



August 30th, 2022

Chairman : Alderman J Tinsley

Vice Chairman : Councillor John Palmer

Aldermen : W J Dillon MBE, D Drysdale, O Gawith and A Grehan

Councillors : J Craig, M Gregg, U Mackin, J McCarthy and A Swan

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 5th September 2022 at 10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

Refreshments shall be served in Lighters at 9.30 am.

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 August 2022

📄 *PC 08 08 2022 DRAFT MINUTE 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:

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- (i) **LA05/2020/1009/F – Southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting; and quarry restoration at 11 Leverogue Road, Ballynagarrick, Lisburn**

📄 *Appendix 1(a) - DM Officer Report - LA0520201009F Leverogue Quarry exten..pdf*

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- (ii) **LA05/2020/0118/F - Demolition of existing storage and warehouse buildings, containers and portacabins and the erection of Two two-storey office buildings (Class B1) including associated car parking provision on Land at 5 Ballygowan Road, Hillsborough**

📄 *Appendix 1(b)(i)- DM Officer Report - LA0520200118F - Grahams Approval -...pdf*

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📄 *Appendix 1(b)(ii) - Note of Site Visit - 25 01 2022 - 5 Ballygowan Road ..pdf*

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📄 *Appendix 1(b)(iii) - DM Officer Report - LA0520210118F - Graham - FINAL...pdf*

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- (iii) **LA05/2017/0021/F - Demolition of existing buildings and erection of care home (Class 3(b) of the schedule of the Planning (Use Class) Order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast**

📄 *Appendix 1(c)(i)- DM Officer Report - LA0520170021F - Nursing Home - Fou...pdf*

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(iv)	LA05/2020/0496/F – Erection of a dwelling in compliance with PPS21 CTY6 on lands adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh	
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(v)	LA05/2022/0047/F – Shed for housing agricultural machinery, feed and materials at 11 Tower Lane, Hillsborough Road, Moneyreagh, Newtownards	
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(vi)	LA05/2022/0133/F – Car port with decking over the top 900mm balustrading on decking (Retrospective) at 8 Robbs Road, Dundonald	
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5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of Re-Scheduled Meeting of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, The Island, Lisburn on Monday 8th August 2022 at 10.00 am.****PRESENT:**

Present in Chamber

Alderman J Tinsley (Chairman)

Councillor John Palmer (Vice-Chairman)

Aldermen W J Dillon MBE, O Gawith and A Grehan

Councillors J Craig and U Mackin

Present on a Remote Basis

Councillor M Gregg

IN ATTENDANCE:

Present in Chamber

Director of Service Transformation
Head of Planning & Capital Development
Principal Planning Officer (RH)
Senior Planning Officer (RT)
Member Services Officers (RN & EW)

Mr B Martyn (Cleaver Fulton Rankin) - Legal Adviser

Commencement of Meeting

The meeting had been rescheduled from the 1st August 2022 to the 8th August 2022 for the purpose of maintaining a quorum. A number of Members were unavailable either due to leave commitments or confirming their attendance at the funeral of Lord Trimble which was on the same day as the scheduled date.

The Chairman, Alderman J Tinsley, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings.

The Chairman stated that Planning Officers were present in the Chamber and that those persons speaking for or against the applications had the option of attending in person or on a remote basis.

The Member Services Officer then read out the names of the Elected Members and Officers in attendance at the meeting.

The Head of Planning & Capital Development advised on housekeeping and evacuation procedures.

1. Apologies

Apologies for non-attendance at the meeting were accepted and recorded on behalf of Alderman D Drysdale and Councillor A Swan.

2. Declarations of Interest

The Chairman sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk. He indicated that a form would also be available for remote attendance. No declarations of Interest were made.

In relation to LA05/2022/0065/F and LA05/2022/0091/F (planning applications associated with Hillsborough Forest Park), the Chairman advised that – by virtue of being Members of the Council - Members of the Planning Committee had an interest in these planning applications.

The Chairman stated that the dispensation under Paragraph 6.6 of the Code of Conduct applied and therefore Members might speak and vote on these applications. The Chairman further advised that, as all Members had the same interest in these cases, it was not considered necessary for each Member to individually declare their interest.

3. Minutes of Meeting of the Planning Committee held on 4th July 2022

It was agreed that the minutes of the Meeting of Committee held on the 4th July 2022 as circulated be signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

4.1.1 Applications to be Determined

The Legal Adviser (Mr B Martyn) 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) LA05/2021/0288/F – Proposed “Dutch style barn” hayshed on site 88m east of No. 75 Grove Road, Dromore

The Principal Planning Officer (RH) presented this application as outlined within the circulated report and drew attention to the following:-

- A site meeting for the application had taken place on the 21st July 2022. The issue of site levels had been discussed and the detail associated with these levels would be considered in the presentation.

- (i) LA05/2021/0288/F – Proposed “Dutch style barn” hayshed on site 88m east of No. 75 Grove Road, Dromore (Contd)

Mr Jonathan Todd, Ballymullan Architect Ltd

The Committee received Mr Jonathan Todd from Ballymullan Architect Ltd who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting. In addition to his written submission, Mr Todd outlined as follows:-

- There are no farm buildings on the 27 acre site to enable a farming enterprise to develop and the farm cannot be developed without the provision of an agricultural building;
- Applicant lives eight miles from the site of application;
- The issue of unregistered land can only be regulated once the current conacre arrangements with a family member conclude;
- The site is within the folio of the applicant;
- A site in the ownership of the applicant at the adjacent crossroads has planning permission for a dwelling but has insufficient land remaining for the erection of an agricultural building. The applicant has no further lands at that location;
- There is a charge on some of the applicant's lands by a family member;
- The integration of an agricultural building would be best on the site applied for.

Questions to Mr Todd

Mr Todd responded to Members' questions as follows:-

- Alderman J Tinsley sought clarification on the amount of infill required at the site. Mr Todd advised that there was a large ditch and a substantial amount would be required to fill it.
- Alderman W J Dillon sought clarification on the fact that the site was not in the farmholding but that DAERA had indicated that it could be at a later stage. Mr Todd advised that this could not be addressed until the current conacre arrangement concluded. DAERA had indicated that – at that stage – they would be willing to consider the transfer of the land to the applicant.
- Alderman O Gawith asked if a farm building could not be located on the applicant's site at the adjacent crossroads. Mr Todd advised that the residual land was 0.5 acres and could not accommodate an agricultural building.
- Alderman O Gawith enquired as to size of the site, the subject of the current application. Mr Todd confirmed this to be three acres but that it could not be considered by DAERA for transfer to the applicant until the conacre arrangements concluded.

- (i) LA05/2021/0288/F – Proposed “Dutch style barn” hayshed on site 88m east of No. 75 Grove Road, Dromore (Contd)

The Chairman thanked Mr Todd for his contribution.

Questions to Planners

A question and answer session with the Planning Officers proceeded. The following issue arose:-

- Alderman W J Dillon asked if the planners did accept the principle of an agricultural building but that the main issue in question was its location.
- The Head of Planning & Capital Development stated that an active and established farm business had to be demonstrated to satisfy the policy test. Whilst there was evidence of a farm business ID, the level of activity over the required period was not sufficient to meet the policy test. No farm accounts had been provided. Members were also reminded that the issue to consider was not just one of location and that the policy required building to be sited beside existing buildings on the farm unless an exception could be demonstrated.
- Furthermore, the provision of an agricultural building on an alternative site away from existing farm buildings had not been properly discounted by the applicant.

Debate

During debate, the following comments were made:-

Alderman W J Dillon stated that the applicant cannot develop his farming operation until he has a building in place and Alderman Dillon was of the opinion that the siting of the proposed agricultural building is the key factor in this application. Alderman Dillon enquired about an opportunity for the applicant and planners to enter into negotiations and proposed that the application be deferred to allow this to take place.

The Head of Planning & Capital Development confirmed that further negotiations could only be based on the size of the building or further information based on the site location that is proposed. An alternative site could not be brought into discussion as that would constitute a different planning application.

In seconding the proposal made by Alderman Dillon for the application to be deferred, Councillor U Mackin concurred that there was a need for an agricultural building to develop the farming operation. The land available at the approved site, ie 0.5 acres, could not be deemed suitable or sufficient to develop a farming operation.

- (i) LA05/2021/0288/F – Proposed “Dutch style barn” hayshed on site 88m east of No. 75 Grove Road, Dromore (Contd)

Alderman O Gawith concurred with the proposal to defer the application as information regarding a family member’s interest in the land had been alluded to by the agent and this required clarification.

The Chairman stressed that no decision had been taken at the site visit in regard to the application. Whilst Members may have had their opinions about the application, no decision was taken. That is not the purpose of any site visit.

The Chairman stated that a clear indication as to why the application was being deferred was required, ie was it to gain further information in relation to the proposed site or the identification of an alternative site which would become the subject of another planning application.

The Head of Planning & Capital Development outlined the history to the approved application for a farm dwelling (on lands adjacent to the crossroads) by the applicant in 2019. The Head of Service also stated that the onus was on the applicant to demonstrate agricultural activity associated with the business. The Committee was also reminded that they needed to have reasons to support a further deferral.

It was considered necessary to obtain legal advice.

It was proposed by Alderman O Gawith, seconded by Councillor J Craig and agreed to go “into committee”. The persons seated in the public gallery left the meeting at this point and the live stream was paused (10.55 am).

Mr B Martyn provided legal advice on this matter, and responded to Members’ questions.

It was proposed by Councillor J Craig, seconded by Councillor U Mackin and agreed to come “out of committee”. Normal business and the live-stream were resumed. (11.12 am)

The members of the public returned to the meeting and sat in the public gallery. (11.13 am).

Vote

On the resumption of normal business, it was proposed by Alderman W J Dillon and seconded by Councillor U Mackin that the above application stand deferred for one month to allow the applicant to provide clarification/relevant information to further support the application.

The proposal was put to the meeting and unanimously carried.

The persons seated in the public gallery left the meeting. (11.15 am)

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- (ii) LA05/2021/1151/F – Removal of Condition 2 (agricultural occupancy condition) from previous grant of planning permission S/2005/0619/F on land 180m south east of 127 Saintfield Road, Lisburn

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

Mr Andy Stephens, Matrix Planning Consultancy

The Committee received Mr Andy Stephens from Matrix Planning Consultancy (via Zoom) who was in support of the application and who had provided the Committee with a written submission in advance of the meeting. Mr Stephens stated that unless any questions were posed to him, he had nothing further to add to his written submission.

Questions to Mr Stephens

None. The Chairman thanked Mr Stephens for his attendance.

Questions to Planners

None.

