacy.
- The planning history on the site has lapsed and material weight should not be afforded to it.
- Residents would like a community garden and were not aware that this land was zoned for housing.
- Difference between previous approval and current application
- Validity of development plan in decision making process
- Housing need has been satisfied elsewhere.
- Parking capacity

- Impact on existing infrastructure, road network and sewage
- Traffic and parking
- The existing road network cannot deal with construction traffic.
- Dangerous for families dropping children off at local pre-school.
- Dwelling sizes and layout incompatible with surroundings
- Ecological information submitted is not accurate.
- Impact of the proposal on issues of natural heritage i.e. bats, owls, flora and fauna.
- The site is home to hedgehogs, birds, barn owls and bats, badgers, smooth newts, beetles, bugs, butterflies.
- Established hedgerows exist with the boundaries of the application site.
- The proposal will devalue the house prices in the area.
- Land is located in the countryside and should not be developed.
- The proposal will result in the sewage infrastructure being intensified and they are already at capacity.
- Proposal will result in flooding.
- EIA should have been carried out.
- Site has a history of flooding and proposal will increase flood risk.
- Dangerous for families dropping children off at local pre-school.
- Road hasn't got the capacity for cars to pass safely.
- A footpath should be provided along the road frontage.
- Affordability of homes
- There is no primary school in the area.
- No recreational garden area
- No playpark exists in the area.
- No shops in area
- The proposed site lies in an Area of Outstanding Natural Beauty (AONB) and needs protected.
- Impact on the Lagan Valley Regional Park
- Increase in traffic will cause air pollution.
- Proposal will turn Drumbeg into a dormitory settlement rather than a vibrant village.
- Increase in traffic will cause an increase in air pollution.
- Process needs to be fair and equitable.
- Concern of type of social housing proposed and the smaller houses will stand out as different to the other houses in the development.
- Lack of kerbing proposed with the development will significantly hinder people with sight problems and disabilities.
- The report claims the houses in Zenda Park are 2 storey and this is inaccurate as they are in fact 1 ½ chalet bungalows.
- The proposed large dwellings will dominate the area.
- The rebuttal statement claims that the traffic on Quarterlands road is not a noise generator and that a noise impact assessment is not required. The Council's environmental health unit should ensure that a full assessment is undertaken to take account of the likelihood of traffic congestion caused by tailbacks generated by the proposed development.
- The ecological report prepared by AECOM was commissioned by the Developer and pays insufficient regard to the removal of hedgerows which are over 165 years in age.

- The ecologists have selected too limited an area for their assessment on presence of protected species, badgers, hedgehogs, and nesting birds etc.
- During a meeting with DFI Roads, the objector was assured that in the event that permission is granted for the proposal, that no site traffic or equipment, or workers vehicles would be parked or stored within the visibility splays to inconvenience residents in surrounding area. The rebuttal report provides no reassurance regarding these matters.
- The report states that a management company will be responsible for landscape management and maintaining it. These such companies are unregulated and there are concerns about this.
- The NIW comments on 24 August 2023 confirmed that connection is available for 17 units to the existing foul drainage network. The capacity level referred to is the same as set out in NIW response dated 19 August 2021. New homes have been built in the intervening period, so this is not accurate.

29. Five letters of support have been submitted. The following points of are raised:

- Proposal will create housing in a sought-after area.
- High quality scheme is welcomed in area.
- The local nursery will benefit from additional families in the area.
- Locals will be able to purchase dwellings and not have to move out of the area.
- Affordable housing is welcomed.
- The land proposed for development is inaccessible and not used by locals for any other purpose.
- The lands to the front and overgrown and have not been maintained in years.
- A new development will greatly improve the visual aspect of the area.

Environmental Impact Assessment (EIA)

26. The location of the site in an Area of Outstanding Beauty means the threshold set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 is exceeded as set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.
27. An EIA determination is required and has been carried out. Regard is had to the location of the site within an existing settlement and where there is a context of built development on two sides. There are no identified special environmental constraints or designations within or adjacent to the site and the scale and nature of the development is compatible with the established uses on the adjacent lands.
28. A further EIA determination was carried out on 11 January 2024 on receipt of an updated ecological assessment and further information received in support of the application in November 2023.

29. It remains the view of officers that there is not likely to be significant environmental impacts created by the proposed development that would merit this application being considered EIA development. As such, an Environmental Statement is not required to inform the assessment of the application.

Local Development Plan

30. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

31. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

32. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
33. Within the Lisburn Area Plan (2001), the subject site is located within the settlement development limits of Drumbeg.
34. In draft BMAP, the site lies within an area zoned for housing under housing designation DG 03/01 – Housing Lands Use Policy Area Land, to south east of Zenda Park, in draft BMAP. It comprises 1.23 hectares of land designated on Map No. 9/0001 - Drumbeg.

35. Within the adopted albeit quashed BMAP, the lands are designated for Housing within the context of designation DG 03/02. The key site requirements are withdrawn.
36. Whilst the site is not located within the Lagan Valley Regional Park as designated in the LAP, it does fall within the Lagan Valley Regional Park designation in both draft BMAP and pre-adoption BMAP.
37. Draft BMAP states that the Lagan Valley Regional Park is a unique asset for the population of the Belfast Metropolitan Area [albeit quashed].
38. The site is also inside the LVRP and the requirements of the Park Plan also still apply.

Lagan Valley Regional Park Local Plan 2005

39. The aim of the Lagan Valley Regional Park Local Plan 2005 are:
 - To protect and enhance the natural and man-made heritage of the Park
 - To conserve the essential character of the Park and to encourage its responsible public use.
 - To seek to ensure that the various land uses and activities within the Park can co-exist without detriment to the environment.

40. Policy U2 states that:

Development limits are defined for Ballyaghlis, Ballylesson, Ballyskeagh, Drumbeg, Edenderry, Lambeg and Tullynacross. Within these limits new development may be considered to be acceptable provided that it relates sympathetically to the design, scale and character of the existing village or hamlet.

41. This is an application is for residential development and a number of strategic policies apply. The strategic policy for Housing in Settlements is set out in Part 1 of the Plan Strategy.

42. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

43. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared

use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

44. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

45. Strategic Policy 06 – Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

46. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

47. As more than 5 residential units are proposed Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

48. There are also operational policies associated with Part 2 of the Plan Strategy that are relevant to the assessment.

Housing in Settlements

49. As residential development is proposed policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed-use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

50. The design and layout of the new buildings are subject to policy HOU3 - Site Context and Characteristics of New Residential Development which states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

51. The design and layout of the new buildings are also subject to policy HOU4 - Design in New Residential Development which states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing.*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area.*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare.*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities.*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded.*

- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment.*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way.*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points.*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage.*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles.*
- l) *the development is designed to deter crime and promote personal safety.*
- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

52. The Justification and Amplification states:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

53. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

54. As the site area is more than one hectare in size public open space is required as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

- a) *the open space must be at least 10% of the total site area*
- b) *for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.*

The following exceptions to the above open space provision will apply where:

- a) *the residential development is designed to integrate with and make use of adjoining public open space*
- b) *the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space*
- c) *in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is being provided.*

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

Public open space required by this policy will be expected to conform to all of the following criteria:

- *it is designed as an integral part of the development with easy and safe access from the dwellings*
- *it is of demonstrable recreational or amenity value*
- *it is designed, wherever possible, to be multi-functional*
- *its design, location and appearance takes into account the needs of disabled persons and it respects the amenity of nearby residents*
- *landscape and heritage features are retained and incorporated in its design and layout.*

In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

55. The following paragraph in the Justification and Amplification states:

Public open space can be provided in a variety of forms ranging from village greens and small parks through to equipped play areas and sports pitches. In addition, the creation or retention of blue/green infrastructure, woodland areas or other natural or semi-natural areas of open space can provide valuable habitats for wildlife and promote biodiversity. To provide for maximum surveillance, areas of open space are best located where they are overlooked by the fronts of nearby dwellings.

56. Policy HOU6 – Design Concept Statements, Concept Masterplans and Comprehensive Planning states that:

A Design Concept Statement, or where appropriate a Concept Masterplan, must accompany all planning applications for residential development. A Concept Masterplan will be required for major planning applications involving: a) 50 dwellings or more b) the development, in part or full, of sites of 2 hectares or more zoned for housing in development plans c) housing development on any other site of 2 hectares or more. For partial development of a site zoned for housing the Concept Masterplan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken. Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land zoned for housing.

57. Policy HOU8 - Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas states that:

Planning permission will be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where the criteria set out in Policies HOU3 and HOU4 (with the exception of Policy HOU4(d) – Density Bands), and all the additional criteria set out below are met: a) the proposed density is not significantly higher than that found in the established residential area b) the pattern of development is in keeping with the local character, environmental quality and existing residential amenity of the established residential area c) all dwelling units and apartments are built to a size not less than those set out in Supplementary Planning Guidance, Part A: Space Standards for Dwellings.

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

58. As more than five dwellings are proposed there is a need to consider the requirement for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

59. The Justification and Amplification states:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

60. The Glossary associated with Part 2 of the Plan Strategy states that *Affordable Housing – affordable housing is:*

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

61. Given the size of the site and the scale of development proposed a bio-diversity and detailed ecology report is submitted in support of this application.
62. Policy NH2 – Species Protected by Law states that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *it is required for imperative reasons of overriding public interest; and*
- c) *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) *compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

63. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*

- i) *other natural heritage features worthy of protection including trees and woodland.*

64. The policy also states that:

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

65. The Lagan Valley Regional Park is an AONB. Policy NH6 – Areas of Outstanding Natural Beauty states 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 and that a number of criteria are met:

- (a) *The siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality; and*
- (b) *It respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and*
- (c) *The proposal respects*
- *Local architectural styles and patterns;*
 - *Traditional boundary details by retaining features such as hedges, walls and gates; and*
 - *Local materials, design and colour*

66. Areas of Outstanding Natural Beauty are designated by the Department primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage.

67. Policy directs that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality.

Access and Transport

68. The P1 Form indicates that access arrangements for this development involve the construction of a new access to an existing public road for both pedestrian and vehicular use.

69. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where

appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions.*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings.*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

70. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

71. Car parking is proposed as an integral part of the development. Policy TRA 7 – Car Parking and Servicing Arrangements states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes.*

- b) *where the development is in a highly-accessible location well served by public transport.*
- c) *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking.*
- d) *where shared car parking is a viable option.*
- e) *where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Flooding

72. The application is beyond the threshold for submission of a Drainage Assessment. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) *a residential development of 10 or more units.*
- b) *a development site in excess of 1 hectare.*
- c) *a change of use involving new buildings and/or hardsurfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Regional Policy and Guidance

Regional Policy

73. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

74. As this proposal is for new housing in a settlement it is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

75. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

76. In respect of the proposed access arrangements, it is stated at paragraph 6.303 that:

In assessing development proposals planning authorities must apply the Department's published guidance. In determining a development proposal likely to generate a significant volume of traffic, planning authorities should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts; this should include mitigation measures where appropriate. The Transport Assessment may include a travel plan, agreed with DRD Transport NI, or the relevant transport authority, that sets out a package of complementary measures to secure the overall delivery of more sustainable travel patterns and which reduces the level of private car traffic generated.

77. It is further stated in relation to the parking arrangements at paragraph 6.304 that:

In assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment.

78. Given the size of the site and the extent of land proposed for development in regard to Natural Heritage paragraph 6.174 of the SPPS state that:

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

79. Paragraph 6.182 of the SPPS further states that:

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

80. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

81. Again given the size of the site and the potential for surface water run-off to exacerbate flooding elsewhere in regard to flood risk, Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

82. Paragraph 6.132 of the SPPS further states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

Regional Guidance

Living Places - An Urban Stewardship and Design Guide for Northern Ireland (September 2014)

83. The aim of the design guide is to clearly establish the key principles behind good place making.
84. The focus of the guide is urban areas, and the guide recognises the wider economic, cultural and community benefits of achieving excellence in the stewardship and design of these important places.

Creating Places

85. Creating Places – Achieving Quality in Residential Developments’ (May 2000) is the principal guide for developers in the design of all new housing areas. The guide is structured around the process of design and addresses the following matters:
 - the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.
86. Paragraph 7.16 provides guidance on separation distances stating

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 meters between the rear of new houses and the common boundary.
87. The guidance recognises that an enhanced separation distance may also be necessary for development on sloping sites.
88. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision. Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Housing in Existing Urban Areas

89. DCAN 8 - Housing in Existing Urban Areas provides advice which will help to ensure that urban and environmental quality is maintained, amenity preserved, and privacy respected when proposals are being considered for new housing development within existing urban areas.
90. Paragraph 5 of the advice note states:

that the following detailed design principles need to be considered

- *creating a safe environment;*
- *clearly defining public and private space;*
- *ensuring adequate privacy and daylight;*
- *providing appropriate garden and amenity open space;*
- *creating an attractive landscape setting;*
- *responding to opportunities created by corner sites;*
- *providing for enhanced public transport, walking and cycling facilities; and*
- *accommodating car parking and determining the appropriate level.*

91. Paragraph 6 states:

that proposes for housing in established residential areas need to illustrate that they have taken these design principles into account, clearly demonstrate an appreciation of context and reinforcing local character. This is particularly important in relation to:

- *Building lines;*
- *Boundary treatments*
- *Scale and built form; and*
- *Varied roof lines.*

Planning Supplementary Guidance

92. Supplementary Guidance in relation to Space Standards for Dwellings states that the following table must be used to calculate minimum dwelling sizes in new developments. The space standards represent the required area of internal floor space.

Space Standards			
Type	Single Story/Flat [m2]	Two Story [m2]	Three Storey [m2]
1-Person / Bedsit	30/35	-	
1-Person / 1-Bedroom	35/40		
2-Person / 1-Bedroom	50/55		
3-Person / 2-Bedroom	60/65	70/75	
4-Person / 2-Bedroom	70/75	75/80	
4-Person / 3-Bedroom	75/80	80/85	
5-Person / 3-Bedroom	80/85	90/95	95/100

5- 6-Person / 3-Bedroom	85/90	95/100	100/105
6-Person / 4-Bedroom	90/95	100/105	105/110
7-Person / 4-Bedroom	105/110	115/120	115/120

Assessment

Housing in Settlements

Policy HOU1 – New Residential Development

93. This application is for 17 residential units within the settlement limit of Drumbeg. The land on which the development is proposed is zoned for housing and as such residential development is an appropriate and compatible use and, the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

94. The Quarterlands Road is characterised by in-depth suburban housing development comprising a mixture of house types including two-storey detached, single storey bungalows and semi-detached chalet style one and half storey dwellings.
95. The properties in Hambleton Park to the east of the site are primarily single storey and at Zenda Park to the north are typically a storey and half in height. With the exception of the dwellings at 52B and 54C, the properties along Rural Cottages to the south are primarily single storey.
96. The dwelling at 66 Quarterlands Road to the immediate north of the application site is one and a half storey in height and finished in brick. The dwellings at 58 Quarterland Road is single storey in height with a garden area extending to the road.
97. Car parking is mainly provided in curtilage for the existing housing with private driveways evident to the front and side of most properties.

98. The Design and Access statement submitted in support of the application indicates that the density of development is 14.5 dwellings per hectare which is below the density of the adjacent Zenda Park which is 24 dwellings per hectare.
99. The height of the proposed dwellings was reduced to address concerns expressed by third parties. Amended drawings received on 5 December 2023 indicated that the proposed dwellings are two-storey in height with ridge heights ranging from 7.5 metres – 8.2 metres. This is an overall reduction of 500mm. Where garages are proposed they are single storey in height.
100. Taking into account the surrounding context is comprised of suburban residential development of different forms, age, style, scale and mass and where there is no predominant form of housing given the mixed nature of the residential character of this part of Drumbeg the proposed development will reinforce the sense this is a suburban place but still with a village feel as the buildings will be of a scale and mass found locally and they are designed to have the appearance of vernacular buildings found in a small rural village setting.
101. The site is also located behind existing suburban housing and will be set back from the Quarterlands Road. Car parking is shown to be in curtilage with some provision made on street for visitor parking. The requirements of criteria (a) are met.
102. With regard to criteria (b), No archaeological, historic environment or landscape characteristics/features have been identified that require integration into the overall design and layout of the development.

Policy HOU4 - Design in New Residential Development

103. Th A sample description of some of these house types is detailed below.
104. Site 1 is a two-storey dwelling with a ridge height of 8 metres above finished floor level. It comprises a living room, kitchen/dining area, sitting room, utility, WC and lounge on the ground floor. The first floor comprises 4 bedrooms, one with en-suite, study and separate family bathroom.
105. Site 14 is a two-storey detached dwelling. A lounge, hall, WC, kitchen/dining area, snug and utility occupy the ground floor and the proposed first floor consists of four bedrooms, one with an en-suite and a family bathroom.
106. In terms of layout, the building line along Quarterlands Road is respected with house type 1 having a dual frontage to the road and the access road into the site.
107. The dwellings along the access road into the site [namely those at plots 2, 16 and 17] are orientated to face the access road within curtilage parking provided along with front and rear gardens proposed for each unit. The other dwellings

are positioned and orientated within the site to face the internal road and match the typical suburban arrangement found elsewhere in Drumbeg.