Debate

During debate, the following comments were made:-

- Councillor M Gregg asked that if the same planning application were to be considered under the current planning policies, would planning permission be granted.
- The Head of Planning & Capital Development explained that planning policies were now different from the time the original application was determined. He advised that a CLUD was submitted and approved and this confirmed the development was commenced. The current application is considered on the basis of the available evidence and current practice and whether it would be granted planning permission is not a factor to be taken into account in determining the current application before the Committee.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a majority vote (one vote against) to approve the application as outlined in the report.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 11.24 am.

Resumption of Business

The Chairman declared the meeting resumed at 11.31 am.

- (iii) LA05/2022/0065/F – Relocation of Hope and Aspiration Beacon of Light sculpture within previously approved sculpture trail (planning reference LA05/2019/1127/F) at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

AND

- (iv) LA05/2022/0091/F – Proposed relocation of existing Harry Ferguson sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

The Chairman advised that - given that the above applications were linked, they would be presented together by way of a single presentation. However two decisions would be required and there would be two separate votes/decisions.

The Principal Planning Officer (RH) presented the applications as outlined within the circulated reports and drew Members' attention to the following:-

- In regard to LA05/2022/0065 (Relocation of Beacon of Light), this was a retrospective application.
- In regard to LA05/2022/0065 (Relocation of Beacon of Light), the proposed relocation is 3.3 metres away from its original position and not 33 metres as incorrectly recorded in the Planning Officer's report at paragraph 63.
- In regard to LA05/2022/0091 (Relocation of Harry Ferguson sculpture), its relocation would bring community benefit to the area and would enhance the sculpture trail in the Forest Park.

Speakers

No requests received.

Questions to Planners

- Councillor U Mackin sought information on the appearance of the Beacon of Light. The Principal Planning Officer explained the aesthetics of the beacon, confirming again that it was 3.3 metres from its original location and not 33 metres.
- The Head of Planning & Capital Development advised that the foundations of the beacon would have impacted on the root structure of the trees. That was why the location had changed. He further clarified that the structure was not in place at the time the application was submitted but the works had been carried out some time after so the proposal was now retrospective.
- Councillor M Gregg sought information as to the relocation of the Harry Ferguson sculpture.

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- (iii) LA05/2022/0065/F – Relocation of Hope and Aspiration Beacon of Light sculpture within previously approved sculpture trail (planning reference LA05/2019/1127/F) at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

AND

- (iv) LA05/2022/0091/F – Proposed relocation of existing Harry Ferguson sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL
- The Director of Service Transformation advised that the original location of the A1/Pantridge Link had been a decision of the Development Committee. However it was now accepted that that location afforded no opportunity for persons wishing to view or visit the sculpture. For this reason and also in an historical context, Hillsborough Forest was considered appropriate as it had been the landing place of a Harry Ferguson flight.

Debate

During debate, the following comments were made:-

- Alderman W J Dillon stated that he had been opposed to the location of the Harry Ferguson sculpture as determined by the Development Committee.
- Councillor J Palmer welcomed the relocation of the Harry Ferguson sculpture to Hillsborough Forest as he had always considered Hillsborough Forest to be a more appropriate location.

Vote

- (iii) LA05/2022/0065/F – Relocation of Hope and Aspiration Beacon of Light sculpture within previously approved sculpture trail (planning reference LA05/2019/1127/F) at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote (no abstentions) to approve – on a retrospective basis - the application as outlined in the report.

Vote

- (iv) LA05/2022/0091/F – Proposed relocation of existing Harry Ferguson sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote (one abstention) to approve the application as outlined in the report.

4.2 Statutory Performance Indicators – June 2022

It was agreed that the Statutory Performance Indicators for June 2022, together with the explanatory narrative in this regard, be noted.

The Head of Planning & Capital Development stated the processing of legacy applications had had an adverse impact on the processing of new applications.

4.3 Appeal Decision in respect of Planning Application LA05/2019/1292/O) Dwelling, garage and associated site works on lands 60m south west of and adjacent to 240 Moira Road, Lisburn

It was agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

4.4 Submission of Pre-Application Notice (PAN) for amendments to the car parking and landscaping layout to be provided as part of the approved Dundonald International Ice Bowl (DIIB) redevelopment

It was agreed that the Pre-Application Notice in relation to the above application, together with the attendant Site Location plan, be noted.

4.5 Notification by telecommunication operator(s) of intention to utilise Permitted Development Rights

Members had been provided with information in regard to notification by three telecommunications operators to utilise Permitted Development Rights at the following locations:-

- Installation of a new cabinet at Ballynahinch Road, Anahit (Fibrus);
- Replacement of 3 no. antenna and installation of 1 no. GPS Node and 3 no. Remote Radio Units at Carnkilly Hill Glenavy (EE Limited);
- Proposed upgrade works at existing communications installation at Carryduff Shopping Centre, Church Road, Belfast (O2).

Hard copies of the schemes were available to view at the Council Offices, Lagan Valley Island.

It was agreed that the notifications referred to above be noted.

4.6 Greengraves Road, Dundonald Proposed abandonment of a public right-of-way

Members had been provided with copy of a letter dated the 22nd June 2022 from the Department for Infrastructure in relation to the proposed abandonment of a public right-of way at Greengraves Road, Dundonald. The letter had been accompanied by the following items of correspondence which were provided to the Committee for information only:-

4.6 Greengraves Road, Dundonald
Proposed abandonment of a public right-of-way (Contd)

- Draft Order
- Location Map
- Statutory Notice of Intention.

It was agreed that the information referred to above be noted.

4.7 Informal consultation on Guidance for Councils in respect of serving Building Preservation Notices

Further to meetings of the Development Committee and the Planning Committee on the 1st and 13th June 2022 respectively, Members noted the response to the above which had been submitted to the Department for Communities in line with the authority delegated by the Development Committee on the 1st June 2022.

The Head of Planning & Capital Development advised that very few buildings would fall within the category of having a Building Preservation Notice served on them. Rather it would be more usual for a request to be received from a member of the general public asking to have a Building Preservation Notice placed on a building.

4.8 Replacement of the Northern Ireland Planning Portal

The Head of Planning & Capital Development reported on the current position in regard to the development and configuration of a new IT system for delivering the planning function.

It was agreed that the conclusion of the development phase of the IT project be noted and that the proposed actions in relation to testing and training before the system is rolled out in October 2022 be also noted.

The Head of Planning & Capital Development explained that it is anticipated that new applications would be made electronically from October 2022. New applications received in hard copy after 30 September 2022 would be keyed onto the new system. No further action will be taken against these applications as a period of down time is required to allow for data to be migrated to the new system before the anticipated Go Live date.

The Head of Service advised that there could also be an opportunity to establish a link between the Planning Appeals Commission and the Council in terms of planning documentation.

A copy of the first issue of the Planning Portal Newsletter published by the Department for Infrastructure was provided with the Head of Service's report. It is also available at the following link:-

<https://www.infrastructure-ni.gov.uk/publications/planning-portal-newsletter>

5. Any Other Business

There was no other business of a non-confidential nature.

6. Any Other Business – Confidential

It was proposed by Alderman O Gawith, seconded by Councillor J Craig and agreed that the meeting go "into committee". The live-stream was paused at this point. (12.08 pm)

6.1 Update on Judicial Reviews

Alderman O Gawith sought an update on the ongoing judicial reviews. This was provided by Mr B Martyn, the Council's legal advisor, and the Head of Planning & Capital Development.

An update on the number of PPS21 applications in the system was also provided by the Principal Planning Officer.

It was proposed by Alderman O Gawith, seconded by Councillor J Craig and agreed to come "out of committee". Normal business and the live stream were resumed. (12.20 pm)

There being no further business, the meeting concluded at 12.21 pm.

CHAIRMAN / MAYOR



Planning Committee

05 September 2022

Report from:

Head of Planning and Capital Development

Item for Decision

TITLE: Item 1 - Schedule of Planning Applications to be determined

Background and Key Issues:

Background

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.

Key Issues

1. The applications are presented in accordance with the current scheme of delegation. There are six applications in total, two Major, one Local (previously deferred) and three local Called in.
2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.
 - (a) LA05/2020/1009/F – Southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting; and quarry restoration at 11 Leverogue Road, Ballynagarrick, Lisburn
Recommendation – Approval
 - (b) LA05/2020/0118/F - Demolition of existing storage and warehouse buildings, containers and portacabins and the erection of Two two-storey office buildings (Class B1) including associated car parking provision on Land at 5 Ballygowan Road, Hillsborough
Recommendation – Approval
 - (c) LA05/2017/0021/F - Demolition of existing buildings and erection of care home (Class 3(b) of the schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast
Recommendation – Approval
 - (d) LA05/2020/0496/F – Erection of a dwelling in compliance with PPS21 CTY6 on lands adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh
Recommendation – Refusal
 - (e) LA05/2022/0047/F – Shed for housing agricultural machinery, feed and materials at 11 Tower Lane, Hillsborough Road, Moneyreagh, Newtownards
Recommendation – Refusal
 - (f) LA05/2022/0133/F – Car port with decking over the top 900mm balustrading on decking (Retrospective) at 8 Robbs Road, Dundonald
Recommendation - Refusal

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.

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 appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.

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.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

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.

If yes, what was the outcome:

Option 1 Screen out without mitigation	<input type="checkbox"/> N/A	Option 2 Screen out with mitigation	<input type="checkbox"/> N/A	Option 3 Screen in for a full EQIA	<input type="checkbox"/> N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

Has a Rural Needs Impact Assessment (RNIA) template been completed?

If no, please give explanation/rationale for why it was not considered necessary:

The policies against which each planning application is considered have been subject to screening and/or assessment. There is no requirement to repeat this for the advice that comes forward on each of the appended reports.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

- APPENDIX 1(a) – LA05/2020/1009/F
- APPENDIX 1(b)(i) - (iii) - LA05/2020/0118/F
- APPENDIX 1(c)(i) – (vi) – LA05/2017/0021/F
- APPENDIX 1(d) – LA05/2020/0496/F
- APPENDIX 1(e) – LA05/2022/0047/F
- APPENDIX 1(f) – LA05/2022/0133/F

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	05 September 2022
Committee Interest	Major Application
Application Reference	LA05/2020/1009/F
Date of Application	02/12/2020
District Electoral Area	Downshire East
Proposal Description	Southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting and quarry restoration
Location	11 Leverogue Road, Ballynagarrick, Lisburn
Representations	None
Case Officer	Rachel Taylor
Recommendation	APPROVAL

Summary of Recommendation

1. This application is categorised as major application in accordance with the Development Management Regulations 2015 in that the development comprises works in a site that is 18.5 hectares in size.
2. This application is presented to the Planning Committee with a recommendation to approve as it is considered to comply with both the SPPS and Policy CTY 1 of PPS 21 in that it is an established use and the proposed minerals development is in accordance with the minerals policies in the Planning Strategy for Rural Northern Ireland (PSRNI).
3. The proposal complies with the SPPS and the requirements of policy MIN 1 of PSRNI in that the proposed development with appropriate mitigation measures will have no significant environmental impact.

4. The proposal also complies with the SPPS and the requirements of policy MIN 2 of the PSRNI in that the conclusions of the Landscape and Visual Impact Assessment are agreed and the proposed development will have no additional unacceptable visual impacts on the landscape for the surrounding area.
5. The proposal complies with the SPPS and the requirements of policy MIN 3 of the PSRNI in that the existing quarry and proposed extended area is not (that has a previous benefit of planning permission) located within an Area of Constraint on Minerals Development.
6. The proposal also complied with the SPPS and the requirements of policy MIN 4 of the PSRNI in that the proposal is not for a valuable minerals development, and is located within an appropriate area within an existing site.
7. The proposal complies with the SPPS and the requirements of policy MIN 5 of the PSRNI in that there are no surface developments approved within the lateral extension area that would prejudice the exploitation of the identified minerals reserves.
8. The proposal also complies with the SPPS and the requirements of policy MIN 6 of the PSRNI in that the information provided within the Environmental Statement (ES) and associated Addendum(s) demonstrate that the proposal is designed to meet the normal safety regulations for quarrying and that there will be no unacceptable impact to amenity the amenity of residents in neighbouring occupied properties from noise, blasting & vibration or dust.
9. The proposal complies with the SPPS and the requirements of policy MIN 7 of the PSRNI in that the proposal development uses an existing access designed to DfI Roads current standard and that does not require improvement as no intensification in use occurs
10. The proposal complies with the SPPS and the requirements of policy MIN 8 of the PSRNI in that the restoration plan submitted with application has been provided and agreed in principle detailing the works required to restore the landscape following the cessation of different stages of quarrying operations at the site.
11. The proposal also complies with the relevant policies of the SPPS and policies CTY 13 and 14 of PPS 21 in that the information provided in support of the application demonstrates that the site can be visually integrated into the surrounding landscape and that the proposed works will not cause a detrimental change to, or further erode the rural character of the area.
12. Based on a review of the ES and its associated addendum(s), it is considered that the proposal complies with the SPPS and related retained polices in PPS 2 in that the proposed development is unlikely to harm or cause a negative impact on any natural heritage or other conservation feature.
13. The proposal is considered to comply with the SPPS and the requirements of policy AMP 2 of PPS 3 in that the proposed access arrangements are already

existing and the proposed works are not considered to prejudice road safety or significantly inconvenience the flow of traffic.

14. The proposal is considered to comply with the SPPS and related retained polices in PPS 6 in that the information provided in support of the application demonstrates that the proposal will not cause harm to any archaeological features.
15. The proposal is considered to comply with the SPPS and the requirements of the related retained polices in PPS 15 in that the information provided in support of the application demonstrates that the drainage is designed to not present a flood risk to people, property or the environment locally.

Description of Site and Surroundings

Site

16. The site is located at an existing quarry at 11 Leverogue Road, Ballynagarrick, Lisburn and comprises the existing extraction area and lands within the quarry ownership to the south and southwest that are used for the tipping of overburden from the quarrying operation
17. Whilst the application site is 18.5 hectares in size the proposed lateral extension of the extraction area is limited to an older overburden tip to the south which will be stripped and relocated. This area is 1.2 hectares in size.
18. Boundaries are already defined by roadside hedging and post and wire fencing in part to the south, west and east and heavily planted hedging with some trees to the north. Access to the site is through a gated entrance on the Leverogue Road.
19. There are five buildings within the site. A small single storey concrete block building at the entrance which appears currently not to be used, an office building and weighbridge which is also single storey with a pitched tile roof and render walls, an portal frame clad shed to the west of the administration building and a double barrel vaulted shed to the south west. There is also a derelict dwelling close to this shed.
20. There are a number of pieces of plant and machinery disturbed throughout the site used as part of the quarrying operations.
21. The existing quarry is partly excavated with several benches cut out at different levels. There are also two lagoons in the south eastern portion of the site for the collection of drained water from the quarrying operation.

Surroundings

22. The site is located in the open countryside and the lands surrounding are primarily rural in character and mainly in agricultural use.
23. There are six residential properties dispersed in the landscape and close to the boundaries of the quarry at 11, 14 and 16 Moss Road, 356 Comber Road and 2 and 19 Leverogue Road.

Proposed Development

24. This is a full application for a southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting and quarry restoration.
25. The application is also supported with the following assessment/reports:
 - P1 Form
 - P1B Form
 - Transport Assessment Form
 - Waste Management Plan
 - Pre Application Community Consultation Report
26. The Application was accompanied by an Environmental Statement, and a first and second Addendum were also received during the application process.
27. The topics covered within the Environmental Statement, and its associated Addendums area as follows:
 - Health & Safety
 - Quarry Design
 - Blasting & Vibration Report
 - Noise Impact Assessment
 - Mineral Dust Impact Assessment
 - Hydrological and Hydrogeological Assessment
 - Archaeological Impact Assessment
 - Landscape and Visual Analysis
 - Ecological Impact Assessment

Planning History

28. The planning history associated with the application site is set out in the table below:

Reference Number	Description	Decision
S/2014/0202/F	Proposed storage shed for quarry machinery.	Approved 04/09/2014
S/2009/0107/F	Installation and operation of a new crushing and screening plant (part retrospective) and retention of existing processing plant.	Approved 09/10/2009
S/2003/0241/F	Non Compliance with Conditions 4 & 19 of Planning Permission S/0727/78, to allow for relocation of plant site and deepening of the quarry and the relocation and replacement of the weighbridge, office and the quarry workshop	Approved 14/01/2004
S/1978/0727	Existing quarry and plant	Approved 05/12/1979

Planning Policy Context

Relevant Policy and Guidance Documents

29. The relevant policy documents are:

- The Lisburn Area Plan 2001
- The draft Belfast Metropolitan Plan 2015
- The Strategic Planning Policy Statement (SPPS)
- A Planning Strategy for Rural Northern Ireland
- Planning Policy Statement 2 (PPS 2) – Natural Heritage
- Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
- Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and the Built Heritage
- Planning Policy Statement 11 (PPS 11) Planning and Waste Management
- Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
- Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside

30. The relevant guidance is:

- Development Control Advice Note 15 - Vehicular Access Standards

Consultations

31. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DAERA Regulation Unit	No objection
DAERA Water Management Unit and Inland Fisheries	No objection
DAERA Natural Environment Division	No objection
LCCC Environmental Health	No objection
DfI Roads	No objection
Health and Safety Executive NI	No objection
Shared Environmental Services	No objection
Rivers Agency	No objection
Historic Environment Division	No objection

Representations

32. No representations have been received to the proposal beyond what is outlined in the PACC report.

Consideration and Assessment

33. The main issues to consider in the determination of this planning application are:

- Pre Application Community Consultation
- Environmental Statement
- Local Development Plan
- Regional Policy Context
- Sustainable Development in the Countryside

- Development in the Countryside
- Integration and Design of Buildings
- Rural Character
- PSRNI Minerals Development policies
 - Environmental Protection
 - Visual Implications
 - Areas of Constraint
 - Valuable Minerals
 - Mineral Reserves
 - Safety and Amenity
 - Traffic
 - Restoration
- Access, Movement and Parking
- Archaeology and Built Heritage
- Natural Heritage
- Planning and Flood Risk
- Other Material Considerations
 - Quarry Design Overview
 - Economics

Pre-Application Community Consultation

37. The application was accompanied with a Pre-Application Community Consultation Report (PACC).
38. The report advises that a public consultation event was held in Rockmount Golf Club, 28 Drumalig Road, Carryduff on 13 June 2019 from 3pm to 7pm.
39. The event was advertised in the local press. A notice was placed in the Ulster Star in relation to the public consultation 31st May 2019.
40. Prior to the event, invitation letters were sent to the ten closest neighbouring properties. Details were made available of the date of the event and it was clarified that if this did not suit that the neighbour could be contacted by telephone to arrange a meeting for the information to be provided.
41. The format of the report is in accordance with the PACC Practice Note 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 process.
42. Comments received raised some concerns with the proposed detail of the works despite all those in attendance having no objection in principle of the quarry extension.
43. The specific concerns related primarily to the height of the proposed area of relocated overburden and proposed planting. These comments were reflected in the design and it is explained how the proposal was amended accordingly.

Environmental Statement

44. An Environmental Statement (ES) was submitted following pre-application discussions and a request from the applicant to have the proposed development screened for an environmental statement.
45. The development falls within Schedule 2 development under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
46. The relevant Schedule 2 category is Extractive industry (a) Quarries, open-cast mining and peat extraction (unless included in Schedule 1).
47. The applicable threshold and criteria under this section states that *All development (except the construction of buildings or other ancillary structures where the floorspace does not exceed 1,000 square metres).*
48. An environmental statement is volunteered with the application. The following issues were considered for any likely significant environmental effects and a summary of how the findings are presented is set out into the sections below:
 - Health & Safety
 - Quarry Design
 - Blasting & Vibration Report
 - Noise Impact Assessment
 - Mineral Dust Impact Assessment
 - Hydrological and Hydrogeological Assessment
 - Archaeological Impact Assessment
 - Landscape and Visual Analysis
 - Ecological Impact Assessment

Local Development Plan Context

34. 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.
35. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
36. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
37. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.
38. Page 49 of the Lisburn Area Plan 2001 states

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.

39. LAP advises that the regional development control policies for minerals which will apply in the Plan area are currently set out in 'A Planning Strategy for Rural Northern Ireland.

40. The LAP also contains specific minerals policies. MN1 stated that:

An area of constraint on minerals developments is identified on the Plan Strategy Map in accordance with policy MIN 3 of the Rural Strategy.

41. It is noted that this site does not fall within the area of constraint on minerals developments.

42. Policy MN2 states that:

Consideration will be given by the Department to the effects which mining activities might have on developments provided in close proximity to a deposit of lignite lying to the north of Lisburn Borough and which consequently might accept the exploitation of the deposit.

43. This policy is also not enacted as it refers to a deposit of Lignite which follows the Glenavy River. It is unaffected by this proposal.

44. The LAP contains Environment and Conservation policies ENV 1-6. The most relevant of these is ENV6. The map associated with the LAP 2001 identifies this site as part of a Landscape Enhancement Area.

45. Policy ENV6 states that:

The Department will encourage the restoration and restructuring of Landscape Enhancement Areas.

46. At page 30 it is stated that

the landscape Enhancement areas were identified through the Countryside assessment. They are areas which have become degraded due to mineral extraction, dumping or neglect.

47. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSS) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

48. Draft BMAP advises that the policies in the Rural Strategy relating to minerals apply throughout the Plan Area.
49. The quarry and lateral extension area fall outside any area of constraint on mineral development contained within the draft Plan.
50. Notably the adopted BMAP the Department considered that any proposals for Areas of Constraint on Mineral Developments (ACMD) should only be brought forward subsequent to publication of revised regional policy and should be contained in a regional minerals plan. ACMD's were deleted from the Plan and all proposals were to be assessed against prevailing regional policy.