108. The layout also demonstrates that there are appropriate separation distances between the proposed dwellings and existing dwellings so as not to have an adverse impact on residential amenity. The distances from rear elevation of the proposed dwellings to the common boundary varies from a minimum of 9 metres at site 11 to a maximum of 18 metres at site 3.
109. The separation distance from the gable end of the dwelling at plot 16 to the gable wall. The proposed gable of Site 1 is located 9.5 metres from the rear of the existing dwelling at 58 Quarterlands Road.
110. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
111. The proposed house types are considered to have a modern design which complements the surrounding built form, the variation in material finishes of brick and smooth render is a similar high quality to other residential properties inside the settlement.
112. For the reasons outlined above, criteria (a), (e) and (f) of the policy are considered to be met.
113. With regard to criteria (b) detail submitted with the application demonstrates that the provision of private amenity space varies from 100 square metres to a maximum of 478 square metres. As an average, 204 square metres is provided across the site which is far in excess of the standards contained within Creating Places for a medium density housing development comprised of three and four bedroom dwellings.
114. The amended landscape plan and schedule submitted in support of the application illustrates that woodland edge planting will extend along the northern and eastern boundaries of the site where they abut the open countryside. This buffer planting extends to a depth of approximately 5 metres and is acceptable at this location as the boundary is at the back of the site and not a critical view from the surrounding road network. This depth of planting will however consolidate and provide a firm edge to the settlement limit.
115. The landscape plan also demonstrates that the existing trees along the site boundaries are to be retained where possible and supplemented where necessary with native planting along with standard and heavy standard trees, and native species hedging.
116. The proposed site plan drawing includes details of other boundary treatments. These include two-metre high pillars at the entrances, 1.2 metre galvanised steel estate rail fence with planting to the rear [Fence Type A], 1.2 metre post

- and wire stock fence with planting as per landscape plan [Fence Type B] and 1.8 close boarded timber horizontal fence [Fence Type C] between properties.
117. A 1.6 metre screen wall wraps around the eastern boundary of plot 16. The wall is finished with clay facing brick to match dwelling. The site plan indicates that there will be planting to the front of the wall softening its appearance and aiding its integration into the surrounding area.
 118. Section 6.0 of the Landscape Management Plan provides details on general maintenance activities with maintenance responsibility transferring to an appointed resident's management company.
 119. With regard to public open space, the proposed development is not required to make provision for public open space as the proposal is for less than 25 units and as such, the policy tests for HOU5 are not engaged. For the reasons outlined above, criteria (b) is considered to be met in full.
 120. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. That said, the site is in close proximity to local facilities and services. The site is approximately 5 km from Lisburn, 4km from Finaghy and 3 km from Lambeg all of which contain a range of shops, services, food outlets and facilities. Criteria (c) is considered to be met.
 121. With regard to criteria (d) the proposed density is lower than that found in the established residential area and that the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size ranges from 139 metres squared to 235 metres squared which exceeds space standards set out in supplementary planning guidance for this type of residential development.
 122. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking with additional parking provided on street. Criteria (g) and (h) are considered to be met.
 123. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (i) is considered to be met.
 124. It is also considered that the buffer planting along the northern and eastern edges of the site will maximise the benefit to wildlife, add visual interest and that it contributes positively to the Lagan Valley Regional Park and Area Of Outstanding Natural Beauty (AONB).
 125. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the Plan Strategy are met in that the detail submitted demonstrates how the proposal respects the surrounding context and is appropriate to the character and topography of the

site in terms of layout, design and finishes and that it does not create conflict with adjacent land uses or unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Policy HOU6 - Design Concept Statements, Concept Masterplans and Comprehensive Planning

126. A Design Concept is included within the Design and Access Statement. A contextual analysis of the site, surrounding land uses, Built Heritage and Landscape Character establishes the constraints and informs the layout and design of the buildings. The statement also demonstrates how the proposal has evolved to take account site context and surroundings and explain why buildings of the scale and massing proposed are appropriate to the location. The requirements of policy HOU6 are met for these reasons.

Policy HOU8 - Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas.

127. The proposal involves the development of a vacant lands within the settlement limit of Drumbeg.
128. As explained in the preceding paragraphs above (within the context of the assessment of policies HOU3 and HOU4), the proposed dwellings are two-storey with ridge heights ranging from 7.5 metres to 8.2 metres. There are buildings of a similar height, scale and mass elsewhere within the same settlement. The buildings are also set back from the public road behind other development which assists in integrating the buildings into the streetscape without impacting adversely on the local character, environmental quality and existing amenity of the established residential area. Criteria (a) is met.
129. The proposed density is lower than that found in the established residential area and that the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. Criteria (b) is met.
130. The average unit size ranges from 139 metres squared to 235 metres squared which exceeds space standards set out in supplementary planning guidance for this type of residential development. Criteria (c) is met.

Policy HOU10 – Affordable Housing

131. The need for social and affordable housing is identified by the Northern Ireland Housing Executive as the statutory housing authority within the Lisburn and Castlereagh Council Area.

132. Advice received from the Northern Ireland Housing Executive (NIHE) on 05 January 2024 indicates that the proposed development is located within the Lisburn Dunmurry Urban Housing Needs Area which has an unmet need of 1329 units for the 2022-27 period.
133. As this proposal involves more than 5 units, provision is required to be made for a minimum of 20% of all units to be affordable. In this case, only three units are identified as affordable and the applicant has confirmed that they will be offered as social rented accommodation to Habinteg Housing Association who have expressed an interest in acquiring these units. The NIHE confirm in their consultation response that they are satisfied that the minimum affordable housing requirement for this site is met.
134. The units are designed to integrate with the overall scheme consistent with policy and their delivery will be secured by way of section 76 Agreement.
135. Whilst the minimum policy requirement is 3.4 units, for the reasons outlined above and taking the NIHE consultation response into account, it is accepted on balance that the affordable housing requirement is met at this location.

Access and Transport

136. Detail associated with the P1 Form indicates that the development involves the construction of a new access to a public road for both vehicular and pedestrian use.
137. A Transport Assessment (TA) form prepared by Atkins was submitted on 25 October 2022 in support of the application. It provides detail on travel characteristics, transport impacts and measures to mitigate impacts/influence travel to the site. An updated form received in August 2023 has regard to the amended layout.
138. In terms of travel characteristics, the form indicates that the site will be accessed via a new access from Quarterlands Road with footways either side to facilitate pedestrians. It also explains that pedestrian crossing points in the form of tactile paving will also be provided on Quarterlands Road to facilitate onward connections to the existing footway network.
139. Using the TRICS database for a privately owned development, the Transport Assessment indicates that the proposed site use has the potential to generate 118 total vehicle movements per day which equates to an average of approximately 10 vehicles per hour. The peak period for trips is identified as 08:00 – 09:00 and 17:00 – 18:00.
140. In relation to, Transport Impacts, the Transport Assessment Form (TAF) notes that there will be negligible increase in traffic movements associated with the proposed development. It also notes that the development proposal proposes 56 car parking spaces in total [44 in curtilage spaces and 14 on street spaces]. The required parking standards are therefore met in full.

141. It is explained in the Design and Access statement that the vehicular access and internal carriageway are designed to an adoptable standard in accordance with the Private Streets Order.
142. The Design and Access statement also explains that the internal carriageway transitions into a shared surface arrangement. The detail in the TAF states that this shared surface arrangement creates the opportunity for additional planting to emphasis the domestic context and natural traffic calm the development whilst promoting a quality residential environment.
143. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with the Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
144. It is also considered that the development complies with Policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. As described earlier in the report regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network in terms of assessing the access arrangements.
145. The proposal is also considered to comply with TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Natural Heritage

146. A Preliminary Ecological Appraisal and Assessment carried out by AECOM in December 2021 is submitted in support of the application.
147. The PEA was commissioned to identify whether there are known or potential ecological constraints that may constrain or influence the design and implementation of the proposed works. The purpose of the PEA is to:
 - Identify and categorise all habitats present within the site and any area immediately outside of the site where there may be potential or direct effects.
 - Carry out an appraisal of the potential of the habitats recorded to support protected, notable or invasive species of flora and fauna.
 - Provide advice on ecological constraints and opportunities including the identification of any requirements for additional habitat species surveys and/or requirements for mitigation.
 - Provide a map showing the habitats identified on site and location of identified ecological constraints.

148. Section 3 of the Assessment document explains that the following methods were used to identify sites with nature conservation value and protected habitats and species.
- Desktop Study
 - Designated
 - Data Requests
 - Historical Mapping
 - Field Survey
 - Phase 1 Habitats
 - Invasive Species
 - Potential to support protected species
 - Personal Experience
 - Limitations
149. Section 4.1 explains that there are no sites with statutory designations for nature conservation within 2 km of the site nor is there any hydrological connection from the site to any site with a statutory designation.
150. Section 4.1.2 explains that there are six SLNCIs within 1 km of the site. These sites are designated for their diversity of habitats, species, landscapes and earth science features.
151. There are two parcels of long-established woodland within 1km of the site.
152. It is stated in the report that data obtained from the Northern Ireland Bat Group contained bat roost records and general observations of bat species. The assessment explains that many of the records are associated with Derriaghy to the northwest, Drumbeg to the east or the River Lagan to the north. No records were discovered directly related to the application site.
153. The report also explains that field survey results confirm that the site comprises two semi-improved fields delineated by hedgerows, located to the east of houses on Quarterland Road. An additional smaller area of grassland between the road and the fields is also present. The assessment notes that no protected or priority species of plants were noted during the survey.
154. The broad habitats noted with this site include the following:
- Scattered Scrub
 - Semi Improved Neutral Grassland
 - Poor Semi-improved Grassland
 - Standing Water
 - Species poor Intact Hedgerow
 - Hedgerow with Trees
 - Harding Standing
155. Section 4.2.2 of the report confirms that no invasive species listed in Schedule 9 Part II of the Wildlife Order were identified within the site.

156. It also confirms that trees on site were assessed for their suitability to host roosting bats and that no trees on site were identified as having suitability for roosting bats. The assessment did acknowledge that the site and habitats provided good habitat for a variety of commuting and foraging bat species, connecting to a wider rural landscape.
157. Whilst no systematic bird survey was carried out, the assessment does note that the site provides foraging and nesting habitat for a variety of terrestrial birds.
158. It also notes that the site contains some suitable habitat for foraging badger and habitat for sett creation such as hedgerows. That said, no evidence of badger was found on site or within 25 metres of the site.
159. With regard to Smooth Newts, the ditches on site were shallow and not likely to be suitable for smooth newt.
160. There was no other suitable habitat for other protected and notable species and no additional surveys were considered necessary.
161. Natural Environment Division (NED) considered the detail of the assessment including concerns expressed by way of third-party representation. Whilst having no objection in principle, made a number of comments in relation to the proposal and the reports that were submitted in support of the application.
162. In a response received on 06 January 2023, NED requested an amended Landscape Management Plan that retains maximum amount of existing hedgerow and other vegetation on the land to promote and encourage biodiversity as possible.
163. A subsequent response received on 12 June 2023 had regard to the amended landscape plan and planting schedule. The response confirmed that they were content with the proposal subject to the existing screen planting being retained as indicated.
164. Whilst the response also acknowledged that some vegetation will be removed and that vegetation on the site may support breeding birds the advice received indicated that NED had no objection to the proposed development subject to works being carried out outside the bird nesting season. Officers are in agreement with this advice.
165. In response to concerns expressed in by third parties a further Ecological Assessment was received on 21 November 2023.
102. This along with video footage included as part of third-party representations were made available to NED. In a detailed response received on 24 January 2024 NED confirmed that they had considered all relevant information and that they had no objection to the proposed development provided that a condition is

attached to ensure the protection of the remaining hedgerows during the construction phase of the project.

103. The advice further confirmed that the proposed development was unlikely to significantly impact priority habitats other than the removal of hedgerow which has been compensated for in the landscape proposal drawing published to the portal on 21 November 2023.
104. The advice also confirmed that the development was unlikely to significantly impact badgers as no evidence of badger setts were noted during the survey . Furthermore, the advice acknowledged that no suitable bat roosting potential was recorded within the hedgerows to be removed and that the retention and enhancement of the existing boundary hedgerow was unlikely to significantly impact the foraging and commuting behaviours of the local bat population recorded during the bat activity surveys.
105. NED noted that the ditches recorded within the site 'were dry and largely shallow or otherwise absent' and as such, agreed that the site does not provide a suitable breeding opportunities for smooth newts.
106. The response referred to advice provided in September 2023 which considered the detail of an objection letter from Ulster Wildlife indicating the presence of a Barn owl using a nearby building (approximately 200 metres from the site).
107. The latest advice notes that the updated Ecological Appraisal includes a Barn owl assessment and survey. An onsite scoping survey and investigation survey was conducted to further assess potential habitats within the wider area.
108. The rough grassland within the site provides foraging for Barn Owls, however it was considered that there is suitable habitat remaining in the wider landscape beyond the application site. It is therefore unlikely that this proposed development will reduce the available foraging habitat for Barn owls.
109. No evidence of Barn Owl was identified on the site itself and no suitable features for nesting were recorded. The derelict farm sheds identified by objectors and Ulster Wildlife are 185 metres to the east of the proposed development. They were inspected internally and again no evidence of recent use by Barn owls was identified.
110. The proposed development is sufficiently distant from the Barn Owl site identified by Ulster Wildlife, and construction works are unlikely to impact/disturb any nesting/roosting barn owls within this location. The applicant highlights the recommended buffer distance for construction activity is 150-175 metres (Shawyer 2011) to not impact on this species. The farm building in question where the pellets were located is approximately 200 metres from the site, at a greater distance than the recommended buffer.
111. No European or National protected species or habitats or features of Natural Heritage Importance are identified within the application site and the potential

for the site to accommodate species and habitat has been explored in detail by expert ecologists. Officers have no reason to disagree with the advice of NED and no contrary evidence is submitted by the objectors that would sustain a reason for refusal.

112. It is considered that the proposal complies with policies NH2 and NH5 of the Plan for the reasons outlined above. No harm to a protected species with European or National protection is identified or quantified. No unacceptable adverse impact is demonstrated to habitat or any feature listed in categories a) to i) in policy NH5.
113. Hedgerow is identified as a landscape feature important to flora and fauna in criteria f) and mitigation is proposed to compensate for the potential loss of biodiversity. Again NED has advised that the proposed compensatory measures are adequate and conditions are recommended.
114. In terms of the capacity for the landscape to absorb this development the site is surrounded on three sides by existing suburban residential development and the boundary with the open countryside is supplemented with in-depth planting. The buildings are of an acceptable scale, mass and design for the setting of a small settlement in the open countryside.
115. The development will not harm any identified special features of the AONB for the reasons detailed above. The architectural style and details of the finishes, boundary treatments and landscaping are appropriate to the context. It is considered that the proposed development complies with Policy NH6 of the Plan Strategy for the reasons outlined above.

Flooding and Drainage

166. A Drainage Assessments dated December 2021 by Atkins was submitted in support of the application.
167. Paragraph 2.2 of the Assessment indicates that the site is not located within any of the Flood Directive flood maps. It is not affected by fluvial or pluvial flooding nor is there any evidence of historic records of flooding on the site.
168. Section 3 provides detail on the Drainage Assessment in relation to existing surface water run-off and post development surface water runoff. It indicates that the existing site is greenfield land and there is no evidence of storm drainage on the existing site. As such, surface water run-off in the form of overland flow is conveyed towards the northern and western boundaries of the site likely combined with ground infiltration.
169. The pre-development surface runoff from the site is 11.2l/s [equivalent to greenfield run off rates of 10l/s/ha].

170. Section 3.3 provides detail in relation to the performance of the proposed storm drainage and explains that it is proposed to install new surface water drainage networks to serve the development.
171. The foul drainage network from the development is proposed to connect to the existing NI Water 450mm diameter public combined sewer within Quarterlands Road. The assessment also advises that an Article 154 application for the requisition has been made already to NI Water.
172. The proposed storm drainage networks have been designed taking into account the existing topography of the site and the proposed finished levels. The proposed storm drainage network will be limited to a maximum allowable discharge rate of 11.3l/s using a vortex flow control device.
173. Section 4 illustrates that the site is not affected by fluvial or Pluvial flooding. The engineers also concluded that there is no risk from reservoir inundation or coastal sources due to the location of the site.
174. Advice received from DfI Rivers on 01 February 2022 confirmed that the Drainage Assessment had been reviewed. The advice confirmed that there are no watercourse which are designated under the terms of the Drainage (Northern Ireland) Order 1972 within the site. Advice was also provided that the site may be affected by undesignated watercourses for which DfI Rivers has no record.
175. With regard to Policy FLD3, DfI Rivers requested a copy of the Article 154 application from NI Water consenting to discharge attenuated 11.31l/s storm water runoff to their system so that they can fully consider the Drainage Assessment.
176. Having considered the Article 154 response from NI Water, DfI Rivers Agency provided clarification on the Drainage Assessment and indicated that it indicates that there is exceedance flow emanating from MH8. Whilst no objection is offered, the applicant is requested to provide details on how this exceedance is to be effectively mitigated in order to demonstrate that flood risk to the proposed development, and from the development elsewhere, has been adequately dealt with. A negative condition will ensure that details of the final drainage system is provided prior to commencement of any other works.
177. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on 06 January 2023 advised that they had considered the impacts of the proposal on the surface water environment and on the basis of the information provided, they were content with the proposal.
178. NI Water in a response received on 1 February 2022 recommended that the planning application is approved with standard conditions and response specific conditions. The advice received confirmed that there is available capacity at the WWTW and that there is a public foul sewer within 20 metres of the site

boundary which can adequately service the proposal. Whilst the response notes that there is no public surface water sewer within 20 metres of the site it does acknowledge that access is available via extension of the existing public surface water network.

179. A wayleave is annotated between site 5 and site 6. The detail demonstrates that it is within the curtilage of site 5 and no development is shown to take place within a 5 - 7 metre buffer of this piece of infrastructure.
180. Based on a review of the information provided and the advice received from both DfI Rivers, Water Management Unit and NI Water, it is accepted and considered that the proposed development is being carried out in accordance with the requirements of Policy FLD 3 of the Plan Strategy.

NIE Infrastructure

181. Another wayleave exists leading to the electricity substation. This wayleave is part of the curtilage of site 3 with NIE retaining a right of way for maintenance purposes.
182. The advice of NIE is considered as material but not of any significant weight in the consideration of this proposal.

Consideration of Representations

183. Consideration of the issues raised by way of third-party representation are set out in the paragraphs below:

Neighbour notification not accurate

184. The neighbouring properties abutting the red line of the proposed development were notified of the proposal in line with legislative requirements. They were also re-notified throughout the processing of the application when further information/amendments were received.
185. Furthermore, the application was advertised in the Belfast Telegraph on 18 January 2022 with a number of other readvertisements taking place during the process when amendments/additional information was received. The last advertisement took place on 8 December 2023.
186. There has also been engagement with an established community group with a number of meetings having been facilitated by officers to explain the process and to provide clarity on elements of the proposed development.

187. It is therefore considered that the neighbour notification carried out was in line with statutory legislative requirements. Due process in relation to notification has been adhered to.