Regional Policy Context

51. The SPPS states that

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.
52. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
53. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
54. 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.
55. 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. As the statutory plan and draft BMAP are

silent on the regional policy issue, no determining weight can be given to those documents.

56. Paragraph 4.11 of the SPPS outlines 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.
57. 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.
58. 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.
59. 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.

60. 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.
 61. Paragraph 6.78 of the SPPS states 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.*
62. With reference specifically to minerals, the SPPS at paragraph 6.148 and 6.149 states:

Minerals, including valuable minerals, are an important natural resource and their responsible exploitation is supported by Government. The minerals industry makes an essential contribution to the economy and to our quality of life, providing primary minerals for construction, such as sand, gravel and crushed rock, and other uses, and is also a valued provider of jobs and employment, particularly in rural areas.

The Sustainable Development Strategy recognises that while it is important that we respect the limits of our natural resources and ensure a high level of protection and improvement of the quality of our environment, 'sustainable development' does not prevent us from using and capitalising on such resources. An enduring successful economy will effectively use natural resources and contribute towards the protection of the environment.

Paragraph 6.150 and 6.151 states that:

While minerals development delivers significant economic benefits, there are also a number of challenges arising from this form of development which fall to be addressed through the planning system. The effects of specific proposals can have significant adverse impacts on the environment and on the amenity and well-being of people living in proximity to operational sites. This presents a challenge because minerals can only be extracted from sites where they occur, and there may be limited opportunities for consideration of alternative sites. A further challenge is related to the restoration of sites upon completion of work associated with the extraction and processing of materials.

The planning system has a key role to play in facilitating a sustainable approach to minerals development, and ensuring the appropriate restoration of sites after working has ceased. However, as the impact of mineral working on the environment can never be entirely reversed the broader role and responsibilities of government, the industry, customers and key stakeholders also need to be recognised. For example, the Sustainable Development Strategy advocates the greater use of recycled building rubble in construction so as to reduce the depletion of natural resources and to limit transportation of such materials.

63. The SPSS identifies the regional strategic objectives at para 6.152 for minerals development as:
- facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment;
 - minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage, and the water environment, and
 - secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity.

Sustainable Development in the Countryside

64. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.
65. Policy CTY 1 – states that

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

66. Planning permission will be granted for non-residential development in the countryside in the following cases:
- *farm diversification proposals in accordance with Policy CTY 11;*
 - *agricultural and forestry development in accordance with Policy CTY 12;*
 - *the reuse of an existing building in accordance with Policy CTY 4;*
 - *tourism development in accordance with the TOU Policies of PSRNI;*
 - *industry and business uses in accordance with PPS 4 (currently under review);*
 - *minerals development in accordance with the MIN Policies of PSRNI;*
 - *outdoor sport and recreational uses in accordance with PPS 8;*
 - *renewable energy projects in accordance with PPS 18; or*
 - *a necessary community facility to serve the local rural population.*
67. This is a proposal for the southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting and quarry restoration.
68. As such the proposal falls to be assessed against the requirements of policy MIN policies set out in PSRNI.
69. There are other policies that are engaged as part of the assessment including policies 13 and 14, and these are also considered.
70. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that
- planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.*

The policy directs that a new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or*
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

71. Policy CTY 14 – Rural Character states

that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

72. The policy states that

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

73. With regards to Policy CTY14, Building on Tradition [page 131] states that

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

Planning Strategy for Rural Northern Ireland [PSRNI]

74. The PSRNI states at page 80 that

minerals are an important natural resource and their exploitation makes an essential contribution to the nation's prosperity and quality of life. The mineral extraction industry provides employment often in rural areas and produces a wide range of products for a variety of purposes in construction, agriculture and industry.

75. The Strategy notes that Northern Ireland's primary minerals are sand and gravel and crushed rock used mainly as aggregate in construction. It states that

for the foreseeable future supplies of primary minerals are likely to come from traditional sources.

76. The Strategy indicates that there will be a general presumption in favour of minerals development. It also advises that development must be balanced against the value of the mineral to the economy, the environmental implications of the proposal and the degree to which adverse effects can be mitigated in relation to the character of the local area.

77. Policy MIN 1 - Environmental Protection [Page 81] states that

To assess the need for the mineral resource against the need to protect and conserve the environment.

78. This policy recognises that

the mineral industry should seek to ensure the physical preservation of important nature conservation, historic buildings and ancient monuments along with their settings.

79. Policy MIN 1 also states that

the Department under this policy will balance the case for a particular mineral working proposal against the need to protect and conserve the environment, taking account of all relevant environmental, economic and other considerations. In all areas, decisions on mineral applications will be made with regard to the preservation of good quality agricultural land, tree and vegetation cover, wildlife habitats, natural features of interest in the landscape and sites of archaeological and historic interest.

80. Under the explanatory text associated with Policy MIN 1 it states that:

Extensions to existing mineral workings which minimise environmental disturbance in the countryside will normally be preferred to new workings on green field sites.

81. Policy MIN 2 relates to Visual Implications. It states that

To have regard to the visual implications of minerals extraction.

82. Policy MIN 3 - Areas of Constraint states:

To identify Areas of Constraint on Mineral Developments.

83. Policy Min 4 - Valuable Minerals states

Applications to exploit minerals, limited in occurrence and with some uncommon or valuable property, will be considered on their own merits.

84. Policy Min 5 - Mineral Reserves states

Surface development which would prejudice future exploitation of valuable mineral reserves will not be permitted.

85. Policy MIN 6 - Safety and Amenity states

To have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings.

86. It states that the

potential for conflict will be reduced by requiring a degree of separation to be kept between mineral workings and other developments particularly where mineral operations involve blasting.

87. The policy advises that

permission will not normally be granted for mineral workings and other developments to be in close proximity where potential sources of nuisance are judged to be incompatible with standards of amenity acceptable to the Department and other relevant authorities. Where permission is granted for a mineral working in close proximity to other developments, conditions designed to mitigate disturbance from the working will, where appropriate, be attached to the permission.

88. Policy MIN 7 - Traffic states

To take account of the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations.

89. Within the explanatory text it states that

mineral resources can occur where the public road network is unsuitable for the volume of heavy traffic which mineral developments can generate. Where traffic from such a development would prejudice the safety and convenience of road users planning permission will normally be refused unless the roads can be satisfactorily improved.

90. Policy MIN 8 - Restoration states

To require mineral workings to be restored at the earliest opportunity.

91. It is recognised under this policy that the restoration of mineral workings are an important part of the quarrying life cycle. The policy states that,

restoration is required to make mineral workings fit for beneficial use and environmentally acceptable following extraction'. The policy continues, 'applications for the extraction of minerals must include satisfactory restoration proposals.

Planning and Waste Management

92. PPS 11 sets out planning policies for planning policies for the development of waste management facilities.

93. This document contains the planning policies for the development of waste management facilities and whilst a waste material is produced as a result of extraction and processing operations associated with quarrying activities, this waste will be managed through the implementation of an extractive waste management plan which specifies how overburden will be disposed-off .

94. There is no requirement to assess the application against the planning policy tests associated with PPS 11 as the management of waste materials arising from the quarrying operations are within the site and dealt with under policy MIN 8. There is no imported waste.

Natural Heritage

95. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.

96. Policy NH 1 – European and Ramsar Sites states

that Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or*
- *a listed or proposed Ramsar Site.*

97. The policy also states that

where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority

shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- *there are no alternative solutions; and*
- *the proposed development is required for imperative reasons of overriding public interest; and*
- *compensatory measures are agreed and fully secured.*

98. 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:

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

99. 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 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, Movement and Parking

100. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.

101. Policy AMP 2 – Access to Public Roads states

that 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) *such access will not prejudice road safety or significantly inconvenience the flow of traffic; and*
- b) *the proposal does not conflict with Policy AMP 3 Access to Protected Routes.*

Development Control Advice Note 15 – Vehicular Access Standards

102. 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.

Archaeology & the Built Heritage

103. PPS 6 – Archaeology and the Built Heritage sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

104. Policy BH 2 - the Protection of Archaeological Remains of Local Importance and their Settings states

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

Planning and Flood Risk

105. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.

106. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the

policy.

107. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that

the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

108. Policy FLD 3 Development and Surface Water (Puvial) Flood Risk Outside Flood Plains states that

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

- A residential development comprising of 10 or more dwelling units*
- A development site in excess of 1 hectare*
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.*

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

- The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

Such development will be permitted where it is demonstrated through the Drainage Assessment 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.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal plan, then Policy FLD 1 will take precedence.

109. Policy FLD 4 Artificial Modification of Watercourses states that:

The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- *Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*
- *Where it can be demonstrated 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.*

110. Policy FLD 5 Development in Proximity to Reservoirs states

"New development New development will only be permitted within the potential flood inundation area of a "controlled reservoir"¹⁴ as shown on the Strategic Flood Map, if:

the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient

- *assurance regarding reservoir safety, so as to enable the development to proceed;*
- *the application is accompanied by a Flood Risk Assessment which demonstrates:*
 1. *an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and*
 2. *that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures*

A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- *essential infrastructure;*
- *storage of hazardous substances;*
- *bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.*

Assessment

111. Within the context of the planning policy tests and other material considerations outlined above, the following assessment is made.

Environmental Protection

112. The principle of development is established within the site being operated as a quarry and having a number of related planning permissions granted. Significant weight is attached to the current use for the deepening of the quarry.
113. No CLUD is submitted to justify an extant implemented planning permission for the lateral extension and this part of the proposal is considered on its own merits having regard to the prevailing policy detailed above.
114. In accordance with the requirements of policy MIN 1 it is considered that the need for the mineral when balanced against the need to preserve and conserve the environment has been met as the proposed development is making use of an existing quarry.
115. The lateral extension is within the existing envelope of the originally approved quarry but as outlined above this part of the proposal is considered on its own merits and is acceptable for the reasons explained later in this assessment.
116. The material quarried here is for aggregate used in the construction industry locally and it is acknowledged in planning policy that extensions to existing sites rather than new quarries is preferable.
117. The planning history confirms that lands to the southwest were previously granted planning consent for extraction [S/1978/0727] and whilst the planning permission is understood to have been implemented this area has not been extracted is no LCUD is presented to evidence this.
118. The detail submitted with this application demonstrates that the applicant is seeking to extend, consolidate and deepen quarry operations to provide safe and accessible mineral reserves, strengthen the economic viability of operations and support the continuing supply of locally sourced aggregate to meet local market demand. This is general accordance with the requirements of regional policy particularly where the quarry and adjacent lands are located outside an ACMD.

Alternative Sites

119. Consideration was given to alternatives for the development however minerals by their nature can only be worked where they naturally occur.
120. Section 7 of the Non-Technical Summary of the Environmental Statement [ES] confirms that initial consideration was given to any remaining lands within the existing quarry working area. However, as a result of constraints including the

restrictive shape of the existing quarry void, haul road position, location of processing plant and quarry health and safety requirements, it was determined that there was no appropriate longer term extraction areas remaining within the existing quarry void area.

121. The Non-Technical Summary considered another alternative associated with the deepening of the quarry floor however, due to the restrictive layout of the quarry void at present it was concluded that this would not provide a safe and accessible long term aggregate supply solution. Consequently to secure longer term accessible aggregate reserves the operator reviewed the potential for lands in close proximity to the existing quarry to be extended in a southern direction and quarry floor deepened.
122. The statement explains that lands to the north were discounted due to a number of factors including the relative close proximity to a third party property, the existence of well-established quarry boundary bunding and vegetation; and the established quarry infrastructure (including the site access, administration office, weighbridge and machinery shed) it was considered more advantageous to investigate other alternatives.
123. The lands to the east were discounted given the land topography, the loss of existing vegetation and close proximity to the public road (Leverogue Road) it was considered that expansion in this direction would not provide the required long term aggregate supply and as such it was considered appropriate to review other alternatives.
124. Lands to the west were also challenging given the number of third party residential properties located along The Cooper, the quarry operator considers it more beneficial to maintain a buffer in this direction between the extraction operation i.e. the working face and these properties.
125. The Non-Technical Summary notes that the operator had previously received planning permission to extract towards the west and whilst the applicant indicates this permission was implemented the operator retained a buffer zone in the western direction.
126. In addition the existing quarry electricity supply comes from a transformer in this area and removing this equipment would then require equipment to be relocated to the surrounding fields.
127. It was identified that a potential alternative use of this previously consented area could be for the relocated overburden to provide additional screening and landscaping between the quarry and residential properties. T
128. This would be beneficial as it would demonstrate the operators' intention not to extract in the fields whilst also giving over a significant parcel of land for continuing agricultural use.

129. Given these factors it was considered appropriate to review other alternatives for the extraction aspect of the development and only include these lands in any proposal as an opportunity for overburden relocation.
130. The Non-Technical Summary confirms that lands to the south had previously been part of the quarry workings and the operator has the opportunity to utilise this section to facilitate a limited extension of the extraction area.
131. This in turn would allow an expansion of the internal quarry bench layout and support a further deepening of the quarry floor in a safe and accessible manner.
132. Lands to the south and south-west are adjacent to the extraction area and would allow the existing quarry working face to be expanded and worked in a manner which would continue to appropriately screen extraction operations from public view.
133. Furthermore the lands are relatively enclosed due to the surrounding topography and located within the same visual envelope as the existing quarry. Appropriate quarry design would ensure that amenity implications can be suitably controlled and any potential environmental impacts can be mitigated.
134. The Non-Technical Summary confirmed that importantly this development will also allow the operator to continue to use existing quarry infrastructure such as processing plant, weighbridge and access. In addition it is considered that water management, site drainage, ecological and archaeological implications of the development can be appropriately managed within this area.
135. It also confirmed that furthermore there are no sensitive environmental designations within these lands which would be adversely impacted by the project. In addition amenity implications (such as noise, dust, blasting and vibration) can be appropriately controlled to ensure compliance with regulatory requirements.
136. The Non-Technical Summary concludes that taking these factors into consideration it was deemed appropriate to move the project forward with this location as the chosen lateral extension area.
137. Access to the quarry is via the existing quarry entrance and this proposal is an updating and logical progression of mineral extraction using a phased development approach to provide for safe and secure access to mineral reserves in line with quarry regulations.
138. The proposal allows for the consolidation and maximum utilisation of the operational area whilst facilitating the relocation of overburden to allow access to reserves adjacent to the current extraction face. The phasing of extraction through stages has been carefully considered to ensure best operational practice whilst providing for sensitive site development.

139. The stripped topsoil and overburden created by the extension aspect of the development will be utilised on site to provide additional landscaping, screening and planting. This development gives an opportunity for an up to date restoration plan.
140. Extraction operations will continue to follow existing quarry practice. This means that once the rock has been exposed it will be drilled and blasted, loaded by excavator and hauled to processing plant where aggregate will be crushed and screened in stages to produce various graded aggregate products which will then be stockpiled for onward distribution.
141. An appropriate buffer area will continue be provided to residential property outside the ownership of the operator.
142. Preservation of conservation and structures and remains of historic and archaeological interest must be considered as part of the assessment of whether the proposal is in accordance with the requirements of policy MIN1.
143. This is dealt with later in the report in the sections dealing with nature conservation, archaeology and the built heritage.
144. As outlined above the site is not within any ASSI or nature reserve.
145. The balance of relevant environmental, economic and other material considerations as detailed below and the proposal is considered to be acceptable for the reasons that follow.
146. Measures designed to prevent pollution of rivers, water courses and ground water should be included in applications for mineral extraction, including settlement ponds. The provision of reliable protective measures will be an important factor in assessing the acceptability of the extraction proposal.
147. In the section dealing with flood risk the hydrological and hydrogeological implications of the proposed development including flood risk and site drainage are considered appropriate provided the mitigation measures recommended are followed.
148. Detail submitted with the application confirms that the quarry is not open to the general public and visitors are required to report to the existing quarry office before accessing any operational area. The risk of safety to the general public in this respect is managed.
149. The quarry will operate Monday to Saturday with no operations undertaken on Sunday. The normal working hours will be 7am to 7pm Monday to Friday and 7am to 1pm on Saturday. The risk of noise and nuisance is managed by imposing restrictions on operations within these opening hours.
150. With regards to the rate of extraction and life expectancy of mineral working, section 2.2 of the ES Chapter 2 explains that the rate of operations and the life expectancy of the site will be dependent on market demand. However based

on demand over previous years the operator estimates an annual aggregate tonnage ranging from circa 150,000 tonnes to 230,000 tonnes.

151. The limited lateral extension and further deepening of the quarry floor will potentially extend the lifespan of the quarry to circa 30 to 35 years. This is to be kept under review.

Visual Implications

152. With regards to the requirement of policy MIN2 and the visual implications of the extension, it is important to note that the existing quarry has operated in excess of 50 years and it is an established feature within the local landscape.
153. A landscape and visual impact assessment [LVIA] has been submitted as part of the ES and includes mitigation measures incorporated into the working plan where appropriate. This includes landscaping, screening and woodland planting as each part of the quarry is worked out.
154. At Chapter 11 of the ES it is confirmed that the site is located within the Character Area 96 'Castlereagh Plateau' in the "Northern Ireland Landscape Character Assessment (NILCA).
155. The landscape description from NILCA for the site and the wider landscape setting is described as being:

Landscape Description ... it is noted ... This landscape character area has been strongly influenced by glaciation which has created a compact rolling landform of small hummocks and narrow valleys..... Small fields are partitioned by hedges which rise and fall across the landscape, emphasizing its contours. The hedges, although often unmanaged and gappy, imbue the landscape with a prominent structure and texture, occasionally enhanced by hedgerow trees. Although large woods are scarce, hedgerow trees and small copses create the impression of a well-wooded landscape..... Transmission lines are also prominent and detract from the rural character of the area.

156. Paragraph 11.4 of Chapter 11 states that the

site, wedge-shaped in form, lies adjacent to and north of the B178 Comber Road, between its junctions with the Leverogue Road to the east and the Moss Road and "The Cooper" laneway to the west. It is surrounded by agricultural land use, mainly grazing, apart from the yards of the commercial enterprises across the Comber Road immediately to the south. The existing working quarry is surrounded by a fringe of native and non-native vegetation which effectively screens it from surrounding vantage points.

157. It confirms the proposal is to extend the existing quarry void southwards to allow further extraction for a period of up to 35 years.

158. The stripped material would be deposited on the adjacent fields to the south and the areas reinstated for grazing use with appropriate earth modelling and extension and reinforcement of existing hedges and belts of screen planting.
159. Ten potential vantage points were identified in the immediate area as follows:
- VP1 View from Comber Road directly adjacent to site. 0.3kms from centre of existing quarry; elevation 132m AOD.
 - VP2 View from junction of Moss Road and The Cooper laneway. 0.35 kms from centre of existing quarry; elevation 136m AOD.
 - VP3 View from The Cooper laneway. 0.35kms from centre of existing quarry; elevation 139m AOD.
 - VP4 View from Front Road. 1.35 kms from centre of existing quarry; elevation 143m AOD.
 - VP5 View from opposite 116 Front Road. 0.85 kms from centre of existing quarry; elevation 132m AOD.
 - VP6 View from Comber Road. 0.4kms from centre of existing quarry; elevation 135m AOD.
 - VP7 View from Back Road. 1.65 kms from centre of existing quarry; elevation 150m AOD.
 - VP8 View from Ballycarnannon Road. 2.5 kms from centre of existing quarry; elevation 124m AOD.
 - VP9 View from Comber Road. 0.65 kms from centre of existing quarry; elevation 131m AOD.
 - VP10 View from A24 Ballynahinch Road. 2.1 kms from centre of existing quarry; elevation 146m AOD.
160. The photomontages submitted in support of the application confirm that Viewpoints VP1, VP2, VP3, VP6 and VP9, all from vantage points within 500 metres of the site, illustrate how the presence of the quarry is visually imperceptible as the void is screened by the surrounding vegetation.
161. It is further confirmed that viewpoints VP4, VP5, VP7, VP8 and VP10 from vantage points between 0.85 kms and 2.5 kms from the site at elevations up to 150m AOD, illustrate how the undulating character of the plateau landscape affords little opportunity for visual intrusion from a development of this nature.
162. The montages were taken in mid-winter conditions of the worst case scenario therefore seasonal changes can only lessen any perceived impact.

163. The LVIA identifies short and longer term visual impacts. Short term impacts occur during works to extend the quarry by earthworks and stripping of topsoil and overburden and deposition of excavated material etc. however these are intermittent in duration and sort during the relocation period.
164. The long term landscape/visual impacts will range in magnitude from slight impact, within the immediate locality of the site itself, to negligible impact in the context of the development patterns within the locality.
165. From the closer vantage points, the visual impact will range from slight impact in very close proximity to the site (i.e. from adjacent residences and alongside adjacent roads) to negligible impact from further afield roads, dwellings etc.
166. These impacts, which will be very localised, will, in many instances, change from slight to moderate beneficial once the mitigation planting has become established.
167. Paragraph 11.9 of Chapter 11 confirms that from more distant vantage points the site appears sunken below the general topography and as such, the landscape impact is therefore rated as negligible. Initially only the earthworks will be visible from locations on the higher ground to the west and east.
168. This is not considered detrimental to the overall view so the visual impact is therefore rated as slight. Eventually the proposed native trees and woodland planting will screen and integrate these elements, in a more aesthetically sympathetic manner than the existing coniferous plantation and the visual impact could therefore be rated as moderate beneficial.
169. Mitigation measures outlined in Paragraph 11.10 of Chapter 11 confirms that the deposition of overburden materials on the fields to the south of the site will be carried out through careful earth modelling to harmonise with the undulating drumlin topography of the locality including the creation of a berm for planting along the proposed southern rim of the extended quarry. This will be planted with native woodland tree and shrub species in the earliest possible planting season after the scheme has commenced on site.
170. The general aim of the landscape proposals is to develop a planting scheme that will enhance the environment of the proposed development, ensuring its integration into the wider landscape setting. In addition, the recommendations of the Ecologist have informed the planting extents and species choice to ensure an increase in biodiversity.
171. Paragraph 11.12 of Chapter 11 of the ES confirms mainly indigenous native species have been chosen to provide a long-term increase in tree, woodland and hedge cover and contribute to wildlife habitats. Tree, woodland and hedge are designed to provide a robust mix of deciduous and evergreen plant material, tolerant of the inland location.