Further consultation with residents should have taken place

188. The application is a local application and the applicant is not required to formally engage in Pre-Application Community consultation. That said, the application process does allow for third parties to make representation and the proposal has generated significant public interest. Those parties with an interest in the application have been kept informed and the planning merits of the objections are considered in this report.

Design and scale of houses not in keeping with area and layout incompatible with surroundings

189. There is a range of house types of varying styles and design in the surrounding area and it is not considered that the proposed dwellings will have a negative impact or be incompatible with the character of the surrounding area. This is addressed in detail in the context of policies HOU3, HOU 4 and NH6 above.

Density is too high

190. The density of the proposed site is approximately 15.5 dwellings per hectare which is less than the figures of 20 –25 which historically was considered to be an appropriate density for this location. The scheme is designed to take account of the local context and other site. The density is appropriate for the location and the proposed development contributes to the overall character of the area and is a Quality Residential Environment.

The proposed dwellings will overlook existing properties in Zenda Park and result in a loss of privacy

191. The scheme has been assessed against the operational policies associated with the Plan Strategy and guidance contained within Creating Places. The separation distances exceed the minimum standards indicated for a suburban housing development comprised of semi-detached and detached dwellings. No adverse impact on the amenity of neighbouring residents by virtue of overlooking or dominance is identified.

The planning history on the site has lapsed and material weight should not be afforded to it

192. Planning permission had been previously granted for 15 houses on the site. Whilst the planning history on the site has been referred to, the applicant is not relying on this previous permission as justification for this current application.

193. This application is assessed on its own merits having regard to the Area Plan. The land is zoned for housing in the local plan and this designation is taken account of in the assessment of the detail submitted. The scheme is considered to provide for a Quality Residential Environment in accordance with the operational policies of the Plan and related guidance for the reasons outlined above.

Residents would like a community garden and were not aware that this land was zoned for housing

194. The desire for a community garden is not something that material weight can be afforded to. The land has been zoned for housing and the Council must consider the proposal in front of it on its own merits.

Difference between previous approval and current application

195. It is acknowledged that the application is different to that which was previously approved. No weight is attached to the earlier planning permission and it cannot be used a precedent to establish a maximum number of units for the site. The layout and arrangement of the buildings is considered on its own merit.

Validity of development plan in decision making process.

196. The Council is required to have regard to previous development plans in the transitional period for the reasons set out above. Officers have done so in consideration of this proposal and the relevant designations are highlighted.

Housing need has been satisfied elsewhere.

197. There is no requirement for the applicant to demonstrate this. The land is inside a settlement where there is a general presumption in favour of new housing development. This is explained in the body of the report. That said, advice received from the Housing Executive on 05 January 2024 indicates that the proposed development is located within the Lisburn / Dunmurry Urban HNA which has an unmet need of 1329 units for the 2022-27 period. Affordable housing is provided as part of the proposal.

198. The planning system is Plan led and planning permission should be granted for development that is in accordance with the requirement of the Plan. This is a zoned housing site inside a settlement.

Ecological information submitted is not accurate.

199. The ecological information and reports that were submitted are compiled by qualified professionals. These papers including an updated ecological report and representations from third parties have been investigated by NED on behalf of the Council. No contrary evidence in the form of ecological assessment is provided. Officers agree with the advice of the statutory consultee. Concerns expressed in detailed representations have also been considered in the body of the report above.

Impact of the proposal on issues of natural heritage i.e. bats, owls, flora and fauna

200. This issue is detailed in a large number of representations submitted in opposition to the proposal. These representations have been available for consideration by Natural Environment Division as part of their overall assessment. There is no evidence that this development will cause adverse impact on species with European or National designation. There is no evidence to indicate that the habitat used by these species is adversely impacted.

Established hedgerows exist with the boundaries of the application site.

201. A detailed landscape plan has been submitted with the application and the planting schedule is amended to take account of advice provided by NED on the importance of protecting bio-diversity. The detail associated with this plan indicates that the boundary hedging is to be retained as far as possible and that the landscape proposals will ensure that the proposal will integrate into the surroundings.
202. As the site lies on the edge of the settlement limits a 5 metre landscape buffer is also proposed.

The proposal will devalue the house prices in the area.

203. No evidence has been received to substantiate this assertion and as such, no weight is afforded to this objection of a perceived loss of value.

Land is located in the countryside and should not be developed.

204. This statement is incorrect. The lands associated with the application site lie within the proposed development limits of Drumbeg. The lands are zoned for housing. There is therefore a presumption in favour of development subject to a proposal meeting the other planning and environmental considerations.

The proposal will result in the sewage infrastructure being intensified and they are already at capacity.

205. Advice from Northern Ireland Water (NIW) confirms that there is capacity in the network to serve 17 dwellings. A check of the planning history for the area has been undertaken and no other applications have been identified in the intervening period which uses up that capacity.

EIA should have been carried out.

206. As detailed above, an EIA determination was carried out and subsequently revisited when new information was received. It was concluded that the application did not need to be accompanied with an Environmental Statement for the reasons explained earlier in this report.

Site has a history of flooding and proposal will increase flood risk.

207. The DfI Rivers Agency Flood Map shows no history of flooding on the site or in the immediate vicinity of the site. The application is accompanied with a drainage assessment. The findings in this illustrate that the site is not at risk of flooding during a 1 in 100 year flood event and that the surface water from the proposed development can be run-off at greenfield rates to mitigate the impact of flooding elsewhere.

Dangerous for families dropping children off at local pre-school.

208. The application has been accompanied with a Transport Assessment Form and detailed engineering drawings. DfI Roads have assessed the additional trips generated from the proposed development and have offered no objection. The access arrangements and road layout are considered to be acceptable in terms of the operational policies associated with the Plan Strategy and DCAN 15. It is therefore not considered that the proposal will give rise to any road safety issues road users or pedestrians. Officers are in agreement with the advice the consultee.

Road hasn't got the capacity for cars to pass safely.

209. The proposed development will involve the widening of the road carriageway at the site to 5.5 metres. This should alleviate issues along this section of road. Any further works required to improve the rest of the road lies outside the remit of this particular application. DfI Roads have assessed the application and detail submitted with it and have no objections to the proposal. Again officers are in agreement with the advice the consultee.

A footpath should be provided along the road frontage

210. The proposal includes the creation of a new footpath along the section of road frontage.

Affordability of homes

211. The market value of the houses proposed for development is not an objection that can be taken into consideration is assessing the application. Affordable housing is proposed for the site and this mixed tenure element will assist in meeting the objective of providing choice and variety to existing residents of the settlement who may not have had access to affordable accommodation in the past.

There is no primary school in the area.

212. This is a matter for the Education Authority to determine based on need and catchment. The scale of development proposed here would not justify the need for a school.

No recreational garden area.

213. The nature and scale of the application is such that no public open space is required. The provision of private open space is above minimum standards and considered to be acceptable.

No playpark exists in the area.

214. The application is for 17 houses. The policy threshold for providing a playpark is not met.

No shops in area.

215. Drumbeg is conveniently located to Lisburn and other settlements which provide retail and other services. The scale of development proposed here does not give rise to the need for neighbourhood facilities.

The proposed site lies in an Area of Outstanding Natural Beauty (AONB) and needs protected.

216. The site is located in an Area of Outstanding Natural Beauty. However, that does not preclude the proposed development. This land is zoned for housing in the local development plan. The impact of the development on the AONB has been considered above.

Impact on the Lagan Valley Regional Park

217. The site is surrounded by other residential development, and it is not considered that the nature and scale of the proposal will have a negative impact on the wider setting of the Lagan Valley Regional Park for the reasons highlighted earlier in the report.

Increase in traffic will cause an increase in air pollution.

218. No evidence has been put forward to substantiate this assertion. Environmental Health have reviewed the detail of the application and have offered no objection in this regard.

Concern of type of social housing proposed and the smaller houses will stand out as different to the other houses in the development.

219. It is acknowledged that the 3 units identified as affordable housing are smaller in scale and footprint than the other 14 proposed units. The buildings are not out of character with the other dwellings proposed and are still appropriate to the local context for the reasons outlined above.

Lack of kerbing proposed with the development. This will significantly hinder people with sight problems and disabilities.

220. The proposal is designed in accordance with prevailing guidance contained in Creating Places and DCAN 15 and is acceptable for the reasons detailed above.

The report claims the houses in Zenda Park are 2 storey and this is inaccurate as they are in fact 1 ½ chalet bungalows. The proposed large dwellings will dominate the area.

221. The properties in Zenda Park were observed during the site visit and it is noted that they are 1 ½ storey in height. The scale and massing of the proposed development has been detailed fully above and it is contended that the height, scale and massing of the buildings are in keeping with the character of the area. The height of the proposed dwellings has been reduced by 0.5 metres to reflect the concerns of local objectors.

Noise From Traffic

222. Reference is made to claims in the rebuttal statement that the traffic on Quarterlands road is not a noise generator and that a noise impact assessment is not required. The view is expressed that the Council's environmental health

unit should ensure that a full assessment is undertaken to take account of the likelihood of traffic congestion caused by tailbacks generated by the proposed development.

223. A thorough consultation process has been followed and DfI Roads and Environmental Health have offered no objections based on the information provided. An objection on this basis can therefore not be substantiated.

Removal of Hedgerows

224. The view is expressed that an Ecological report prepared by AECOM commissioned by the Developer pays insufficient regard to the removal of hedgerows which are over 165 years in age. The view is also expressed that the ecologists have selected too limited an area for their assessment on presence of protected species, badgers, hedgehogs, and nesting birds etc.
225. The Ecologists are qualified professionals and Natural Environment Division have fully considered the reports and findings and have offered no objections to the findings. Officers have no reason not to accept the advice of a statutory consultee.

Construction Period

226. Reference is made to a meeting with DfI Roads where objectors was assured that in the event that permission is granted, that no site traffic or equipment, or workers vehicles would be parked or stored within the visibility splays to inconvenience residents in surrounding area. Concern is expressed that the rebuttal report provides no reassurance regarding these matters.
227. This issue will be secured by way of a planning condition and can be monitored, and should any issues arise, these matters will be investigated.

Management Companies

228. Concern is expressed in relation to the regulation of Management Companies. This is common practice that a management company takes responsibility for the maintenance of a landscaped areas. This is fully detailed in the Management Plan and conditions will be attached to the approval to ensure this is adhered to.

Capacity Issues

229. Reference is made to NIW comments dated 24 August 2023 which confirmed that connection is available for 17 units to the existing foul drainage network. The capacity level referred to is the same as set out in NIW response dated 19 August 2021. New homes have been built in the intervening period, so this is not accurate. Greater clarity is required on the matter.

230. NIW have provided further comments in relation to this and in a reply dated 11 December 2023 have stated that there is available capacity in the Drumbeg WWTW. The original Pre-development enquiry inquiry was valid for a period of 18 months and since then a further one has been received and agreed.

Conclusions

231. For the reasons outlined above, the proposal is considered to comply with the SPPS and policies HOU1, HOU3, HOU4, HOU6, HOU8 and HOU10 of the Plan Strategy.
232. It is also considered to comply with Policies NH 2, NH 5, NH6, TRA1, TRA2 TRA7 andFLD3 of the Plan Strategy.

Recommendations

233. It is recommended that planning permission is approved subject to a section 76 planning agreement which identifies those units in the scheme which are to be developed as affordable housing.

Conditions

234. The following conditions are recommended:
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
 2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 5208230-ATK-QLR-ZZ-DR-D-0001 rev P05 bearing the Council date stamp (insert date) and the Department for Infrastructure Determination date stamp insert date stamp
Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: 5208230-ATK-QLR-ZZ-DR-D-0001 rev P05 bearing the Council date stamp insert date and the Department for Infrastructure Determination date stamp of insert date prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the 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. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. The gradient of the access road shall not exceed 2.5% (1 in 33) over the first 15m outside the road boundary.

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

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 5208230-ATK-QLR-ZZ-DR-D-0001 rev P05 bearing the Council date insert date and the Department for Infrastructure Determination date stamp insert date .The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

7. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users.

8. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

9. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

10. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing 5208230-ATK-QLR-ZZ-DR-D-0001 rev P05 bearing the Council date stamp insert date to provide adequate facilities for parking 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.

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

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

12. The existing hedgerows and vegetation as indicated on Drawing 02B – Landscape General Arrangement Plan, bearing the Council date stamped 8th August 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 ensure the maintenance of screening to the site and in the interests of natural heritage.

13. All hard and soft landscape works shall be carried out in accordance with Drawing 02B – Landscape General Arrangement Plan, and associated planning schedule bearing the Council date stamped 8th August 2023 and the approved details. The works shall be carried out no later than the first

available planting season after occupation of that phase of the development.

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

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

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

15. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding/nesting birds.

16. No development shall proceed beyond sub-floor construction until details of an extension to the existing surface water network to serve the development is submitted to the Council and approved in writing and implemented on site.

Reason: To ensure a practical solution to the disposal of surface water from this site.

17. Prior to the commencement of any of the development hereby approved, a final drainage assessment, containing a detailed drainage network design shall be submitted to the Council for agreement.

Reason: In order to safeguard against surface water flood risk

Site location Plan – LA05/2022/0033/F



LOCATION PLAN

LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Meeting held at 1.05 pm on Tuesday, 19 September, 2023 at Quarterlands Road, Drumbeg****PRESENT:**

Alderman M Gregg (Chairman)

Aldermen O Gawith and J Tinsley

Councillors P Catney, D J Craig, A Martin, G Thompson and N Trimble

IN ATTENDANCE:

Head of Planning & Capital Development (CH)

Principal Planning Officer (RH)

Member Services Officer (CR)

Apologies were received from Councillors D Bassett and S Burns.

The site visit was held in order to consider the following application:

- LA05/2022/0033/F – Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road, north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg, BT27 5TN

The application had been presented for determination at the meeting of the Planning Committee held on 4 September, 2023. In advance of the application being presented, the Committee agreed to defer consideration to allow for a site visit to take place. No specific reason had been offered in terms of context other than to acknowledge that a large number of objections had been raised by third parties, which had given rise to a number of Members' queries.

Members and Officers met at the site, outside 66 Quarterlands Road. The Head of Planning & Capital Development advised Members of planning history associated with the site. Consistent with advice provided in the officers report, it was explained that this permission had expired and whilst the dwelling at 66 had been constructed, the applicant was not seeking to rely on this permission and that no Certificate of Lawfulness had been submitted regarding the same. As such, the planning history was given no material weight in the assessment of this application.

In accordance with the Protocol for the Operation of the Planning Committee, Members were provided with background to the application and the Principal Planning Officer with the aid of the site location plan, outlined the extent of the application site and its boundaries relative to the adjacent residential areas.

The Principal Planning Officer explained that there were a number of constraints at the site and that these had influenced the layout in terms of buildings not being sited under overhead lines. The Head of Planning & Capital Development stated that the wires that

stretched across the site were from pylons as opposed to being 33kV lines. In response to a query raised, the Head of Planning & Capital Development advised that he was unsure as to whether the pylons at this location would form part of proposals to relocate this infrastructure underground.

In response to a query, the Head of Planning & Capital Development confirmed that access arrangements for number 66 Quarterlands Road would not be impacted by the proposed development.

Before moving into the site, Members had an opportunity to view the character of the area both sides of the site.

Members moved into the area to be developed and the Head of Planning & Capital Development indicated the boundaries and which hedgerow required to be removed to accommodate the development. Members were reminded that an ecology report had been provided by the applicant and an anecdotal report had been submitted by objectors. Consistent with advice provided in the officer's report, Members were reminded that the statutory consultee having reviewed the detail of the ecology report and representations received, raised no objection.

A drainage assessment had been provided as part of the application. The area was not subject to flooding but there could be a question of standing water and drainage issues that required to be addressed through the application process.

Members sought clarification as to whether the site was within the settlement limit. Consistent with advice provided in the officer's report, the Principal Planning Officer confirmed that the site was within the settlement limit of Drumbeg in both the Lisburn Area Plan and BMAP.

In response to a request that representatives from Northern Ireland Water be asked to attend the next Planning Committee meeting, the Head of Planning & Capital Development advised that they could be invited but could not be compelled to attend. The Principal Planning Officer stated that the applicant and agent had engaged with Northern Ireland Water by way of pre-development enquiry and that confirmation had been given that there was sufficient capacity in the network to facilitate the proposed development, but there would be no further capacity thereafter.

Members proceeded to Rural Cottages to observe the site from that location. The range of house types were noted. The Head of Planning & Capital Development agreed to clarify the position of the tree behind 8-9 Rural Cottages.

There being no further business, the site visit was terminated at 1.50 pm.

Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Appeal Decision – LA05/2020/0617/F

1.0 **Background**

1. An application for two infill dwellings and garages on land between 184 and 188 Hillhall Road, Lisburn was refused planning permission on 05 April 2022.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 26 April 2023.
3. The procedure followed in this instance was by way of informal hearing at the request of the appellant team. The hearing took place on 20 November 2023.
4. The main issues in the appeal are whether the proposed development would:
 - be acceptable in principle in the countryside;
 - visually integrate into its landscape;
 - detrimentally change the rural character of the area;
 - mar the distinction between the settlement and rural area; and
 - respect the character of the Lagan Valley Area of Outstanding Natural Beauty [AONB].
5. A decision received on 21 December 2023 indicated that the appeal was dismissed.

Key Issues

1. The case advanced by the Council was that buildings along the road frontage occupied different policy contexts and that those buildings that fell within the settlement limit of Hillhall should not be considered as forming part of a substantial and continuously built-up frontage as they do not occupy a rural context.
2. At paragraph 21 of the Commission report, the Commissioner confirmed that they did not agree with the case advanced by the appellant that the buildings therein [within the settlement] could contribute to an otherwise substantial and continuously built-up frontage as the lands within the settlement limit would be subject to a different policy context.
3. At paragraph 22, the Commissioner notes that this position reflects the consistent approach taken in appeal decisions 2012/A0219 and 2016/A0145.
4. At paragraph 23, the Commissioner expresses the view that it is not necessary to consider the appeal proposal against the development pattern and other

requirements of Policy COU8 as the appeal proposal does not lie within a substantial and continuously built-up frontage.