172. The anticipated mitigation effects of the planting proposals, after five and fifteen years' growth, are indicated on the photomontages.
173. On the southern boundary, in compensation for the coniferous screen lost as a result of the quarry extension, a "landscape buffer" is proposed, comprising an extensive belt of native tree and shrub planting. The mix will include fast growing alder, willow and hazel with a percentage of oak and birch and a shrubbery understorey of goat willow, spindle and holly.
174. Hedge planting is proposed to fill in existing hedging around the site and complete enclosure of the southern boundary. Species include common native shrubs such as hawthorn, hazel, holly and blackthorn with a percentage of native tree species - rowan, cherry and oak to replicate the character of the field patterns of the locality.
175. At paragraph 12.28 of Chapter 12 - Ecology it is explained on Restoration Plan Drawing No 1917/03 in Appendix 1 that post extraction, an area of additional woodland planting is proposed to close the gap left by the redundant access road and suitable areas will be spread with fines and quarry waste to provide a nutrient-poor substrate amenable to natural revegetation.
176. Paragraph 11.16 of Chapter 11 confirms that a Landscape Management Plan has been drawn up setting out the long term aims and objectives for the site so that relevant parties can understand how it is intended that the landscape components be developed and established.
177. The LVIA concludes that the site has the capacity to accommodate the proposed development without a major change in the landscape character of the surrounding areas, nor will it be visually intrusive in the long term and will contribute to an enhancement of the local landscape, with an assured future, through an agreed and formalised landscape management plan.
178. This is also seen to be in-keeping with the landscape Enhancement area identified through the Countryside assessment in the LAP, They are areas which have become degraded due to mineral extraction, dumping or neglect.
179. It is accepted that the quarry is a feature of the landscape and that the impacts of the existing development have been mitigated over time. The greatest visual impact is from the lateral extension and it is explained in the ES how this can be mitigated over time. The harm to the local landscape is limited and not considered to be significant for the reasons outlined above. The requirements of policy MIN 2 are met in full subject to the mitigation measures detailed in the ES being implemented.

Areas of Constraint

180. Policy MIN3 requires areas of constraint on minerals development to be identified.

181. With an area of constraint on minerals development there is a presumption against the granting of planning permission for extraction and/or processing of minerals. There are also exceptions to this policy where proposals are short-term and environmental implications are not deemed significant.
182. As explained earlier in the report the proposed site is not located within an area of constraint on minerals development and as such, this policy test is not applied. The proposal is considered to be in an area where quarrying might be acceptable subject to meeting all other polict requirements.

Valuable Minerals

183. Policy MIN 4 allows some latitude for exploring minerals of limited occurrence with some uncommon on valuable property. Aggregate is not considered to be a valuable mineral and no exception to prevailing regional policy is applied on the basis of policy MIN 4. This proposal is considered on its own merits.

Mineral Reserves

184. Policy MIN 5 is for surface development which would prejudice future exploitation of valuable mineral reserves will not be permitted.
185. It is considered that there are no surface developments approved within the proposal lateral extension area which would prejudice the exploitation of the identified mineral reserves. No exception to prevailing regional policy is applied on the basis of policy MIN 5.

Safety and Amenity

186. It is acknowledged in policy MIN 6 that the continuous and disruptive nature of mineral operations make them bad neighbours particularly of housing. This proposal is considered against the requirements of MIN 6 under the following headings.

Safety

187. In terms of Health and Safety considerations, Chapter 5 of the ES confirms that the quarry is being worked in accordance with the Quarry Regulations (NI) 2006 with particular compliance focused on best practice in relation to face heights, face stability and methods of working taking into account advice and guidance from geotechnical engineers.
188. A specialist chapter on the quarry design is included within the ES which demonstrates the Company's focus on sourcing safe and accessible mineral reserves. It is further indicated at Chapter 5 that

the quarry is well established within a rural area and proposed operations are restricted to lands adjacent to the existing quarry void and working areas within

the current quarry ownership. Existing hedgerow vegetation and fencing runs along the site boundary with the Leverogue Road and all other working areas maintain a buffer of agricultural land to public roads or existing bunding to third party properties. Signage warning of quarry workings are displayed on fencing where considered necessary.

189. Chapter 5 explains that the Quarry faces are designed in compliance with current legal requirements and in accordance with advice from the geotechnical engineering consultant with geotechnical assessments being reviewed bi-annually in accordance with best practice.
190. Chapter 5 also explains that the a modern static crushing and screening plant was constructed within the last 10 years to replace older quarry processing plant and provides improved environmental performance in relation to energy consumption and improved noise and air quality emissions.
191. The proposal seeks to continue to utilise existing quarry plant and infrastructure whilst allowing an updating of working plans to provide for safe and accessible mineral reserves.
192. The company's health and safety document reflects current legislation requirements and is actively reviewed and developed to ensure the health, safety and welfare of employees, contractors and visitors.
193. Initial advice from the Councils Environmental Health Unit on 21/04/21 stated that

with respect to Article 10 of the Quarries (Northern Ireland) Order 1993 the quarry Operator is required to erect an efficient and properly maintained barrier so designed and constructed as to prevent any person from accidentally falling into the quarry and by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public. Therefore the applicant should provide an annotated drawing detailing these measures.
194. Within the first Addendum to the ES the operator provided additional information in relation to the required safety barrier. A further consultation with EHO dated 25 October 2021 made no further comment with regards to the safety aspect of their response.
195. In a consultation response received from Health and Safety Executive NI (HSENI) dated 12 April 2021 it is confirmed that a number of site visits were carried out including meetings with the quarry management and the company's appointed Geotechnical Engineering Consultant before the application was submitted.
196. The areas of concern raised by HSENI were addressed in the Environment Statement and Addendum to the Geotechnical Assessment.
197. HSENI has no objection to this proposal if the Addendum to Geotechnical Assessment extracts set out below are met

198. The HSENI stated that the section of face at the current intersection of the eastern and northern faces will require some remedial works in order to make it safe to work below. The suggested solution is to cover the two noses with rock-fall mesh down to the 127mAOD level, this will be fixed with a perimeter cable and rock-bolts and additional cable straps across it in order to ensure that the larger blocks cannot move.
199. The HSENI stated that the section of face directly to the north of the northern nose, which is below the gate off Leverogue Road, has a few large detached blocks on it, it is proposed that spot rock-bolting be used in order to ensure that these blocks do not move. This has led to benches being left that are too narrow, with significant break back at the crests of the faces having occurred. Smooth wall / pre-split blasting techniques should be used for forming the final faces. Pre-split blasting should reduce the effects of gas wedging with the gases being dissipated along the pre-split line as opposed to into the rock face. It is recommended that a trial be undertaken on a section of face which is in the same orientation but will not be a final face in order to assess how much charge will be required for the pre-split holes.
200. The HSENI stated that each final level will be separated by a horizontal rock trap bench of a minimum 8m width, locally the benches on the 85 and 70 mAOD levels on the east side of the quarry have been widened to 10m below the historic faces.
201. The first Addendum sought to address the comments made by the HSENI that the client has noted the HSENI consultation response and will continue to liaise directly with them in relation to matters under their regulatory authority.
202. A further consultation with HSENI dated 11 October 2021 returned a response of no objection based on the clarifications offered above.

Noise

203. In the noise Chapter of the ES and two subsequent Addenda received the advice of Environmental Health in regard to noise has been sought.
204. In relation to operations and noise potential Chapter 8 of the ES confirms that extraction will continue at a similar rate to that of the existing quarry, with the proposal extending the working life of the quarry.
205. Extraction will continue using the same methods and equipment as that of the existing quarry, namely, overburden stripping, vertical blast drilling, use of an excavator at the working face to fill a dump truck which will transport product to fixed crushing and screening plant, prior to storage in bins and stockpiles for transportation off site.
206. It also confirms that operating hours will be 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 Saturday.

207. A Noise Impact Assessment identified the closest six residential receptors at 11, 14 and 16 Moss Road, 356 Comber Road and 2 and 19 Leverogue Road.
208. Analysis was carried out to include the southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting; and quarry restoration.
209. The results of the initial NIA predicted noise levels was assessed against the specific noise criteria for mineral extraction sites from policy guidance elsewhere.
210. The predicted noise levels from the proposed development sites achieve background + 10dB for receivers for the identified properties and found that noise should not be detrimental. for this site.
211. The response did highlight two additional properties, 5 Moss Road and 8 Moss Road, within 300 metres of the proposal and recommended they be included in the assessment.
212. In addition, the applicant was asked to confirm if the properties at 4 and 4a Moss Road are occupied.
213. In other comments the EHO also required
that a comment should be made regarding the selected the noise monitoring location and whether it is representative of all the noise sensitive receptors and they advised that a copy of the Soundplan files should be forwarded to the Council for review.
214. Finally EHO noted from the overburden stripping and bund construction model that the noise sources have been placed behind the location of the bund with the bund already in place.
215. As a result, Environmental Health advised that the applicant should provide a cross section drawing illustrating the location and relative height of the current and/or future bund.
216. In addition, noise modelling for overburden stripping and bund construction should be completed to provide a realistic prediction of the noise level during this phase i.e. closer to the receptors and if appropriate prior to bund formation.
217. An Addendum to the ES was submitted addressing the above details and a further consultation response was received from EHO which stated that., the soil stripping activity labelled in drawing 17-327-D-009 did not appear to have been included in this model scenario. Therefore the modelling should be amended to include soil stripping in the vicinity of any relevant receptor to demonstrate that the temporary noise limited will not be exceeded.