5. The Commissioner agreed with the Council's view that the appeal site provided visual relief between the Hillhall settlement nodes and the countryside having regard to the rising topography of the site and the views of the countryside beyond. Infilling the site would result in the loss of an important visual buffer between the building in the settlement and the open countryside which would result in urban sprawl.
6. It was also accepted that other cases cited by the appellant were distinguishable from the appeal case for the reasons outlined at paragraphs 27 – 30 of the Commissioner's report.
7. Regarding Policy COU15 and the two contemporary designs presented by the appellant, the Commissioner acknowledges at paragraph 34 that the design ethos at site two would reflect examples in the Building on Tradition guidance. That said, the view expressed in relation to site one was that it would read as not simple in form given the various blocks, differing roof types, horizontal emphasised window openings and external chimney breasts. It was also noted that both garages would be designed gabled ended to the road and that the design of both dwellings in terms of footprints would appear crammed onto the site having regard to the garden space to build footprint ratio for each plot.
8. The concern in relation to inappropriate design follows through into the Commission's consideration of Policy NH6 with the Council's fifth refusal reason sustained, as the scale of the dwellings and garages would be unsympathetic to the special character of the AONB and they would fail to respect the architectural styles and patterns for the reasons outlined in the decision report.
9. The Commissioner also expressed the view that the appeal proposal would be out of keeping with the local context and that it would be inappropriate for the site and its locality. Likewise, the proposed ancillary works which involved significant reprofiling of the earthworks would not integrate with their surroundings.
10. In relation to Policy COU16 and for the reasons outlined at paragraphs 39 – 44, the Commissioner confirmed that the Council's fourth refusal reason in relation to Rural Character was sustained.
11. Third party concerns in relation to road safety and impact on bats are addressed by the Commissioner at paragraphs 47 and 48 of the report. For the reasons outlined, the concerns are not sustained.

2.0

Recommendation

It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.

3.0

Finance and Resource Implications

No cost claim was lodged by any party in this instance.

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:	Appendix 2 – Appeal Decision – LA05/2020/0617/F
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Appeal Decision

4th Floor
 92 Ann Street
 BELFAST
 BT1 3HH
 T: 028 9024 4710
 E: info@pacni.gov.uk

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Appeal Reference:	2022/A0018
Appeal by:	Mr Noel Adams
Appeal against:	The refusal of full planning permission
Proposal:	2 no. infill dwellings and garages
Location:	Between 184 and 188 Hillhall Road, Lisburn
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA06/2020/0617/F
Procedure:	Hearing on 20 th November 2023
Decision by:	Commissioner Stevenson, dated 21 st December 2023

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Given that the Council's Local Development Plan 2032: Plan Strategy (PS) was adopted post the exchange of the evidence, the Commission requested in advance of the hearing written comments from the parties involved in the appeal on the Council's adopted PS. The Appellant provided its written comments on the Council's adopted PS within the stipulated time. However, the Council's PS comments were not received until the morning of the hearing due to a technical oversight.
3. While it is unfortunate that the Council's PS evidence was not submitted within the stipulated time, the Appellant was given the opportunity to consider the Council's comments during an adjournment of the hearing, which then resumed thereafter. I am therefore satisfied that no prejudice arises to those parties that participated in the appeal hearing. Furthermore, there is a legislative requirement under the Planning Act (Northern Ireland) 2011 ("the Act") to have regard to the Council's adopted PS. I must thus consider the appeal proposal against those new policies that the Council now alleges it would offend. The Council's late submission in this regard is therefore admissible.
4. The Council proposes five new reasons for refusal that reflect those policies in the Council's PS. As I must have regard to the adopted PS, its relevant policies that the Council alleges that the appeal proposal would now offend are before me and are therefore considered in this appeal.
5. The Appellant argues that the *Application by Gordon Duff (Re. Glassdrumman Road, Ballynahinch) for Judicial Review (2022) judgement* ("Duff judgement") that the Council referred to in its PS written evidence goes beyond the Commission's

request and that its admission would offend Section 59 of the Act. The Duff judgement is not to my mind a new matter as it relates to the contested infill policy issues.

6. However, it does fall outside the Commission's request and could have been included in the Council's original Statement of Case given the timelines involved. The introduction of it within the Council's later evidence is poor practice as that evidence should have been confined to that requested by the Commission. Nevertheless, the Appellant was given the opportunity at the hearing to provide his comments on this judgement. He would therefore not be prejudiced if the judgement is to be considered. While the third party involved in the appeal did not participate in the hearing, he was invited to participate in it and was therefore given the opportunity to respond to it. For those reasons, the judgement is admitted.

Reasons

7. The main issues in this appeal are whether the appeal proposal would:
 - be acceptable in principle;
 - visually integrate into its landscape;
 - detrimentally change the rural character of the area;
 - mar the distinction between the settlement and the rural area; and
 - respect the character of the Lagan Valley Area of Outstanding Natural Beauty (AONB).
8. Section 45(1) of the Act requires the Commission when dealing with an appeal to have regard to the LDP, so far as material to the application, and to any other material considerations. Section 6(4) requires that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
9. As the Council recently adopted its PS, in accordance with the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP comprises the Departmental Development Plan (DDP) and the PS read together. In this appeal, the Lisburn Area Plan 2001 (LAP) is the DDP. The legislation also requires that any policy contained in the LAP and those of the PS must be resolved in favour of the latter.
10. The Court of Appeal declared in May 2017 that the adoption of the 2014 version of the Belfast Metropolitan Area Plan (BMAP) was unlawful. However, the draft 2004 version of BMAP (dBMAP) remains a potential material consideration despite it not being a DDP. In addition, the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) and the Building on Tradition 'A Sustainable Design Guide for the Northern Ireland Countryside' (BoT) are material considerations in this appeal. The Council referred to the Belfast Urban Area Plan 2001 (BUAP) in their written evidence but at the hearing the Council's witness confirmed that the BUAP does not apply to the appeal proposal.
11. In both the LAP and dBMAP, the appeal site is outside the settlement limit of Hillhall and is within the countryside. It is in the green belt in both plans. In the LAP, the site is also identified adjacent to a Protected Route (PR). The LAP is silent in relation to

- it. Both plans direct the reader to “A Planning Strategy for Rural Northern Ireland” (PSRNI) for the green belt policies. Accordingly, the appeal proposal would not offend the LAP. The green belt designation in both plans and its policies in the PSRNI were overtaken by a succession of regional policy for development in the countryside. That retained policy - PPS21 - is listed in paragraph 1.13 of the SPPS and no longer has effect. It therefore has no status in this appeal.
12. In dBMAP, the site is designated within the Castlereagh Slopes Area of High Scenic Value (AoHSV) and an Area of Constraint on Mineral Development (AoCoMD). Lagan Valley Regional Park is north of Hillhall Road and opposite the appeal site. There was no dispute between the parties that the appeal proposal would offend those dBMAP designations. The appeal site is also located within an Area of Outstanding Natural Beauty (AONB). I will consider the AONB later in this decision. The settlement limit of Hillhall is identified in the LAP while a proposed settlement limit boundary is shown in dBMAP. The extent of it in both plans remains material to this appeal.
 13. As the PS is adopted for the Council area, the transitional arrangements set out in the SPPS no longer apply and the policies retained under paragraph 1.13 of the SPPS cease to have effect. The relevant policy within the SPPS is a material consideration together with the PS. Paragraph 6.73 of the SPPS states that in the countryside that provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. It goes on to say that planning permission will be refused for a building which creates or adds to a ribbon of development.
 14. Policy COU1 of the PS is entitled ‘Development in the Countryside’. It states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It expands to say that details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10. The Appellant contends that the appeal proposal should be permitted under Policy COU8 of the PS.
 15. Policy COU8 is entitled ‘Infill/Ribbon Development’, and it stems from Strategic Policy 09. In the amplification text of Strategic Policy 09, the countryside is defined for the purposes of the policy as land lying outside a defined settlement limit. Policy COU8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. It goes on to set out circumstances that would be an exception to this where development would be permitted under this policy. This is where the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built up frontage may be acceptable.
 16. For the purpose of this policy, a substantial and continuously built up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway. The policy also states that buildings forming a substantial and continuously built up frontage must be visually linked. Given that the infill policy in the PS is more prescriptive and more up-to-date than the SPPS, the former takes precedence in this appeal.

17. The appeal site is a rectangular agricultural field that is located between Nos. 184 and 188 Hillhall Road on the southern side of the road on the outside of the bend. The topography of the site generally undulates and rises steadily towards the rear of the site. The fields beyond are on higher ground and are visible from the road. Opposite the site, there is a field. Industrial units lie beyond it. On either side of the appeal site are detached dwellings at Nos. 184 and 188 Hillhall Road. There is another building at each property. All four buildings have frontage to the road.
18. The Council argue in its written evidence that there are a series of domestic ancillary buildings that cannot be relied upon under the new infill policy. However, at the hearing, the Council's witness conceded that there is a line of four or more buildings comprising those buildings at Nos. 184 and 188. Nevertheless, she contends that there is no substantial and continuously built up frontage because in the Council's opinion those buildings at No. 188 do not occupy a rural policy context, and for that reason, should not be counted towards it.
19. The settlement of Hillhall in the LAP comprises three nodes – an eastern node, a western node and a central one. The central node is the plot of No. 184. In dBMAP, No. 184 is not within the proposed settlement. This means that Hillhall settlement in dBMAP is made up of two settlement nodes only – the eastern cluster and the western node. The appeal site in dBMAP is located between both those nodes and its eastern boundary abuts the eastern node. In the LAP, the appeal site is located between the central and eastern nodes. The field opposite the appeal site is in the countryside in both the LAP and dBMAP. The buildings at No. 188 fall within the eastern Hillhall node in both those plans. The bone of contention relates to whether those buildings at No. 188 should be counted towards the substantial and continuously built up frontage.
20. Notwithstanding the appeal decisions that the Council refers to (2012/A0219 and 2016/A0145), the Appellant argues that the policy within the PS does not exclude buildings that fall within the settlement as counting towards the substantial and continuously built up frontage. He also alleges that if the appeal proposal were to be sited on the neighbouring plot (No. 188), the policy context would not differ to the appeal site in that PPS7 would be the appropriate policy. In relation to the latter, PPS7 would not apply in either circumstance given that it no longer has any effect in this Council area. In any event, if it were to still apply, it would not be the appropriate policy to apply in assessing the principle of two infill dwellings on the appeal site.
21. Policy COU8 is the appropriate policy for consideration of the appeal development. Policy COU8 stems from Policy COU1, which relates to development in the countryside. It therefore follows that the substantial and continuously built up frontage referred to in Policy COU8 relates to buildings within the countryside. It does not apply to proposals on those lands that fall within the settlement limit. As lands within the settlement limit would be subject to a different policy context, I do not agree that buildings therein could contribute to an otherwise substantial and continuously built up frontage for the purposes of COU8.
22. Given that the Appellant relies on buildings that do not occupy a rural policy context, they cannot be counted towards the substantial and continuously built up frontage for proposals seeking permission under Policy COU8. This reflects the consistent approach taken in appeal decisions 2012/A0219 and 2016/A0145.

23. Whilst the Appellant referred to guidance in BoT, his references to it would not persuade me to reach a different conclusion. As No. 188 to the east of the appeal site cannot be counted given its urban policy context, it cannot contribute to being part of an otherwise substantial and continuously built up frontage. Furthermore the appeal site cannot represent a small gap site within such a frontage. Given that the appeal proposal would not lie within a substantial and continuously built up frontage, it is not necessary to consider the appeal proposal against the development pattern and the other requirements under Policy COU8 of the PS.
24. The Appellant argues that the PAC's Recommendation Report into Objection 442 alludes to accepting small scale rounding off. While this objection related to a significantly much larger parcel of land (7ha) than the appeal site, the PAC report does state that "we have concluded strategically that the expansion of small settlements should be resisted." Moreover, the amplification text of Policy COU8 states that "a ribbon of development cannot be defined by numbers, although if there are two buildings fronting a road and beside on another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development."
25. The ribbon of development comprises the two buildings at No. 184 and the two buildings at No. 188. Given the extent of the settlement nodes defined in either plan, the rising topography of the appeal site and the views of the countryside beyond, the appeal site provides visual relief between the Hillhall settlement nodes and the countryside. The infilling of the appeal site would mean that the important buffer between Nos. 184 and 188 would be lost to create development on the road bend which would result in urban sprawl. This roadside development would be visually unacceptable in its locality and would add to a ribbon of development.
26. Accompanying the Appellant's Statement of Case is the *Judicial Review of Paul McNamara v Lisburn & Castlereagh City Council [2018] NIQB 22* judgement. However, it relates to the former infill policy in PPS21 that no longer applies. The Appellant also quotes extracts from the appealed judgement into the *Application by Gordon Duff (Re. Glassdrumman Road, Ballynahinch) for Judicial Review (2022)*. Again, that judgement relates to the irrelevant PPS21 and not Policy COU8 of the Council's PS.
27. The Appellant cites numerous approvals where infill development was granted planning permission adjacent to the Hillhall settlement. At the hearing, the Appellant's witness considered that the planning approvals that the Appellant had got permission for at the eastern node could not be distinguished from the appeal proposal. However, the original permissions on those sites were determined against a different planning policy context. In any event, S/2010/1028/F was a decision made by the previous decision-maker, the Department for the Environment (DoE) and prior to appeal decision 2012/A0219. S/2017/1014/F was for a change of house type on the same site as S/2010/1028/F. Its permission can be distinguished given that significant weight was afforded to the planning history.
28. With respect to the second site that the Appellant was involved in, planning permission was granted for two infills under S/2013/0380/F followed by a change of house type under permission LA05/2018/0320/F. S/2013/0380/F is distinguishable

- from the appeal proposal in that it was a departmental decision that was granted permission by the DoE. Furthermore, the adopted version of BMAP had not been judged to have been unlawfully adopted when the DoE determined that decision and thus was a material consideration. In addition, the site context of that decision differs to the appeal proposal. Moreover, I have found that the appeal site would not be rounding off and would provide an important visual break. Accordingly, the appeal proposal differs to that decision.
29. The subsequent permission for a change of house type (LA05/2018/0320/F) is distinguishable for the same reason as S/2017/1014/F in that significant weight was given to the planning history on the site. Overall, the Council considered those two infill sites to be exceptions in that they would round off development and not result in urban sprawl. However, again the context in the case before me differs as the appeal site provides an important visual relief between the Hillhall settlement nodes.
 30. Whilst the Appellant refers to further approvals those permissions are not on all fours with the appeal proposal as those permissions were decided under a different site context and were considered as rounding off, thus would not justify departing from policy in this appeal. Accordingly, no administrative unfairness would be caused in not permitting the appeal proposal in this appeal under Policy COU8. The appeal proposal would offend Policy COU8 of the Council's PS and the related provisions of the SPPS insofar as stated. The Council's proposed second reason for refusal is sustained.
 31. Policy COU15 of the PS is entitled 'Integration and Design of Buildings in the Countryside' and it states that in all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design. It goes on to state that a new building will not be permitted under certain circumstances, two of which the Council contended the appeal development did not satisfy. These are (f) the design of the proposed dwellings and its garages would be inappropriate for the site and its locality and that (g) the ancillary works do not integrate with their surroundings. Under the sub-heading of 'integration' in the amplification text of Policy COU15, it states that "integration is an assessment of the extent to which proposed development will blend unobtrusively with its surroundings, including the position and scale of proposed building(s); their relationship with existing buildings; the degree of enclosure; including natural site boundaries and/or a visual backdrop and the suitability of building design within the locality."
 32. The Appellant proposes two contemporary designed detached dwellings on the appeal site. At site one, the proposed dwelling would be spread over three key blocks. The main block would be two storeys and the other blocks would be single storey. It would be approximately 31 metres in depth and would have a footprint of around 230 metres square. It would have a detached single storey garage. At site two, the proposed dwelling would have a L-shaped footprint and would be of similar footprint size to the proposed dwelling at site one. The main linear form would be two storeys and the end block would be single storey. Its garage would be an integral one. Both dwellings would have aluminium framed windows, their external walls would be finished in sand/cement render, corrugated cladding and natural stonework, and their main roofs would be finished in natural slate. Their gable ends would face onto the Hillhall Road.

33. The amplification text of Policy COU15 states that “all proposals should be of high quality to mitigate visual impact on the landscape. The most successful rural designs are those based upon simple shapes and forms and use of traditional local building materials. Opportunities for contemporary re-interpretation of tradition form in the locality will not be precluded.” The Hillhall Road is unusual in that some development facing onto it is within the settlement and other parts of the road are outside it. The locality of the appeal site comprises the field opposite and the houses (Nos. 184 and 188) immediately adjacent to the appeal site that are of traditional rural design and simple in form. This local area has a rural feel to it given the topography of the land, the road bend and the undeveloped lands of the countryside at the appeal site, beyond it and directly opposite. The farmhouse adjacent to the appeal site also reinforces that rural ambience, and as said earlier, the appeal site provides a natural visual break between the Hillhall settlement nodes.
34. The general design ethos of the proposed dwelling at site two and the materials and finishes of both proposed dwellings and their garages would reflect the examples depicted in the BoT guidance as contemporary re-interpretation of traditional forms. Notwithstanding this, the proposed dwelling at site one would read as not simple in form given the various blocks, the differing roof types (flat roof, pitched roofs and lean-to roof), the horizontal emphasised window openings, and the external chimney breasts. In addition, both proposed dwellings and their garages would be designed gable-ended to the road. Moreover, the design of both proposed dwellings and their garages in terms of their footprint size would, to my mind, appear crammed onto the site given the garden space to build footprint ratio for each plot. The design of the buildings to be orientated gable-ended to the road reaffirms this.
35. The Appellant contends that there are several existing buildings which are orientated gable ended to the Hillhall Road and lists the large garage at No. 202, Old School Yard development, Holy Lodge, Porters Row, Flower Hill orange hall and the adjacent building. In relation to No. 202, the dwelling itself faces onto the road and therefore is not comparable. With respect to the other mentioned cases, no further detail is provided. I therefore cannot provide any further comment. In any event, my consideration is based on that I consider to be within the locality. The Appellant also refers to a permission (LA05/2017/0316/RM) where the Council permitted infill dwellings gable ended to the road. Again that permission is not comparable given that it is within a different site context.
36. Consequently, the appeal proposal would be out of keeping with the local context and would be inappropriate for the site and its locality. The drawing numbered 10/2 indicates that there would be significant reliance on the reprofiling of the earthworks required to assist with integration of the proposed dwelling at site one. To my mind, the proposed ancillary works would not integrate with their surroundings. The appeal proposal would therefore offend criteria (f) and (g) of Policy COU15 of the Council’s PS and the provisions of the SPPS insofar as stated. The Council’s proposed third reason for refusal is sustained.
37. The Appellant argues that the design of the proposed dwellings have been accepted by the Council in LA05/2018/0320/F and LA05/2017/1014/F for the same Appellant and architect in the same landscape context. While LA05/2017/1014/F is for two infill dwellings, those two dwellings are not built, and that permission expired on 7th June 2023 subject to the commencement of development. Moreover, no Certificate of Lawfulness of Existing Use or Development (CLEUD) is before me that demonstrates

that permission has commenced. In any case, the local context of that site is not comparable to the appeal site and its local context. To my mind, it differs at LA05/2017/1014/F. For example, there are buildings on the opposite side of the road that front it and the road straightens off unlike at the appeal site.

38. In relation to LA05/2018/0320/F, only one of the infill dwellings is built - the one that fronts the road. It is not gable ended to the road. The other one that is gable-ended is not built. Even if it was built, I do not consider it to be within the locality of the appeal proposal and its site differs to the appeal site. The Appellant alleges that similar reprofiling works were accepted by the Council in LA05/2018/0320/F. While reprofiling may have been permitted elsewhere, as said, it is a different site context to the appeal site. Even if the level changes are similar to that proposed in this appeal, it would not be in the public interest to perpetuate poor decision-making. Furthermore, those permissions were all assessed under a different policy context given that the Council's PS was not adopted when they were determined. The site and policy context of both LA05/2018/0320/F and LA05/2017/1014/F are not comparable to the appeal site. For those reasons, I am not persuaded that there is an issue of administrative unfairness in the approach taken by the Council, as was alleged by the Appellant.
39. Policy COU16 of the PS is entitled 'Rural Character and Other Criteria'. It states that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area. The policy expands to say that a new development proposal will be unacceptable in certain circumstances. The Council argue that the appeal proposal would offend criteria (c), (d), (e) and (h). The criteria require that (c) the appeal proposal respects the traditional pattern of settlement exhibited in the area; (d) the appeal proposal would not mar the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl; (e) it would not have an adverse impact on the rural character of the area; and (h) its ancillary works (with the exception of necessary visibility splays) would not have an adverse impact on rural character.
40. The Appellant argues that the unimplemented extant planning permissions are material considerations and that those developments do not detrimentally change the character of the area. However, it is unknown if those permissions would ever be implemented. An assessment of the pattern of settlement is not merely a mathematical exercise and considers the existing built development that I saw in the area. The area comprises that described as the locality earlier in this decision at paragraph 33. The Appellant's proposed site analysis indicates that No. 184 has a site frontage width of 84.3 metres, No. 188 has a site frontage width of 61.4 metres and the frontage width of the appeal site measures 53.9 metres. As the appeal site would be divided into two plots to accommodate the two proposed dwellings, the site frontage width of each would be significantly below the average plot width. Given the site frontages I witnessed on site of those adjacent dwellings, I consider that two dwellings on the site would to my mind read as incongruous and out of keeping with the local site context.
41. The built footprint of the proposed dwellings and their garages would be considerably much larger than those of the existing neighbouring properties (Nos. 184 and 188). The combination of this with the narrow frontage widths for each of the two proposed plots would result in the proposed dwellings facing gable end onto the road. Their

- plot sizes, frontage widths, the scale and orientation of the dwellings and their garages would not respect the traditional pattern of settlement exhibited in the area and would offend criterion (c) of Policy COU16 of the Council's PS. The Council and the third party's concerns in this regard are upheld.
42. The amplification text of Policy COU16 states that "landscapes around settlements have a special role to play in maintaining the distinction between town and country. The principle of drawing a settlement limit is partly to contain new development within the settlement limit to maintain that distinction. Proposals that mar this distinction or create urban sprawl will be considered unacceptable." Given the topography and the location of the site on the outside of the road bend, there are significant views of the countryside from the appeal site. To my mind and contrary to the Appellant's view, I consider there to be a clear distinction between the built-up urban area of the settlement nodes and the countryside in between. I have already found that the site provides visual relief between the urban settlement and the countryside.
 43. Development of the appeal site would lead to the central and eastern settlement nodes in the LAP conjoining, as well as bringing the eastern and western nodes identified in dBMAP closer together. The appeal development would mar the distinction between the Hillhall settlement and the countryside, resulting in urban sprawl. This would also result in further development along the Hillhall Road and a subsequent expansion of the developed area. The appeal proposal would therefore offend criterion (d) of Policy COU16.
 44. I have already concluded that there would be significant excavation works to accommodate the proposed dwelling at site one. The scale of these ancillary works would be unacceptable and would damage the rural character of the area. The appeal proposal would offend criteria (e) and (h) of Policy COU16 of the PS. The Council's proposed fourth reason for refusal is sustained and the relevant provisions of the SPPS insofar as stated.
 45. Policy NH6 of the PS is entitled 'Areas of Outstanding Natural Beauty'. It states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, is sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife and that certain criteria are met. For reasons already given above, the appeal proposal would offend criterion (a) of Policy NH6 in that the scale of the proposed dwellings and its garages would be unsympathetic to the special character of the AONB in its locality. It would also offend criterion (c) in that the proposal would not respect the local architectural styles and patterns for the reasons given above. For these reasons the appeal proposal would not satisfy Policy NH6 of the PS and the SPPS in this regard. The Council's proposed fifth reason for refusal is sustained.
 46. No evidence is before me that indicates that the appeal proposal would fall into any other category of development listed in Policy COU1 that would be acceptable in principle in the countryside. Nor were any overriding reasons provided as to why the development is essential and could not be located in a settlement. The Council's proposed first reason for refusal is therefore sustained.
 47. The third party raised road safety concerns. He expressed concern regarding achieving the necessary visibility splays given the speed and flow of the traffic at this part of the Hillhall Road. The Department for Infrastructure (DfI) Roads offered no

objections to the proposed visibility splays. From my on-site observations and the drawings, I am satisfied that sufficient visibility could be achieved for vehicles entering and leaving the development even with the speed and the amount of traffic that use the road. For those reasons, the third party's concern in this regard is not sustained.

48. The third party alleges that there are several species of bats in close proximity of the appeal site and that they rest in the buildings nearby and on the trees on site. The Appellant submitted a Biodiversity Checklist and a Preliminary Ecological Appraisal during the planning application stage. It was prepared by a person who was a chartered biologist and a chartered environmentalist. That appraisal concluded that the potential impact of the appeal proposal on roosting bats was associated as 'low'. The Department of Agriculture, Environment and Rural Affairs (DAERA) Natural Environment Division expressed no concerns with the appeal proposal. Given all these factors, I am satisfied that the appeal proposal would not adversely affect bats. The third party's concern in this regard is not sustained.
49. However, for the reasons given above, all five proposed reasons for refusal are upheld and the appeal must fail.

This decision relates to the drawings numbered below and date stamped received by the Council on 2nd March 2022 unless specified: -

- **01/1** Site location plan, scale 1/2500 date stamped received 6th September 2021
- **02** Existing Site Plan, 1/500 date stamped received 12th August 2020
- **03/3** Proposed Floorplans Site1, 1/100
- **04/2** Proposed Elevations 1 of 2 Site 1, 1/100
- **05/2** Proposed Elevations 2 of 2 Site 1, 1/100
- **06/2** Proposed Floorplans Site 2, 1/100
- **07/1** Proposed Elevations 1 of 2 Site 2, 1/100
- **08/1** Proposed Elevations 2 of 2 Site 2, 1/100
- **09/4** Proposed Site Plan, 1/500
- **10/2** Proposed Site Sections, 1/200
- **11/3** Proposed Streetscape, 1/200
- **12** Garage Floorplans, 1/100, date stamped received 10th November 2020
- **13** Proposed Site Analysis, 1/2500 and 1/500

COMMISSIONER STEVENSON

List of Appearances

Planning Authority:-	Ms R Heaney, Lisburn and Castlereagh City Council Mr M Burns, Lisburn and Castlereagh City Council
Appellant: -	Mr A Stephens, Matrix Planning Consultancy Mr S Speirs, Architect Design NI Ltd
Observer: -	Mr M McCamley, Matrix Planning Consultancy

List of Documents

Planning Authority: -	A1	Statement of Case Lisburn and Castlereagh City Council
	A2	PS Comments Lisburn and Castlereagh City Council
Appellant: -	B1	Statement of Case Matrix Planning Consultancy
	B2	PS Comments Matrix Planning Consultancy
Third Parties: -	C1	Statement of Case Mr P Wilkinson



Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Extension to Beechlaw Special School to provide additional classroom accommodation together with demolition of existing buildings

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p>	

	This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.	
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Appendices:	Appendix 3(a) - Report in relation to LA05/2023/0995/PAN Appendix 3(b) – LA05/2023/0995/PAN – PAN Form Appendix 3(c) – LA05/2023/0995/PAN – Site Location Plan
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	05 February 2024
Responsible Officer	Conor Hughes
Date of Report	24 January 2024
File Reference	LA05/2023/09995/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for an extension to Beechlawn Special School, 3 Dromore Road, Hillsborough to provide additional classroom accommodation together with demolition of existing buildings.

Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
4. The PAN for the above-described development was received on 15 December 2023. The earliest possible date for the submission of a planning application is week commencing 11 March 2024.

Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:
A description in general terms of the development to be carried out;
6. The description associated with the FORM PAN1 is as described above.

7. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

The postal address of the site, (if it has one);

8. The postal address identified on the FORM PAN1 is as described above.
9. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site;

10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

Details of how the prospective applicant may be contacted and corresponded with;

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 includes details of how the prospective applicant may be contacted and corresponded with.
12. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Samuel Stevenson & Sons at 4 Greenwood Avenue, Belfast, BT4 3HR.
13. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;

14. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
15. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments

16. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates that a public event will take place at Beechlawn School on 09 January 2024 at 2pm.

The event will be publicised in the Belfast Telegraph from 01 – 08 January 2024.

Details will also be posted on the school's website.

No other parties are identified as having received a copy of the PAN.

Recommendation

18. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee note the information submitted.



www.lisburncastlereagh.gov.uk/resident/planning
Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL
Tel: 028 9244 7300
E-mail: planning@lisburncastlereagh.gov.uk

Proposal of application notice

Planning Act (Northern Ireland) 2011

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

- Yes
- No

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

326

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

Northern Ireland

Contact Details

327

Telephone number

02890650368

Mobile number

Email address

caitlin.mccormick@samuel-stevenson.co.uk

Ref no.

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Beechlawn Special School

Address Line 1

3 Dromore Road

Address Line 2

Town/city

Hillsborough

Postcode

BT26 6PA

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

324159

358353

328

Site Area

What is the area of the site?

3.15

Hectares

Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

Extension to Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings.

Please indicate what type of application is being requested

- Outline permission
- Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
- No

What is the total gross floor space of proposed development (sq m)?

1427

Renewable Energy

Does your proposal involve renewable energy development?

- Yes
- No

Please add separate details for each applicable type of renewable energy

Renewable energy type:

Solar collectors / Solar panels

Total amount of power (MW) expected to be generated per year?:

5273

Has a determination been made as to whether the proposed development would be of Regional Significance?

Yes

No

Has an Environmental Impact Assessment determination previously been made?

Yes

No

Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: Public Consultation Event

Venue: Beechlawn School

Date and time: 09/01/2024 14:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Belfast Telegraph

Proposed advert date start 01/01/2024

Proposed advert date finish 08/01/2024

Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom)

Details of any other publicity methods (e.g. leaflets, posters)

Details will be posted on the school's website.

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

Yes

No

Authority Employee/Member

Are you/the applicant/applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes

No

Are you/the applicant/the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes

No

It is an important principle of decision-making that the process is open and transparent.

Declaration

The information I / We have given is correct and complete to the best of my knowledge and belief.

330

I / We agree to the outlined declaration

Signed

Caitlin McCormick

Date

15/12/2023

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

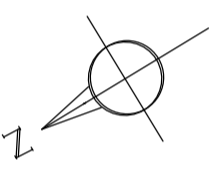
I consent for my personal data to be shared with other departments within the authority

Notes:
This drawing is the property of Samuel Stevenson & Sons. The drawing is issued on the condition that it is not copied or disclosed to any unauthorised person, either wholly or in part without the consent of Samuel Stevenson & Sons. Dimensions are not to be scaled from this drawing.

KEY

	Proposed siteworks
	Proposed extension
	Demolition
	Grass Areas 2100 sqm
	New paths / playground 750 sqm
	Existing Roads / parking 1124 sqm
	New Roads / parking 376 sqm

Works to Vehicle Roadways and Access
Alteration of existing turning head and parking to facilitate bus waiting and drop off to improve vehicle circulation on the site and provide additional parking for buses and replace carparking displaced by the construction works. Majority of trees to be retained in central turning head and adequately protected throughout the works.



B	14.12.23	Stage 2 Submission	CMcC	SMcC
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Rev	Date	Description	Issued by	Chk
Status:				Suitability:
Information				S3

samuel stevenson & sons
Chartered Architects and Principal Designers
4 Greenwood Avenue Belfast BT14 3HR
Tel: 028 9065 0368 E: mail@samuel-stevenson.co.uk
Fax: 028 9065 3488 W: www.samuel-stevenson.co.uk

Job: Beechlaw Special School SEP
3 Dromore Road, Hillsborough

Drawing: Proposed Site Plan

Drawn by:	CMcC	Scale:	1:500	@A1
Checked by:	SMcC	Date:	29/09/23	

Drawing No: 322101-SSS-ZZ-ZZ-DR-A-0007



Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on land to the north of Quarterland Road and east of Carnaghliss Road, Crumlin, Dundrod.

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.</p>	
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Appendices:	<p>Appendix 4(a) - Report in relation to LA05/2023/0980/PAN</p> <p>Appendix 4(b) – LA05/2023/0980/PAN – PAN Form</p> <p>Appendix 4(c) – LA05/2023/0980/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	05 February 2024
Responsible Officer	Conor Hughes
Date of Report	24 January 2024
File Reference	LA05/2023/0980/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for a new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on lands to the north of Quarterland Road and east of Carnaghliiss Road, Crumlin, Dundrod.

Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
4. The PAN for the above-described development was received on 08 December 2023. The earliest date for submission of the application is week commencing 11 March 2023.

Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:
A description in general terms of the development to be carried out;
6. The description associated with the FORM PAN1 is as described above.

7. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

The postal address of the site, (if it has one);

8. The postal address identified on the FORM PAN1 is as described above.
9. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site;

10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

Details of how the prospective applicant may be contacted and corresponded with;

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
12. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Turley at Hamilton House, 3 Joy Street, Belfast BT2 8LE.
13. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;

14. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
15. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments

16. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates that a public event will at the Ballymac Hotel, 7A Rock Road, Lisburn on 01 February 2024 at 3pm.

The event will be publicised in the Ulster Star on 19 January 2024.

Leaflets will also be distributed to properties within 500 metres of the proposed development on 25 January 2024. A consultation phone line will be promoted on the project leaflet.

A consultation website is to be developed.

Hard copies of material can also be provided to parties unable to access the public event.

Elected members for the DEA are identified as having received a copy of the Proposal of Application Notice on 02 January 2024. Notification has also issued to a number of MLAs and the local MP.

Recommendation

18. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee note the information submitted.

PP-12602388



www.lisburncastlereagh.gov.uk/resident/planning
Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL
Tel: 028 9244 7300
E-mail: planning@lisburncastlereagh.gov.uk

337

Proposal of application notice

Planning Act (Northern Ireland) 2011

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

- Yes
 No

Applicant Details

Name/Company

Title

Other

Other

First name

Surname

Company Name

LVPC Ltd

Address

Address line 1

7 Glenmore Manor

Address line 2

Lambeg

Address line 3

Town/City

Lisburn

Country

338

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

339

Contact Details

Telephone number

Mobile number

Email address

Ref no.

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

375127

340

Site Area

What is the area of the site?

19.9

Hectares

Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

Site for new cemetery including new main vehicular access and secondary access, parking, and associated infrastructure works.

Please indicate what type of application is being requested

- Outline permission
 Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
 No

Renewable Energy

Does your proposal involve renewable energy development?

- Yes No

Determinations

Has a determination been made as to whether the proposed development would be of Regional Significance?

- Yes
 No

Has an Environmental Impact Assessment determination previously been made?

- Yes
 No

Please add separate details for each proposed consultation

Proposed public event: Public Information Event
 Venue: The Ballymac Hotel, 7A Rock Road, Lisburn BT28 3SU.
 Date and time: 01/02/2024 15:00

Please add separate details for each publication used for the above consultation**Publication**

Name of publication Ulster Star
 Proposed advert date start 19/01/2024
 Proposed advert date finish 19/01/2024

Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom)

Leaflets distributed to properties within 500m of the proposed development on 25th January 2024.

Develop a consultation website www.dundrodconsultation.co.uk (TBC)

Consultation phone line promoted on project leaflet.

Hard copies of materials can be provided to parties unable to access public event.

Details of any other publicity methods (e.g. leaflets, posters)

Leaflets will include free-post feedback form and will provide a postal address, email address and consultation telephone number for interested parties to use to provide feedback or ask questions.

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

Yes No

Please state which other parties have received a copy of this Proposal of Application Notice

Details for elected member(s) for District Electoral Area

Elected member(s) for District Electoral Area:

Killultagh DEA Gary McCleave (Sinn Féin) James Tinsley (DUP) Ross McLernon (UUP) Thomas Beckett (DUP) Claire Kemp (Alliance)

Date notice served:

02/01/2024

<p>Other(s): MLAs John Blair MLA (Alliance) Trevor Clarke MLA (DUP) Steve Aiken MLA (UUP) Declan Kearney MLA (Sinn Féin) Pam Cameron MLA (DUP)</p> <p>Date notice served: 02/01/2024</p>
<p>Other(s): MP Paul Girvan MP (DUP)</p> <p>Date notice served: 02/01/2024</p>

Authority Employee/Member

Are you/the applicant/applicant's spouse or partner, a member of staff within the council or an elected member of the council?