218. They further stated that whilst the two additional properties were added as receptors these properties are a greater distance from the Comber Road and therefore the background noise level would not be representative at these locations. A more representative background noise level should be provided.
219. In addition EHO noted that blast drilling was included in noise contour map 2. However, blast drilling will be undertaken in close proximity to the working face. Accordingly the modelling should be amended to reflect this and the predicted noise levels at any relevant receptor provided.
220. EHO also noted that after the above issues have been addressed they would complete a review of the Soundplan files to verify the modelling.
221. The applicant confirmed that 4 and 4a Moss Road are within their ownership and are currently vacant. Whilst they are within a 100 metres of the blasting area a condition is required limiting their future occupation.
222. A second Addendum was received to the ES on 11 March 2022 and provided the relevant clarification requested. The EHO were consulted and are content subject to conditions which are included later in the report..

Blasting and Vibration

223. With regards blasting and vibration, Chapter 7 of the ES confirms that this is a greywacke (gritstone) quarry. The quarry is currently operational and has been designed using current best practice, with bench heights typically of 15 metres.
224. The anticipated maximum instantaneous explosive charge for a face this height would be around 120kg. However, the explosive charge will be determined for each blast to take account of the particular circumstances and to ensure the vibration criterion is not exceeded.
225. The blasting and vibration report carried out determined that there should be a criterion for restricting vibration levels from blasting in order to address the need to minimise annoyance to nearby residents.
226. A peak particle velocity of 10mms-1 as the limit for vibration from blasting within the Southern Extension at the quarry in respect of inhabited residential properties was recommended.
227. Chapter 7 goes on to state that

all blasts at the proposed development site shall be designed in order to comply with the above peak particle velocity criterion at 95% confidence levels, as measured in any of the three planes of measurement. It states that all vibration will be below those levels recommended for blast induced vibration as being satisfactory within the previously discussed standards.

228. The vibration and blast report concludes that with such low ground vibration levels all accompanying air overpressure would also be of a low and hence safe level, although possibly perceptible on occasions at the closest of properties.
229. It was stated that if the operators follow the recommends given, there is no reason why blasting operations within proposed development site will give rise to adverse comment due to induced vibration at any of the dwellings in the vicinity.
230. In the initial EHO response in relation to noise dated 21 April 2021 EHO noted that the potential blast areas appears to be within 100m of occupied dwellings which are outside the ownership or control of the operator. Therefore a detailed drawing should be provided illustrating the extent of the blasting locations (or co-ordinates), the location of the working face and the corresponding distance to any relevant occupied dwelling.
231. The first Addendum to the ES provided a drawing to clarify that no blasting is proposed within 100 metres of any dwelling outside the ownership or control of the operator.
232. There is only extraction proposed by mechanical excavation within 100 metres to a small area shown on the drawing entitled 'Plan showing 100m stand-off from closest properties' drawing no. 17-327-D-026 Revision 1A.
233. This is required to re-profile and tidy a section of historical face as advised by the quarry geotechnical engineering consultant.
234. The Addendum to the ES confirmed proposed hours of blasting are between 10:00am and 4:30pm unless in exceptional circumstances.
235. The final EHO response received offered conditions relating to blasting to ensure best practice, controlled noise levels, monitoring, and recording which are included later in the report.

Mineral Dust Impact Assessment

236. Chapter 8a of the ES confirms the location of likely sources of dust emission from within the site – there are five potential sources of dust emission, the haul road, the static processing area, the mobile processing area and the working faces.
237. A Dust Impact Assessment (DIA) was carried out which identified the nearest 6 residential receptors at Chapter 8a. This confirms that the existing quarry excavation due to its depth provides screening from the wind in a number of directions and most notably the prevailing wind direction. In addition, mature vegetation and bunding along the periphery of the site adjacent to third party dwellings along Moss Road and Comber Road assists with screening.

238. The DIA concludes that given the limited number of receptors and the negligible effect across the majority of neighbouring properties, it has been determined that the overall effect of any loss of amenity due to dust deposition on the surrounding properties is negligible.
239. It states that potential dust impacts from the proposed development have been assessed following the Institute of Air Quality Management "Guidance on the Assessment of Mineral Dust Impacts for Planning" published in May 2016.
240. It also states that further to incorporation of mitigation the overall loss of amenity due to dust impact from the proposed development has been determined as 'negligible'.
241. The DIA also states that with respect to health impacts, a detailed PM10 assessment has been screened out due to existing background levels being below 17 µg/m³.
242. It is therefore considered that potential dust impacts from the proposed development are compliant with existing policy and guidance.
243. The listed mitigation measures are in both design and good practice and comprise the following:
 - Materials processing will be placed within the extraction void and surrounded by the working faces ensuring maximum wind protection
 - Water suppression via spray bars at the materials processing area and haul routes
 - Haul routes will be minimised by ensuring that materials processing is located within the excavation void and in proximity of the working face.
 - Existing woodland/hedgerows and bunding along site boundaries will be retained and improved along the southern boundary.
 - A Dust Management Plan will be produced and adhered to
 - A record of all dust and air quality complaints, identifying cause(s), and the appropriate remediate action to rectify in a timely manner will be maintained at all times
 - All site personnel provided with training on dust mitigation. Training will also cover 'emergency preparedness plans' to react quickly in case of any failure
 - Implementation of an appropriate daily visual inspection monitoring scheme incorporating on and off site inspections.
 - Maintain good communication with local residents to help alleviate anxieties
 - Where possible, particularly dusty activities should be avoided during extended periods of dry and windy conditions
 - Site traffic will avoid abrupt changes in direction, maintain a speed limit of 15mph, be evenly loaded to avoid spillages. Haul routes will be graded and maintained as appropriate, with regular application of water in dry conditions.
 - Materials processing will be placed within the extraction void and surrounded by the working faces ensuring maximum wind protection. It will only be operated within its design capacity with good standards of housekeeping at all times.
 - Materials handling will be conducted in such a manner that return belts will be fitted with belt scrapers, fixed sprays used where required, clearance of any spillages to minimise accumulations, minimisation of drop heights at feed hoppers and discharges,

control and restrict the duration of site activities where practicable, screening material to remove dusty fractions prior to external storage.

244. Advice received from EHO on 21 April 2021, stated that

the applicant should confirm the co-ordinates of the static processing area, haul roads and mobile processing area used for the purpose of the risk assessment.

245. The assessment was also required to be amended in line with guidance based on the closest point of a receptor to a potential dust generating activity and the applicant was asked to confirm the source location of wind rose data to enable them to determine if it is suitable for use at this site.
246. The list of receptors were also required to be amended to include two additional properties, 5 Moss Road and 8 Moss Road, as they are within 300 metres of the proposal.
247. Furthermore, EHO requested details of the dust monitoring be provided including the type and location of activity at the time and confirmation what and where the inference to overburden relates to.
248. The first Addendum to the ES confirmed that the co-ordinates had been updated in the assessment. The addendum also confirmed that the assessment has incorporated the closest points. Importantly 2 Leverogue Road is owned by the quarry operator.
249. The ES Addendum also confirmed that the windrose relied upon is from Aldergrove and it then included the additional properties of 5 and 8 Moss Road in the assessment as requested.
250. The Addendum to the ES confirms the updated details of the dust monitoring location and the location of the overburden are included in the updated assessment and the updated drawings.
251. Further advice received from EHO offered no objections subject to conditions which are included later in the report..
252. Based on a review of the information provided and advice received from the Councils Environmental Health Unit, it is considered that all aspects of safety and amenity have been fully and properly explored through the ES and its two associated Addendum and that the inclusion of suitable conditions will ensure that no significant environmental impacts and that amenity and safety aspects arise consistent with policy MIN 6 of the PSRNI.

Traffic

253. Policy MIN 7 requires consideration to be given to the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations.

254. Detail submitted with the application indicates that the proposed development involves the use of an existing access which has splays of 4.5m x 100m RGS and 4.5m x 85m LHS.
255. A Transport Assessment form provided in support of the application clarifies that the associated vehicle movements which are no more intense than they are presently.
256. The quarry is well established and the surrounding road network is readily able to accommodate vehicles associated with the quarry. This application is for a continuation of existing vehicle movements and does not involve additional plant or intensification of access.
257. The proposal is for the continued use of the existing access and does not require the formation of any further accesses.
258. The aggregate volume varies depending on market conditions therefore traffic movements also vary. The TAF was based on the worst case scenario of 44 HGV movements per day.
259. DFI Roads have been consulted and offer no objections. Based on a review of the information and the advice received, it is considered that the proposal complies with Policy MIN 7 and that it has been demonstrated safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations has been taken into account.

Restoration

260. Policy MIN 8 requires mineral workings to be restored at the earliest opportunity.

Its states 'restoration is required to make mineral workings fit for beneficial use and environmentally acceptable following extraction'. The policy continues, 'applications for the extraction of minerals must include satisfactory restoration proposals'.

261. Detail submitted with the application includes an updated restoration plan for the quarry. It also includes landscaping and planting recommendations provided by the specialist landscape architect and ecologist. The quarry restoration is designed to ensure that the site is of beneficial use following the cessation of quarrying activity.
262. The deposition of overburden materials on the fields to the south of the site will be carried out through modelling to tie in with the undulating drumlin topography of the locality including the creation of a berm for planting along the proposed southern rim of the extended quarry.

263. The plans indicates that this will be planted with native woodland tree and shrub species in the earliest possible planting season after the scheme has commenced on site.
264. The landscape proposals include details of a planting scheme that will enhance the environment of the proposed development, ensuring its integration into the wider landscape setting. In addition, the recommendations of the Ecologist have informed the planting extents and species choice to ensure an increase in biodiversity.
265. Paragraph 11.12 pf Chapter 11 of the ES confirms mainly indigenous native species have been chosen to provide a long-term increase in tree, woodland and hedge cover and contribute to wildlife habitats. Tree, woodland and hedge are designed to provide a robust mix of deciduous and evergreen plant material, tolerant of the inland location.
266. The anticipated mitigation effects of the planting proposals, after five and fifteen years' growth, are indicated on the photomontages in the LVIA.
267. On the southern boundary, in compensation for the loss of the existing coniferous screen, a "landscape buffer" is proposed, comprising an extensive belt of native tree and shrub planting. The mix will include fast growing alder, willow and hazel with a percentage of oak and birch and a shrubbery understorey of goat willow, spindle and holly.
268. Hedge planting is proposed to fill in gaps within the existing hedging around the site and complete enclosure of the southern boundary. Species include common native shrubs such as hawthorn, hazel, holly and blackthorn with a percentage of native tree species - rowan, cherry and oak to replicate the character of the field patterns of the locality.
269. The natural water level will be allowed to gather in the old quarry void with the formation of a lagoon/pond.
270. Post-extraction is outlined in paragraph 12.28 of Chapter 12 and illustrated on Restoration Plan Drawing No 1917/03 in Appendix 1.
271. An area of additional woodland planting is proposed to close the gap left by the redundant access road and suitable areas will be spread with fines and quarry waste to provide a nutrient-poor substrate amenable to natural revegetation.
272. Paragraph 11.16 of Chapter 11 of the ES confirms that a Landscape Management Plan has been drawn up setting out the long term aims and objectives for the site so that relevant parties can understand how it is intended that the landscape components be developed and established.
273. Based on a review of the information provided, it is considered that the restoration details submitted are satisfactory and the requirements of policy MIN 8 are met in full.