- Yes
- No

Are you/the applicant/the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

- Yes
- No

It is an important principle of decision-making that the process is open and transparent.

Declaration

The information I / We have given is correct and complete to the best of my knowledge and belief.

I / We agree to the outlined declaration

Signed

Donna Lyle

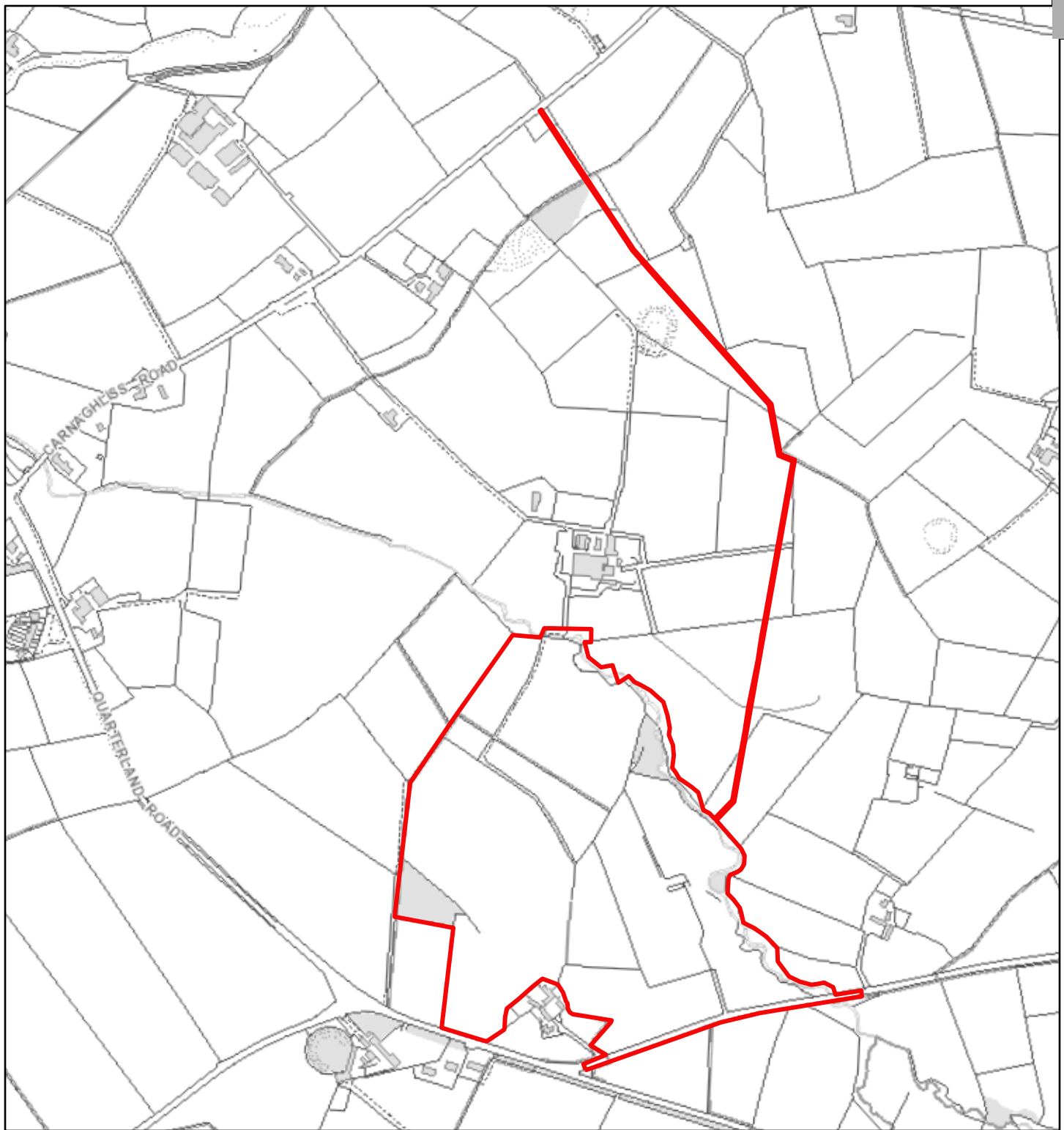
Date

08/12/2023

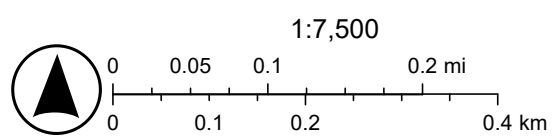
This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

I consent for my personal data to be shared with other departments within the authority

Site Location Plan



04/12/2023



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Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 5 – Freight Transport Hub for parking of HGVs and trailers including warehouse storage and distribution and office/administration building, on-site diesel storage with vehicle wash and trailer wash facilities, site access and right turning lane, inceptor and other ancillary development. on land adjacent to 12 Lissue Road, Lisburn.

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.</p>	
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Appendices:	<p>Appendix 5(a) - Report in relation to LA05/2024/0026/PAN</p> <p>Appendix 5(b) – LA05/2024/0026/PAN – PAN Form</p> <p>Appendix 5(c) – LA05/2024/0026/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	05 February 2024
Responsible Officer	Conor Hughes
Date of Report	24 January 2024
File Reference	LA05/2024/0026/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for a freight transport hub for parking of HGVs and trailers including warehouse storage and distribution and office/administration building on land adjacent to 12 Lissue Road, Lisburn.
2. It is further indicated in the PAN that there will be onsite diesel storage, vehicle wash and trailer wash facilities, dedicated site access and right turning lane facilities, a site based water treatment plant with effluent discharge to adjacent watercourse and petrol/oil interceptors before discharging to storm attenuation features or detention pond.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above-described development was received on 04 January 2024. The earliest possible date for the submission of a planning application is week commencing 01 April 2024.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

7. The description associated with the FORM PAN1 is as described above.
8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

The postal address of the site, (if it has one);

9. The postal address identified on the FORM PAN1 is as described above.
10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site;

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

Details of how the prospective applicant may be contacted and corresponded with;

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Mr John McElroy at 72 Osborne Drive, Belfast, BT9 6LJ.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 that the FORM PAN 1 indicates that no environmental impact assessment determination has been made.

16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

18. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates that a public event will in the Board Room of KFW group at 25 Ferguson Drive, Lisburn on 11 January 2024 at 6pm.

The event will be publicised in the Ulster Star week on 05 January 2024.

Leaflets describing the project will be available at the public event and elected Members for the DEA notified on 05 January 2024.

Recommendation

19. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee note the information submitted.



www.lisburncastlereagh.gov.uk/resident/planning
Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL
Tel: 028 9244 7300
E-mail: planning@lisburncastlereagh.gov.uk

Proposal of application notice

Planning Act (Northern Ireland) 2011

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

- Yes
- No

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

350

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

United Kingdom

Contact Details

Telephone number

Mobile number

Email address

Ref no.

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

363747

352

Site Area

What is the area of the site?

3.01

Hectares

Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

Freight Transport Hub, for parking of HGV's and trailers, including a warehouse storage and distribution and office/administration building of c. 25000 sq. ft.

accommodating around 30 staff.

On site diesel storage with vehicle wash and trailer wash facilities. Dedicated site access and right turning lane.

Site based wastewater treatment plant with effluent discharge to adjacent watercourse subject to NI Water and NIEA/DAERA approval.

Any potential contaminated storm water from hardstanding areas etc., is to be captured by petrol/oil interceptors before discharge to storm attenuation features of SuDS retention or a detention pond. Roff drainage to make use of grey water recycling.

Please indicate what type of application is being requested

- Outline permission
 Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
 No

What is the total gross floor space of proposed development (sq m)?

2243

Renewable Energy

Does your proposal involve renewable energy development?

- Yes No

Renewable energy type:

Solar collectors / Solar panels

Total amount of power (MW) expected to be generated per year?:

3

Determinations

Has a determination been made as to whether the proposed development would be of Regional Significance?

 Yes No

Has an Environmental Impact Assessment determination previously been made?

 Yes No**Details of Proposed Consultation**

Please add separate details for each proposed consultation

Proposed public event: Drawing display

Venue: Boardroom, KFW group, 25 Ferguson Drive, Lisburn BT

Date and time: 11/01/2024 18:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Ulster Star

Proposed advert date start 05/01/2024

Proposed advert date finish 05/01/2024

Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom)

Local Councillor email notification

Details of any other publicity methods (e.g. leaflets, posters)

Leaflets describing the project will be available at the public display event.

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

 Yes No

Please state which other parties have received a copy of this Proposal of Application Notice

Elected member(s) for District Electoral Area:

Paul Porter (DUP) Peter Kennedy (Alliance) Alan Givan (DUP) Tim Mitchell (UUP) Andrew Ewing (DUP) Amanda Grehan (Alliance)

Date notice served:

05/01/2024

Details for Other Parties

Authority Employee/Member

Are you/the applicant/applicant's spouse or partner, a member of staff within the council or an elected member of the council?

- Yes
- No

Are you/the applicant/the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

- Yes
- No

It is an important principle of decision-making that the process is open and transparent.

Declaration

The information I / We have given is correct and complete to the best of my knowledge and belief.

I / We agree to the outlined declaration

Signed

John McElroy

Date

04/01/2024

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

I consent for my personal data to be shared with other departments within the authority

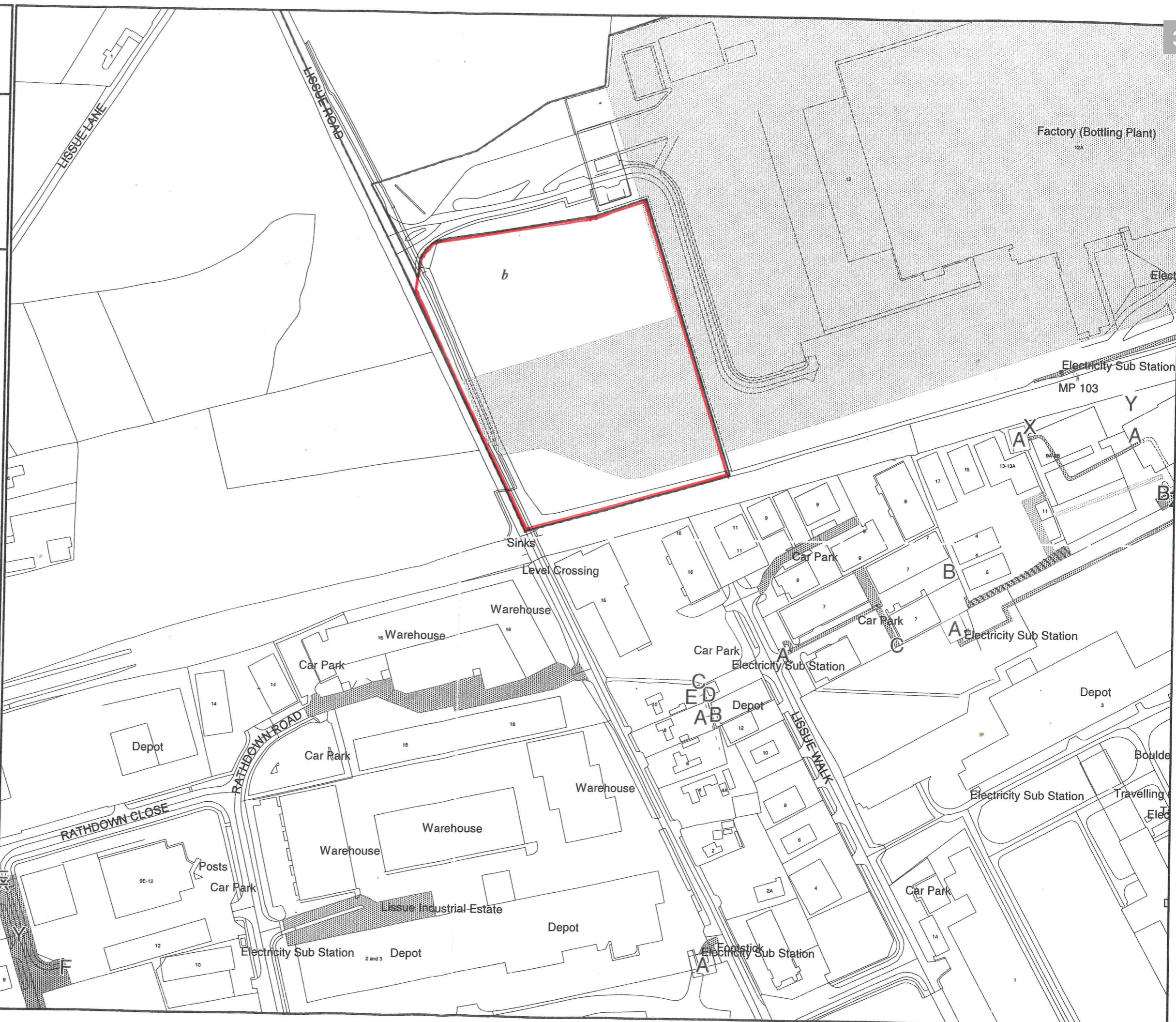


Land & Property Services
Seirbhís Talún & Maoine
THE LAND REGISTRY CLÁRLANN NA TALÚN

Date: 18 May 2023
County: Antrim
Folio: AN26960
Scale: 1:2500
Our Ref: 2023/395671
Your Ref: ditto
Map Ref(s): 16509NW,16509NW4

Sheet 2 of 2

Key to folio labels:
b - AN26960 No.2



This map is for location purposes only (Rule 141(1) of the Land Registration Rule (Northern Ireland) 1994 as amended by paragraph 19 of the Schedule to the Amendment Rules 2000). Folio boundaries are not guaranteed, (Section 64 of the Land Registration Act(Northern Ireland) 1970). The co-incident of Land Registry markings and OSNI features may have been affected by revisions of the OSNI map subsequent to registration.

This map has been prepared using the largest scale Land Registry map available for the area. Any future Deed map should be based on the largest scale OS Irish Grid Plan available for the area. N.B. Folio boundaries are not conclusive (unless so described on the folio). See S64 of the Land Registration Act (NI) 1970. Where there is any doubt concerning boundaries, the original Instrument or Document should be inspected.

This copy map shows the location of the lands comprised in the folio listed above.

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Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Statutory Performance Indicators – December 2023

1.0 **Background**

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning functions.
2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (**see Appendix**) summarising the monthly position for each indicator for the month of December 2023.
2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such.
3. Members will note that the performance against the statutory target for local applications for December 2023 was 44.6 weeks with performance year to date noted to be 41.0 weeks. Our continued focus on reducing the number of older applications means it is unlikely that the Council will return to good performance for local applications in the short term but the implementation of a structural review and improvement plan should see an overall improvement against this target in the next business year.
4. It is important to note that legal challenges and ongoing resourcing pressures continues to impact on our ability to improve performance in relation to local applications.
5. Performance in relation to major applications for December 2023 was 63.2 weeks. That said, performance year to date noted to be 49.6 weeks. The types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work

	<p>programme a target to bring at least one major application forward to Committee each month.</p> <p>6. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally. One significant factor is the requirement for many of the applications in this category to be accompanied with legal agreements. Our practice for dealing with agreements is under review.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the information in relation to the December Statutory Performance Indicators.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p>	

<p>Appendices:</p>	<p>Appendix 6 – Statutory Performance Indicators – December 2023</p>
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Statutory targets monthly update - December 2023 (unvalidated management information)

Lisburn and Castlereagh

DATA HIGHLIGHTED YELLOW IS EXPERIMENTAL

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	2	1	49.6	0.0%	55	45	57.8	11.1%	27	6	47.8	66.7%
May	0	1	102.2	0.0%	67	71	35.6	15.5%	28	25	95.8	48.0%
June	0	1	44.2	0.0%	74	71	33.6	14.1%	28	16	20.7	93.8%
July	0	0	-	-	62	8	44.2	25.0%	13	12	27.6	83.3%
August	1	0	-	-	56	79	37.2	16.5%	23	7	41.9	71.4%
September	0	1	25.6	100.0%	47	62	43.4	11.3%	39	33	28.2	87.9%
October	0	0	-	-	73	62	45.3	8.1%	18	23	26.8	95.7%
November	1	0	-	-	61	62	42.4	1.6%	15	15	31.2	86.7%
December	2	1	63.2	0.0%	35	43	44.6	2.3%	12	6	33.0	83.3%
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	6	5	49.6	20.0%	530	503	41.0	10.9%	203	143	30.9	80.4%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.



Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Notification from the Department for Infrastructure about the publication of DMPN 9B - EIA Screening

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The Department for Infrastructure (the Department) as part of a wider Governance Work Programme, has been developing a number of development management practice notes on key elements of the environmental impact assessment (EIA) process. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> In a letter to Heads of Planning dated 08 December 2023, a senior principal within the Department writes to advise that Development Management Practice Note (DMPN) 9B ‘Screening Projects for Environmental Impact Assessment’ has now been published and that it is available via the following link: Development Management Practice Note 9B Environmental Impact Assessment Screening.pdf (infrastructure-ni.gov.uk) The letter advised that the practice note does not introduce any changes to legislation, nor regional planning policy, and that it is intended to assist in promoting consistency in approach applying the statutory requirements of the Planning [Environmental Impact Assessment] Regulations [Northern Ireland] 2017. That said, it is a material consideration to be taken account of and officers in the Unit are advised to take account of the practice note where the threshold for assessment is met and screening is required. It is further advised that work is continuing on the next practice note DMPN 9C – Scoping EIA Development.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the publication of DMPN 9B – Screening projects for Environmental Impact Assessment.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report for noting correspondence from the Department for Communities. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report for noting correspondence from the Department for Communities. RNIA not required.</p>	

Appendices:	APPENDIX 7 – Letter from Department for Infrastructure in relation to Development Management Practice Note 9B – Screening projects for Environmental Impact Assessment.
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Department for

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Regional Planning Governance & Legislation

Heads of Planning (Council)

Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 0300 200 7830**Email:** scott.symington@infrastructure-ni.gov.uk
julie.maroadi@infrastructure-ni.gov.uk

Your Ref:

Our Ref:

08 December 2023

Dear Colleagues

Development Management Practice Note 9B – Screening projects for Environmental Impact Assessment

You will be aware that, as part of the Department's Environmental Governance Work Programme, work has been ongoing to develop a number of development management practice notes (DMPNs) on key elements of the environmental impact assessment (EIA) process. I am writing to advise you that DMPN 9B 'Screening Projects for Environmental Impact Assessment' has now been published and is available at the following link:-

[Development Management Practice Note 9B Environmental Impact Assessment Screening.pdf \(infrastructure-ni.gov.uk\)](http://www.infrastructure-ni.gov.uk/Development-Management-Practice-Note-9B-Environmental-Impact-Assessment-Screening.pdf)

It is important to note that the practice note does not introduce any change to legislation, nor to regional planning policy. It is not legally authoritative and planning authorities, in managing relevant cases, should obtain their own legal advice, as necessary and appropriate, on the legislation and case law to which the practice note refers.

The practice note is also intended to assist in promoting consistency in approach in applying the statutory requirements of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. I am copying this letter to your representative on the Environmental Officers Forum.

Further work is continuing on the next practice note, DMPN 9C - Scoping EIA Development, and I will confirm when this is published on the Department's website.

Yours sincerely



SCOTT SYMINGTON
Senior Principal

CC: Environmental Officers Forum representatives

Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 8 – Proposed abandonment at 62 to 66 Bow Street, Lisburn

1.0	<p><u>Background</u></p> <p>1. In a letter dated 14 December 2023, the Department for Infrastructure notifies the Council of a proposed abandonment at 62 – 66 Bow Street, Lisburn.</p> <p><u>Key Issues</u></p> <p>1. The letter explains that an application has been received from Danske Bank for the abandonment of an area of footway outside their premises as shown on a related plan.</p> <p>2. It also explains that this is to allow them to install a new ATM machine, with external ramp access to comply with DDA requirements. The applicant has obtained planning approval for the proposed works under LA05/2022/0495/F.</p> <p>3. There are no implications for the implemented public realm scheme at this location as the materials proposed are to match the existing footpath.</p> <p>4. Comments on the proposed abandonment are invited and in a related report to the Regeneration and Growth Committee it is recommended that a response is returned to the consultation confirming no objection in principle to the abandonment of this small section of the footpath to facilitate disabled access to the proposed ATM.</p>		
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee note the letter from the Department for Infrastructure and that there is no objection in principle to the abandonment of a small part of the footpath outside Danske Bank subject to agreement of the Regeneration and Growth Committee.</p>		
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>		
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>		
4.1	<table border="1"> <tr> <td>Has an equality and good relations screening been carried out?</td> <td>No</td> </tr> </table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		

4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report for noting in relation to a proposed abandonment at 62 to 66 Bow Street Lisburn. It is noted the ramp is required for disabled access. The screening for EQIA is a matter for the Department for Infrastructure as part of their decision-making process.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report for noting in relation to a proposed abandonment at 62 to 66 Bow Street Lisburn. RNIA not required.</p>	

Appendices:	APPENDIX 8 – Letter from Dfi in relation to the proposed abandonment at 62 to 66 Bow Street Lisburn
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Department for

Infrastructure

www.infrastructure-ni.gov.uk

Annexe 7, Block 2
Castle Buildings
Stormont Estate
Upper Newtownards Road
BELFAST
BT4 3SQ

Telephone: 0300 200 7899

Textphone number: 028 9054 0022

Being Dealt With By: Victor Clegg

Email: Victor.clegg@infrastructure-ni.gov.uk

Direct Line: 02890 526193

Our Ref:MD2/Z/03/1114

Date: 14 December 2023

Local Planning Office
Lisburn & Castlereagh City Council
Lagan Valley Island
Island Civic Centre
LISBURN
BT27 4RL

DEAR SIR/ MADAM,

ROADS (NI) ORDER 1993

PROPOSED ABANDONMENT AT 62- 66 BOW STREET, LISBURN.

An application has been received from Danske Bank for the abandonment of an area of footway outside their premises at 62-66 Bow Street Lisburn as shown on the attached plan, to allow them to install a new ATM machine, with external ramped access to comply with DDA requirements.

The Applicant has obtained planning approval for the proposed works under LA05/2021/1063/F.

Could you please let me have your comments on the above proposal.

A prompt response would be appreciated, and I look forward to hearing from you. If I do not receive your reply, I shall assume you have no objection and will proceed accordingly.

Yours faithfully

Victor Clegg
Lands Section

ENC

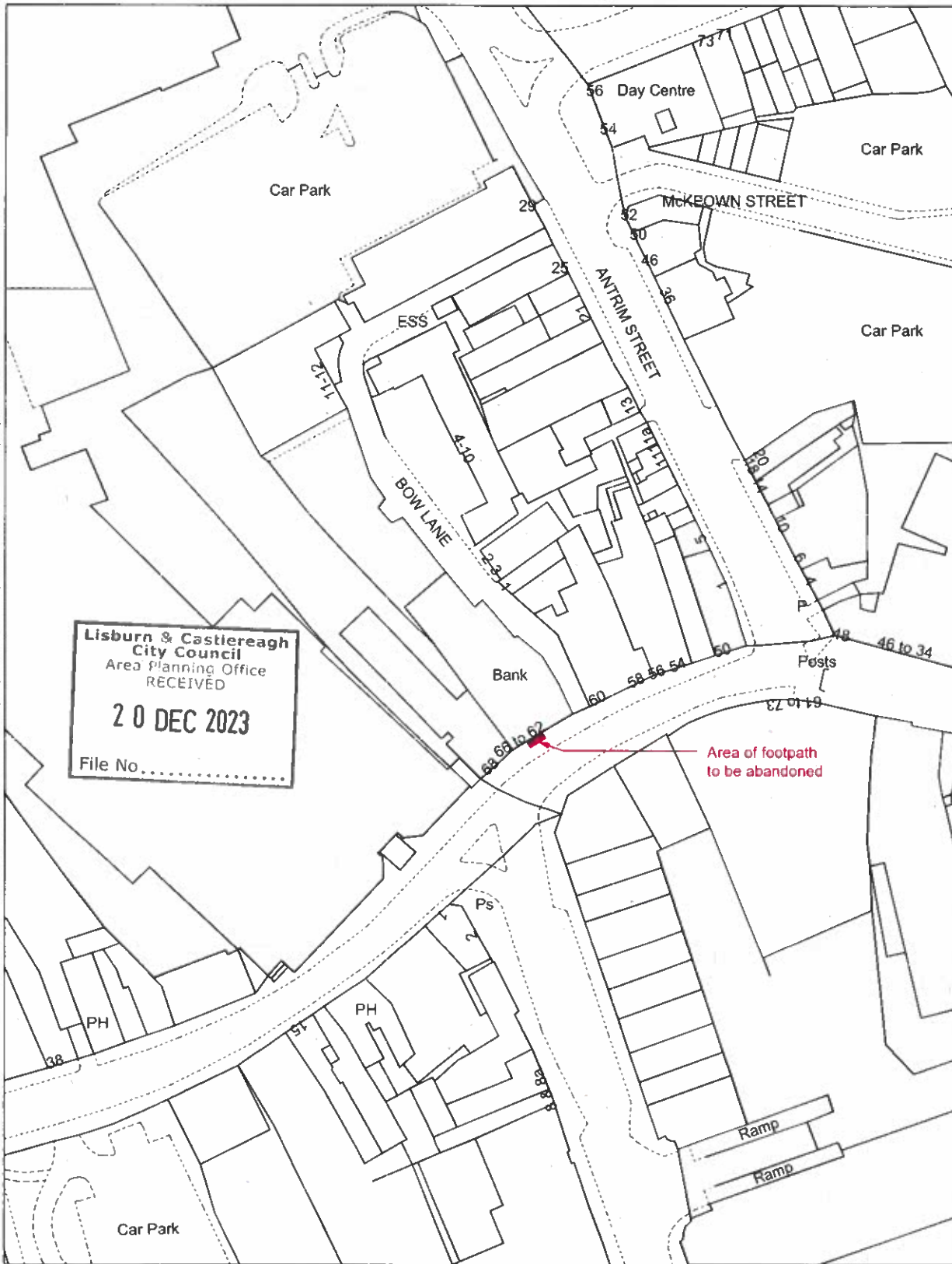


ACEmap® Multi-Copy

Printed: 07/03/2022 Customer Ref:
 Centre Point (Easting, Northing): 326421, 364323
 Danske Bank Lisburn

Scale: 1:1,250
 Order no. ORD116097
 Plan No. 16506SE3

326525
 364463



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Lisburn & Castlereagh
 City Council
 Area Planning Office
 RECEIVED
20 DEC 2023
 File No.

Abandonment of Part of the Footpath to the front of Danske Bank 62-66 Bow Street, Lisburn, Co. Down

MARK INGRAM CHARTERED SURVEYORS
 5 MULLAFERNAGHAN ROAD, DROMORE BT25 1JZ
 TEL: 07970044839, EMAIL: Mark@MHIngram.co.uk



Area of Footpath to be abandoned		Length = 3.804m Width = 1.589m Total Area = 6.044 sq m

Rev/Iss:	Date:	Issue:
Drawn: MI	Checked: GAL	Date: 06/09/2023
Proj Ref: RSFA01	Rev: ---	Scale: 1:1250

JOB NO:	23-03-B-506
Client:	Danske Bank
Project:	Danske Bank Lisburn Disability Access Alterations - External Ramp
Drawn By:	Road Service Footpath Abandonment Map



Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 9 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The Council is notified by two operators, Openreach and Clarke Telecom, of their intention to utilise permitted development rights at ten locations within the Council area to install communications apparatus. The installations consist of fixed line apparatus, upgrades to existing radio base stations and replacement of headframe and antenna in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The notifications advise the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. Only the schedule of locations where the works are proposed has been appended to the report. However the content of notifications detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>

4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.</p>	

Appendices:	Appendix 9 – Notifications from an Operator in respect of intention to utilise permitted development rights
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List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights February 2024 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Openreach	BT	5 Gulf Road, Hillsborough	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	08/12/2023
2	Openreach	BT	5 St Johns Road, Hillsborough	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	08/12/2023
3	Openreach	BT	18 Ravarnet Gardens, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	12/12/2023
4	Openreach	BT	6 Benvisteen Park, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	13/12/2023
5	Openreach	BT	14 Rathvarna Drive, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	13/12/2023
6	Openreach	BT	17 Harmony Hill, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	13/12/2023
7	Cornerstone	02	Newtownbreda South, site at Saintfield Road, Belfast	The proposed installation comprises: – Existing 15.0m high Elara pole to be replaced by 20.0m high Orion pole with new MK2 Headframe on new root foundation. Proposed installation of 6No. Antennas. Proposed installation of 3No. RRU's. Proposed installation of 2No. Dishes. Proposed installation of 6no. Filters. Proposed installation of 1No. GPS module within Yorkshire cabinet. Proposed installation of 1No. Yorkshire EL cabinet. Existing 1No. Lancaster Cabinet to be removed. Existing 1No. Electrical Meter Pillar to be removed. Existing 1No. RBS 6102 Cabinet to be removed.	14/12/2023
8	Openreach	BT	3 Springmount Road, Dromara	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	09/01/2024
9	Openreach	BT	61 Tullyhubbert Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	17/01/2024
10	Openreach	BT	64a Stoneyford Road,	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	18/01/2024

Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 10 - Public Consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland) 2015

1.0 **Background**

1. In a letter dated 11 December 2023, the Department for Infrastructure informs the Council that it has issued a public consultation paper on proposals to review the Planning (Development Management) Regulations (Northern Ireland) 2015 (the Regulations).
2. The reason for the consultation is linked to a review undertaken by the Department for Infrastructure in 2022 into the Planning (Northern Ireland) Act 2011 (the Act) which identified amongst other things the need for change to the Regulations.
3. The actions arising out of the review of the Act are subsumed into the Planning Improvement Programme being brought forward by the Department, in consultation with local government and other partners, to improve current processes and the performance and delivery of the planning system.
4. It is highlighted in the documents supplied in support of the consultation that the following three areas of the Regulations are being considered:
 - A review of the classes of development to ensure they reflect current and future development trends and that the associated thresholds take a balanced approach to community consultation in planning applications for major development.
 - Proposals to make pre-determination hearings discretionary for Councils which will help focus resources and reduce delays in issuing planning decisions for some planning applications; and
 - Proposals to introduce online/digital methods into the pre-application community consultation (PACC) process, to enhance accessibility and encourage participation in the planning process by a broader range of people.
5. The full detail of the public consultation can be accessed via the NI Direct – Citizen Space website at the following link

[Review of The Planning \(Development Management\) Regulations \(Northern Ireland\) 2015 - NI Direct - Citizen Space](#)

6. The closing date for receipt of comments is 03 March 2024.

Key Issues

1. In respect of the first part of the consultation approximately 2% of all applications in this Council area fall within the major threshold. Learned experience would suggest

there are a number of applications below this threshold that would benefit from greater community participation in the form of pre-application community consultation.

2. Proposals for mixed tenure housing development is one example of this and the current threshold of 50 residential units does not bring a number of applications into the category of major that would benefit from pre-application community consultation.
3. The consultation document does not provide any framework for how the thresholds might be changed but there is significant merit in reducing the thresholds for some of the categories of development to bring more applications within the major category. This allows for more public participation in the planning application process at the earliest stage and provides more time to properly consider the detail of these applications for example when a Section 76 planning agreement is required.
4. In respect of the second part of the consultation there are very few occasions in this Council Area where a pre-determination has been requested. It is further noted that the types of applications that give rise to the need for a pre-determination hearing are small, and this is recognised in the consultation.
5. That said there is a significant body of work in managing pre-determination hearings. Making them discretionary as highlighted in the supporting consultation documents are positive and should be welcomed.
6. In respect of the third part of the consultation it is recognised that there are other means of engaging through online platforms and social media that allows for more complete public consultation.
7. The following benefits are highlighted:
 - widening the sphere of community engagement by raising awareness of the proposals to a wider geographical audience;
 - altering the profile of those getting involved in planning to a younger demographic; enhancing access to proposals for major development;
 - improving accessibility for those wishing to feedback comments to an applicant on a development proposal; and
 - using social media as a tool for signposting consultations and development proposals.
8. Two options are suggested by the Department for Infrastructure to effect change and increase participation in the planning process. These are (1) require online and in person consultation at the pre-application stage or (2) make it optional - one or the other.
9. It is the learned experience of this Council that rates of participation in public consultation for most applications are low. To have the most impact both methods of consulting should be applied. More evidence of how the online consultation was undertaken also needs to be expressly set out at the start in the pre-application notice and then reported more fully at the application stage in the pre-application community consultation report.

	<p>10. Whilst not explicitly asked for in the consultation if the opportunity is available under any other comments it is further advised that the following changes should also be made:</p> <ul style="list-style-type: none"> • Removal of the transitional arrangements for applications pre-dating 2015. There should be no applications in the planning system this old. • Removal of the requirement for the published scheme of delegation to be made available at the Council offices as a digital copy is available on the Council website. • Alter the requirement to review the Scheme of Delegation from three years to every four years to align with the cycle of local government elections. 	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note that a report will be presented to the Regeneration and Growth Committee on 1 February 2024 seeking that delegated authority is given to officers to provide comments via the Citizen Space website based on the advice set out at paragraphs 7 to 16 of this report.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report seeking delegated authority to provide comment on a public consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland) 2015. EQIA not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report seeking delegated authority to provide comment on a public consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland) 2015. RNIA not required.</p>	

<p>Appendices:</p>	<p>Appendix 10(a) – Letter from Department dated 11 December 2023</p> <p>Appendix 10(b) – The Planning (Development Management) Regulations (Northern Ireland) 2015 (the Regulations)</p>
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Regional Planning Governance & Legislation

Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 0300 200 7830

11 December 2023

Dear Sir/Madam

PUBLIC CONSULTATION ON THE REVIEW OF THE PLANNING (DEVELOPMENT MANAGEMENT) REGULATIONS (NORTHERN IRELAND) 2015 (the Development Management Regulations)

I am writing to inform you that the Department for Infrastructure has issued a public consultation paper on proposals to review The Development Management Regulations.

These proposals are part of the [Planning Improvement Programme \(PIP\)](#) being brought forward by the Department, working closely with local government and partners, to improve current processes and the performance and delivery of the planning system.

The consultation proposes changes in three areas:

- a review of the classes of development to ensure they reflect current and future development trends and that the associated thresholds take a balanced approach to community consultation in planning applications for major development.
- proposals to make pre-determination hearings discretionary for councils which will help focus resources and reduce delays in issuing planning decisions for some planning applications; and
- proposals to introduce online/digital methods into the pre-application community consultation (PACC) process, to enhance accessibility and encourage participation in the planning process by a broader range of people.

The public consultation can be accessed via the NI Direct – Citizen Space website at the link below, and submissions can be made online:

<https://consultations2.nidirect.gov.uk/dfi-1/review-of-the-planning-development-management-regu>

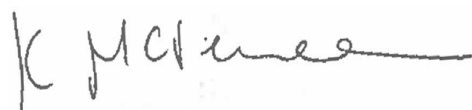
Alternatively, copies of the public consultation documents can be downloaded from the Department for Infrastructure [website](#), requested by email at: Legislation.planning@infrastructure-ni.gov.uk or by phoning NI Direct on 0300 200 7830.

The closing date for receipt of comments is **3rd March 2024**.

You have received this notification because your contact details are contained on a list of consultees used by DfI Planning when issuing public consultations, surveys, questionnaires, etc.

If you no longer wish to receive these notifications, your details can be removed by notifying the department using the same contact details as above.

Yours faithfully



DR KATHRYN McFERRAN
(Acting) Director

 STATUTORY RULES OF NORTHERN IRELAND

2015 No. 71**PLANNING**
**The Planning (Development Management) Regulations
(Northern Ireland) 2015**

Made - - - - - *25th February 2015*

Coming into operation - - - - - *1st April 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 25(2), 26(1), 27(4) and (5), 30(1), 31(1) and (3), 50(2) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Development Management) Regulations (Northern Ireland) 2015 and come into operation on 1st April 2015.

(2) In these Regulations a reference to a section is a reference to a section of the Planning Act (Northern Ireland) 2011.

(3) In these Regulations—

“the GDPO” means the Planning (General Development Procedure) Order (Northern Ireland) 2015(b);

“appointed officer” means a person appointed by the council for the purposes of section 31(1)(a);

“appropriate council” means the council for the district in which the land to which the application relates is situated;

“council” means a district council;

“EIA development” has the same meaning as in regulation 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015(c).

Hierarchy of Developments

2.—(1) For the purposes of section 25(1)(hierarchy of developments) the classes of development belonging to the category of major development are—

(a) development described in Column 1 of the table in the Schedule, where any applicable threshold or criterion in the corresponding entry in Column 2 of that table is met or exceeded; and

(a) 2011 c.25 (N.I.).

(b) SR 2015 No.72.

(c) SR 2015 No.74.

- (b) any change to or extension of development of a class described in paragraphs 1 to 9 of Column 1 of the table in the Schedule where that change or extension itself meets or exceeds the threshold or criterion in the corresponding entry in Column 2 of that table.

(2) All other development belongs to the category of local development.

Department's jurisdiction in relation to developments of regional significance

3. The major development prescribed for the purposes of section 26(1) is—

- (a) development described in Column 1 of the table in the Schedule, where any applicable threshold or criterion in the corresponding entry in Column 3 of that table is met or exceeded; and
- (b) any change to or extension of development of a class described in paragraphs 1 to 5 of Column 1 of the table in the Schedule where that change or extension itself meets or exceeds the threshold or criterion in the corresponding entry in Column 3 of that table.

Content of proposal of application notice

4. A proposal of application notice must be in writing and must, in addition to those matters required by section 27(4), also contain—

- (a) a copy (where applicable) of any determination made under regulation 7(1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;
- (b) a copy of any notice served by the Department under section 26(4) or (6); and
- (c) an account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take.

Pre-application community consultation

5.—(1) Where the prospective applicant has been served with a notice under section 26(4), the Department must consult the appropriate council as respects a proposed application and in doing so, must give a copy of the proposal of application notice to that council.

(2) The prospective applicant must—

- (a) hold at least one public event in the locality in which the proposed development is situated where members of the public may make comments to the prospective applicant as regards the proposed development; and
- (b) publish in a newspaper circulating in the locality in which the proposed development is situated a notice containing—
 - (i) a description of, and the location of, the proposed development,
 - (ii) details as to where further information may be obtained concerning the proposed development,
 - (iii) the date, time and place of the public event,
 - (iv) a statement explaining how, and by when, persons wishing to make comments to the prospective applicant relating to the proposal may do so, and
 - (v) a statement that comments made to the prospective applicant are not representations to the council or as the case may be the Department and if the prospective applicant submits an application there will be an opportunity to make representations on that application to the council or as the case may be the Department at a later stage.

(3) A public event held by the prospective applicant in accordance with paragraph (2)(a) must not be held earlier than 7 days after notification of the date, time and place of such event is given under paragraph (2)(b)(iii).

Duty to decline to determine application where section 27 not complied with

6. The period prescribed for the purposes of section 50(2) is the period of 21 days beginning with the day on which the additional information referred to in that subsection was requested.

Pre-determination hearings

7.—(1) The classes of development prescribed for the purposes of section 30(1) are those developments to which a direction under Article 17 of the GDPO applies where the Department has notified the council that it does not intend to determine the application under section 29(1).

(2) The persons who submit representations to the council in respect of the application in accordance with paragraph (1) are prescribed for the purposes of section 30(1), as persons to whom the council are to give an opportunity of appearing before and being heard by a committee of the council.

Content of scheme of delegation

8.—(1) A scheme of delegation must—

- (a) describe the classes of local development to which the scheme applies; and
- (b) state with respect to every such class which of the applications mentioned in paragraph (2) are to be determined by an appointed officer and, if such application is only to be so determined in particular circumstances, specify those circumstances.

(2) The applications are—

- (a) an application for planning permission; or
- (b) an application for consent, agreement or approval required by a condition imposed on a grant of planning permission.

(3) A scheme of delegation must include provision that prohibits an appointed officer from determining an application for planning permission in the circumstances mentioned in paragraph (4).

(4) The circumstances are that—

- (a) the application is made by the council or an elected member of the council; or
- (b) the application relates to land in which the council has an estate.

Procedure for the preparation and adoption of scheme of delegation

9. The council must send a copy of the scheme of delegation to the Department and must not adopt the scheme until the scheme has been approved by the Department.

Publication of the scheme

10. On adoption of the scheme the council must—

- (a) make a copy of the scheme of delegation available for inspection at an office of the council; and
- (b) publish the scheme of delegation on the website of the council.

Subsequent schemes of delegation

11. The council must prepare a scheme of delegation at intervals of no greater than three years.

Transitional provision

12. Section 27 (pre-application community consultation) applies only to applications for planning permission made on or after 1st July 2015 and the requirement in Article 3(3)(e) of the GDPO shall not apply before that date.

Sealed with the Official Seal of the Department of the Environment on 25th February 2015



Angus Kerr
A senior officer of the
Department of the Environment

SCHEDULE

Regulations 2 and 3

Major Development Thresholds

1. In the Table below—

“airport” has the meaning assigned to it in Article 2(2) of the Airports (Northern Ireland) Order 1994(a)

“area of works” includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“floor space” means floor space in a building or buildings;

2. The Table below sets out the classes of development belonging to the category of major development.

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
<u>1.EIA development</u>	Development of a description in paragraphs; 1, 3, 4, 5, 6, 11, 12, 15, 17, 18, 22, 23 and 24; mentioned in Schedule 1 to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.	Development of a description in paragraphs 1, 3, 22, 23 and 24 mentioned in Schedule 1 to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.
<u>2. Energy Infrastructure</u>		
Electricity generating stations	<p>1. The construction of an electricity generating station where its capacity is or exceeds 5 megawatts.</p> <p>2. All onshore development associated with the construction of an offshore electricity generating station.</p>	<p>1. The construction of an electricity generating station where its capacity is or exceeds 30 megawatts.</p> <p>2. All onshore development associated with the construction of an offshore electricity generating station with a capacity which is or exceeds 30 megawatts.</p>
Electrical power lines	The installation of an electrical power line where the voltage exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more than one customer.	The installation of an electrical power line where the voltage: <ul style="list-style-type: none"> -is 110 kilovolts double circuit overhead line; or -is or exceeds 275 kilovolts, and a length of more than 15 kilometres.

(a) S.I. 1994/426 (N.I.1).

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
Storage	<p>1. Installations for the storage of petroleum, petrochemical, chemical products or natural gas where the storage capacity of the facility is expected to be 30,000 tonnes or more.</p> <p>2. Installations for the underground geological storage of petroleum, natural gas, carbon dioxide or compressed air energy storage.</p>	<p>1. Installations for the storage of petroleum, petrochemical, chemical products or natural gas where the storage capacity of the facility is expected to be 200,000 tonnes or more.</p> <p>2. Installations for the underground geological storage of petroleum, natural gas, carbon dioxide or compressed air energy storage.</p>
Extraction	<p>1. Any proposal relating to the extraction of unconventional hydrocarbons.</p> <p>2. The extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 250 tonnes per day in the case of petroleum and 250,000 cubic metres per day in the case of gas.</p>	<p>1. Any proposal relating to the extraction of unconventional hydrocarbons.</p> <p>2. The extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.</p>
Pipelines	<p>Pipelines with a diameter of more than 400 millimetres or more than 20 kilometres in length:</p> <ul style="list-style-type: none"> -for the transport of gas, oil or chemicals, or -for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations. 	<p>Pipelines with a diameter of more than 800 millimetres or more than 40 kilometres in length:</p> <ul style="list-style-type: none"> -for the transport of gas, oil or chemicals, or -for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.
<u>3. Transport infrastructure.</u> Construction of new or replacement railways, airports, harbours and ports, waterways, transit ways.	The areas of work is or exceeds 1 kilometre in length or 1 hectare.	<p>a) construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more;</p> <p>b) inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes; or</p> <p>c) trading ports, piers for loading and unloading connected to land outside ports (excluding ferry piers) which</p>

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
		can take vessels of over 1,350 tonnes.
<u>4. Waste infrastructure.</u>		
Construction of facilities for use for the purpose of waste management, disposal or treatment.		
Waste Management Facilities	<p>1. An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of or more than 25,000 tonnes.</p> <p>2. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9(a)) of non-hazardous waste with a capacity exceeding 100 tonnes per day.</p>	<p>1. An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of or more than 100,000 tonnes.</p> <p>2. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity for an annual intake exceeding 100,000 tonnes.</p>
Waste Water	Waste water treatment plants with a capacity exceeding 50,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC.	Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(b).
<u>5. Minerals</u>		
Extraction of minerals	The area of the site is or exceeds 2 hectares.	<p>a) development involving quarries or open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares; or</p> <p>b) development involving underground mining where the surface of the site exceeds 2 hectares.</p>
<u>6. Housing.</u>		
Construction of buildings structures or erections for use as residential accommodation;	<p>a) development that comprises 50 units or more; or</p> <p>b) the area of the site is or exceeds 2 hectares.</p>	

(a) O.J. No.L312, 22.11.08, p.3.

(b) O.J. No. L135, 30.5.91, p.40.

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
includes private schemes.		
<u>7. Retailing, Community, Recreation and Culture.</u> (according to Parts A and D of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 ^(a)). Including shops, financial, professional and other services, community and cultural uses, and assembly and leisure.	a) development that comprises 1,000 square metres or more gross floor space outside town centres; or b) the area of the site is or exceeds 1 hectare.	
<u>8. Business, Industry (Light and General), Storage and Distribution.</u> (according to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015	a) development that comprises 5,000 square metres or more gross floor space; or b) the area of the site is or exceeds 1 hectare.	
<u>9. All other development.</u> Any development not falling wholly within any single class of development described in Parts 1 to 8 above.	a) development that comprises 5,000 square metres or more gross floor space; or b) the area of the site is or exceeds 1 hectare.	

(a) S.R. 2015 No. 40.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision for the new development management processes for determining planning applications. The statutory rule puts in place the regulatory framework required to implement the development management provisions in Part 3 of the Planning Act (Northern Ireland) 2011 (“the 2011 Act”).

Regulation 2 prescribes the classes of major development.

Regulation 3 prescribes the classes of major development that are considered to potentially be developments of regional significance.

Regulation 4 makes provision regarding the content of the proposal of application notice required under section 27(4) of the 2011 Act.

Regulation 5 sets out the prescribed manner of pre-application community consultation which an applicant will have as a minimum to undertake. This requires the holding of a public event and publication of the proposed event in a local newspaper.

Regulation 6 prescribes the time period for requesting additional information where section 27 of the 2011 Act may not be complied with.

Regulation 7 prescribes the classes of development in respect of applications for which a council must hold a hearing before reaching a decision and provides who is to be given an opportunity to appear before the committee of the council.

Regulations 8-11 relate to schemes of delegation. Section 31 of the 2011 Act requires a council to prepare a scheme of delegation by which applications for planning permission for local development and for consent, agreement or approval required by a condition imposed on a grant of planning permission are to be determined by an appointed person. This person is defined in regulation 1 as the “appointed officer”. Regulation 8 makes provision in relation to the content of the scheme of delegation and prescribes the circumstances that prohibit an appointed officer from determining an application for planning permission. Regulation 9 requires the council to send a copy of the proposed scheme of delegation to the Department and it may not adopt the scheme until it has been approved by the Department. Regulation 10 sets out the manner of publication of the adopted scheme. Section 31(1)(a)(ii) of the 2011 Act requires a council to prepare a scheme of delegation at such intervals as may be provided for in regulations and regulation 11 sets this period at no greater than every 3 years.

Regulation 12 makes a transitional provision.

The Schedule to these Regulations prescribes the classes of development for the purposes of regulations 2 and 3.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department of the Environment, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG or accessed at www.doeni.gov.uk

The Explanatory Memorandum is available alongside the Regulations on the government’s website www.legislation.gov.uk

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2015 No. 71

PLANNING

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Committee:	Planning Committee
Date:	05 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 10 – Update from NIEA on position now adopted in relation to Planning Consultations for Agricultural Developments

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> Members will be aware from previous correspondence from DAERA their advice of how the Natural Environment Division of NIEA will respond to planning consultations for ammonia generating proposals. In separate correspondence the Water Management Unit of DAERA has also raised issue with Nutrient Management Plans submitted in support of planning applications and provided guidance to Councils on how to deal with these when received. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> In letters dated 12 and 19 December 2023, NIEA provide an update on the position that they will adopt when providing advice on behalf of DAERA (the Department) as a statutory consultee to the planning process. The correspondence of the 19 December 2023 supersedes the earlier correspondence and advises the Department, following careful consideration of the concerns raised by the Office for Environmental Protection about the Agency's decision to resume reliance on its published Ammonia Standing Advice, has now confirmed that they will no longer rely on the Standing Advice, and will instead provide competent authorities with case and site specific advice until such times as a new ammonia strategy and updated standing advice has been agreed and in place. On a case by case basis and applying the existing 7.5km screening distance, the Department will present key scientific facts to help inform decisions, such as: <ul style="list-style-type: none"> Critical Levels and Loads (extracted from the Air Pollution Information System - APIS[1]) for each designated site Current levels of ammonia and NOx concentrations (if applicable) and nitrogen deposition (extracted from APIS) for each designated site; Process contribution as a percentage of the Critical Level/Load; Predicted Environmental Concentration (background + PC) as a percentage of the Critical Level/Load Sensitivity and condition of the habitat(s) based on best available scientific information; Latest statistics on ammonia/NOx emissions (if applicable) extracted from the NI Environmental Statistics Report (2023)[2]. We will use a nugatory 0.08% threshold to inform the NIEA response. This is in line within the scientific findings of the Joint Nature
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Conservation Committee's (JNCC) 'Guidance on Decision Making Thresholds for Air Pollution 2021'[3] reports

4. The Department highlight that the measures will be implemented immediately and the need to reconsult on specific applications in light of this is recognised. No advice is offered on the implications for the consultation and decision-making processes. It is not indicated that these cases will be given priority.
5. A review of those applications currently in process for ammonia generating proposals is being undertaken to ensure that the correct advice is taken, and any potential environmental impact is considered. A further report on the implications for processing times for these types of application may be required.

2.0	<u>Recommendation</u>	
	It is recommended that the Committee notes the update letter from NIEA in relation to Planning Consultations for Agricultural Developments and the potential consequences for the operation of the Unit.	
3.0	<u>Finance and Resource Implications</u>	
	There are no finance or resource implications.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out This is a report for noting correspondence from the NIEA in relation to the planning consultation process. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out. This is a report for noting correspondence from the NIEA in relation to the planning consultation process. RNIA not required.	

Appendices:**APPENDIX 11(a)** – Letter from NIEA dated 12 December 2023**APPENDIX 11(b)** – Letter from NIEA dated 19 December 2023

Natural Environment Division

Cromac Avenue
Klondyke Building
Malone Lower
Belfast
BT7 2JA

Your Reference:
Our reference:

Heads of Planning
Local Planning Authorities

12 December 2023

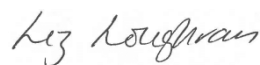
Dear Head of Planning

Planning Consultations for Agricultural Developments

I am writing to advise you that DAERA has asked the NIEA to place a short pause on its use of the current NIEA Ammonia Operational Protocol (also known as the NIEA Ammonia Standing Advice) and so the NIEA will not be providing advice on any planning applications that the Agency receives in the coming days. This is to allow the Department to consider fully some new developments related to the use of the Protocol. We would therefore also ask that planning authorities do not make use of the guidance until we provide further clarity.

I am sorry for any inconvenience that this presents and will update you further on the position by Friday 22 December.

Yours sincerely,



Liz Loughran

Natural Environment Division - NIEA

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Natural Environment Division

Cromac Avenue
Klondyke Building
Malone Lower
Belfast
BT7 2JA

Your Reference:

Our reference:

Heads of Planning
Local Planning Authorities

19 December 2023

Dear Head of Planning

Planning Consultations for Agricultural Developments

Further to my letter dated 12 December 2023, I am writing to update you on the position the Agency will now adopt when providing advice on behalf of the Department as a statutory consultee to the planning process.

Following careful consideration of concerns raised by the Office for Environmental Protection about the Agency's decision to resume reliance on its published Ammonia Standing Advice as the basis for statutory advice on planning applications, the Department has decided that the Agency will no longer rely on the Standing Advice and will instead provide competent authorities with case and site-specific advice (on a case-by-case basis) until such times as a new ammonia strategy and updated standing advice have been agreed and are in place.

The case-by-case advice we will provide will continue to use the existing 7.5km screening distance and present key scientific facts to help inform your decisions, such as:

- Critical Levels and Loads (extracted from the Air Pollution Information System - APIS^[1]) for each designated site;

^[1] [Air Pollution Information System | Air Pollution Information System \(apis.ac.uk\)](#)

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- Current levels of ammonia and NOx concentrations (if applicable) and nitrogen deposition (extracted from APIS) for each designated site;
- Process contribution as a percentage of the Critical Level/Load;
- Predicted Environmental Concentration (background + PC) as a percentage of the Critical Level/Load Sensitivity and condition of the habitat(s) based on best available scientific information;
- Latest statistics on ammonia/NOx emissions (if applicable) extracted from the NI Environmental Statistics Report (2023)[2]. We will use a nugatory 0.08% threshold to inform the NIEA response. This is in line within the scientific findings of the Joint Nature Conservation Committee's (JNCC) 'Guidance on Decision Making Thresholds for Air Pollution 2021'[3] reports.

We will be implementing this measure immediately when responding to planning consultations that have issued to us and for any future consultations received until such times as a new ammonia strategy and updated standing advice have been agreed and are in in place.

We also advise you to no longer rely on the published Ammonia Standing Advice when making determinations.

Under the circumstances, we understand that you may wish to reconsult us on specific applications, and we will be happy to provide further advice. We are also happy to discuss any of the cases with you.

Yours sincerely,



Liz Loughran

Natural Environment Division - NIEA

^[2] daera-ni.gov.uk/sites/default/files/publications/daera/ni-environmental-statistics-report-2023.pdf

^[3] [Guidance on Decision-making Thresholds for Air Pollution | JNCC Resource Hub](#)

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