Waste Management

274. As mentioned earlier in the report, a Waste Management Strategy [WMS] has been submitted for the site. Whilst the application is not for a waste management facility the material produced on site as a result of extraction and processing operations will be managed through the implementation of an extractive waste management plan.
275. The WMS submitted confirms that the rock is extracted by drilling and blasting, the blasted rock is processed to produce a range of construction aggregates. No waste is produced from the crushing and screening process, with all rock extracted being sold.
276. The strategy explains that soils stripped in order to expose the rock have been stored in a mound around the northern and western quarry boundary, serving the dual purpose of screening the quarry from surrounding properties (Northern Soil Storage Mound (WF1)).
277. It is proposed that this bund, which is now well vegetated, will be retained in their current location upon cessation of quarrying, and as such are considered to represent a "Waste Facility".
278. It is proposed as part of the quarry extension to strip overburden material from above the southern quarry faces, an estimated total of 141,500m³ of overburden will be stripped. Of this it is proposed to use 68,000m³ to construct a screening mound at the south-west corner of the quarry, extending along the southern boundary (Southern Screening Mound (WF2)). The remainder of the overburden, 73,500m³, will be placed on the quarry floor (Quarry Floor Overburden Tip (WF3)).
279. The overburden is natural uncontaminated topsoil, subsoil and clay. This is classified as waste from mineral with non-metalliferous excavation identified as waste code – EWC Code 01 01 02.
280. The WMS confirms that the only waste identified is the soil and overburden materials that have to be stripped to expose the rock. These materials are generally used to construct screening mounds around the quarry in order to reduce the potential nuisance of the quarry to the surrounding properties.
281. Finally the WMS contains the restoration plan when WF1, 2 and 3 are complete to:
- Leave WM1 as existing screening mound to remain in place as existing scrub/woodland with a small additional portion of shrub/woodland planting proposed to the north east of WM1.
 - The majority of the void will be allowed to have the original water level restored acting as a large pond/lagoon with the edges annotated to be areas to receive fines & quarry waste to provide a nutrient poor substrate, beneficial to natural revegetation of these areas as requested by Ecologist. WF3 will be beneath the water level.

- WF2 is the southern screening mound being produced as part of the lateral extension proposed. The restoration plan annotates this as existing grazing ground with an existing scrub/woodland belt that runs along most of the southern boundary to be retained.
282. The Waste Management Strategy is considered to be acceptable in outlining the intentions with existing and proposed inert waste produced within the site and its restoration once the quarry has been closed.
283. Turning to the balance of the tests associated with PPS 21, the following assessment is made in relation to Policy CTY 13 and 14 of PPS 21..

Integration and Design of Buildings in the Countryside

284. With regard to criteria (a) of Policy CTY13, there are no new buildings proposed by this development therefore its relevance is limited to landscaping and ancillary works. The plant and machinery is being reused as existing and is within the quarry void therefore limited in view from the public.
285. There are four buildings throughout the site. A small single storey concrete block building at the entrance which seems disused, and office building and weighbridge which is also single storey with a pitched tiles roof and render walls, a, agricultural style warehouse to the west of the administration building and a double agricultural style barrel roofed shed to the south west of the site.
286. All other development is plant and machinery in operation with the quarry. These are already part of the operating quarry site and not being applied for under this permission.
287. The existing boundaries of the site are to be retained and the restoration plan makes provision for a further bund and scrub/planting to the southern lateral extension.
288. As detailed above the LVIA submitted as part of the ES demonstrates that there is negligible impact visually from the extension.
289. The site as existing and proposed provides a suitable degree of enclosure and integrates into the landscape without relying primarily on new landscaping. The ancillary works in terms of the enlarging and deepening of the quarry void are works of the mineral excavation and will be softened, planted and filled as part of the restoration plan.
290. The restoration plan will help the quarry, once completed blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
291. For the reasons outlined above, it is considered that the proposal complies with policy CTY 13.

Rural Character

292. As explained above, there are no new buildings proposed as part of this application therefore its applicability is minor.
293. The works are within the quarry void therefore there will be no issues of prominence. A bund is to be added to the south and west formed with the overburden and planted and has been graded to be less engineered and more natural in form. The height of the overburden is 6-7m at the highest but is gently graded.
294. As there are no new buildings there are no issues regarding build up, pattern of development, or ribbon development.
295. As above in the ancillary works in terms of the enlarging and deepening of the quarry void are works of the mineral excavation and will be softened, planted and filled as part of the restoration plan. The restoration plan will help the quarry, once completed blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
296. For the reasons outlined above, the proposal is considered to comply with the policy tests associated with Policy CTY 14.

Access, Movement and Parking

The Leverogue Road is not a protected route.

297. The Transport Assessment Form confirms the aggregate volume varies depending on market conditions therefore traffic movements also vary. The TAF was based on the worst case scenario of 44 HGV movements per day.
298. DI Roads have been consulted and offer no objections. For the reasons outlined above, it is considered that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic. The Council has no reason to disagree with the advice offered.
299. It is considered that a safe access can be provided in accordance with the requirements of criteria (a) of policy AMP 2 of PPS 3 and DCAN 15.

Natural Heritage

300. PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
301. An Ecological Impact Assessment was submitted in support of the application. Chapter 12 of the ES confirms that Leverogue is a hard rock quarry that has been producing Silurian gala group greywacke (gritstone) for around 100 years.

The proposed lateral extension of extraction is to the south of the current extraction area and the application includes a deepening of the quarry floor.

302. The ecological characteristics of the area were described by the ecologist as ecologically impoverished with biodiversity value largely confined to the hedgerows, which themselves tend to be poorly structured and eutrophic. It was stated that damp inter-drumlin areas occur to the north of the quarry and immediately adjacent to the east of the quarry, soils were observed to be relatively thin, scarcely disguising underlying rocky outcrops, and the grassland not as comprehensively improved for agriculture.
303. Areas within the existing quarry site as well as a more focused study on the area for the lateral extension were surveyed and found to contain a mixture of the following features:
- Improved grassland
 - poor semi-improved grassland
 - scattered scrub
 - ruderal tall herb
 - Intact hedge dense continuous scrub and scattered trees
 - open water.
 - conifer plantation
 - dense continuous scrub
 - unimproved neutral grassland
 - tall ruderal herb cover in mosaic.
 - Hedge with trees
 - Buildings and semi-improved neutral grassland
 - Fence and intact hedge
 - Quarry
304. In terms of fauna badger hair was found snagged along the fence with badger use evident on the site. Rabbit tracks and small vegetation tunnels were evident. Evidence a fox kill and fox presence was also found.
305. In terms of bats the local area was judged to be relatively un-productive for bats. Bats would find flying insects concentrated along tree lines at the quarry top screens, and also within the quarry itself. Some of the trees were judged to have a moderate potential for to host bat roosts, and the cottage (but not the barns) was also judged to have a moderate potential for bat roosts, not least in the collapsed roof section.
306. Chapter 12 of the ES states
- that around 50% of the quarry face is of continuous bedded rock and the remainder is of blocky rock but without open fractures or crevices, thus there are very few crevices in the quarry faces that could accommodate bats – the quarry itself is judged to have a negligible risk of roosting bats.*
307. In terms of newts the statement states that

newts are not uncommonly found in quarry ponds (despite their inevitably low Habitat Suitability Index (Oldham et al (2000)). The ponds have been observed as too turbid for newts, and when the water column is Cerastium arvense there is a fine covering of clay/silt on the rocks (spoiling egg adhesion). This plus the lack of suitable terrestrial habitat within the quarry, make it extremely unlikely that there are newts breeding in the Ballynagarrick Quarry ponds.

308. In relation to lizards the site is within the range of Lizard within Northern Ireland as reported in Farren et al. (2010), but does not include the habitats with which they are mainly associated within Northern Ireland (heathland, bog and coastal habitats).
309. There were no signs or likelihood of Otter.
310. In relation to breeding birds, records and behaviour are shown in Map 12.3. of the ES Chapter 12. Only birds showing evidence of confirmed or probable breeding are referred to. Other records only show evidence of possible breeding or are of birds which might have bred in the area or could have originated elsewhere. The quarry and ledges was also checked for the presence of Peregrine Falcon, no observation supported the presence of breeding raptors.
311. Overall the Ecological study concluded that habitat that would be impacted by the proposed quarry development is of minimal significance from an ornithological perspective and could be easily replicated, and indeed enhanced, as part of the scheme if appropriate planting are adopted.
312. The ecological evaluations along with listed recommendations from the ecologist were sent DAERA NED for comment.
313. A consultation response from NED dated 03 February 2021 confirms the site is an existing quarry with agricultural fields, hedgerows, scrub and buildings. The surrounding habitat contains agricultural fields, hedgerows and woodland.
314. It states that Cooper Wetland Site of Local Nature Conservation Importance (SLNCI) which has been designated for heath, grassland, scrub and mire is located approximately 30 metres to the north of the site.
315. In terms of designated sites, NED advises the proposal is unlikely to have significant effects on any designated sites due to its distance from the sites and the scale and nature of the development.
316. In terms of bats, NED noted from the ES that the old farmhouse cottage building and 8 trees on site were assessed as having moderate potential to host roosting bats and that at least five trees with moderate Bat Roost Potential (BRP) will be removed as part of the proposed development.
317. All bats are European protected species under the Habitats Regulations and are subject to a strict level of protection. NED recommended a dusk emergence and separate dawn re-entry survey are carried out on the building with

- moderate BRP proposed to be demolished and on all trees with moderate BRP proposed to be felled.
318. In relation to birds, NED noted from the ES that a breeding bird survey was carried out of the site in July 2018 but considered this survey to be outside the recommended time range for breeding bird surveys as some early breeding species may have been missed. However, NED considered that the diversity and number of birds recorded at this time is likely to be indicative of the importance of the habitats within the site. NED noted of the twelve bird species recorded on the site, five were classed as confirmed or probable breeders.
 319. NED considered it is unclear if it is swallows or swifts that have been confirmed breeding within the site. Suitable nesting habitat for swallows exists on-site in the barns and derelict buildings, though these structures could also support nesting swifts.
 320. NED notes that ravens were recorded nesting on the western quarry face. NED is also aware that peregrine falcon have historically nested in the quarry but notes that recent surveys failed to find any evidence of nesting peregrine.
 321. As previously stated tree, hedgerow, scrub and building removal is required as part of the proposed development. Quarry excavation works also have the potential to impact birds such as raven and peregrine that may use the quarry face for nesting and roosting.
 322. NED recommends that vegetation clearance and building demolition are carried out outside the bird breeding season unless a detailed check for active bird's nests is undertaken by a competent ornithologist immediately prior to clearance/demolition.
 323. It is highlighted in the ES that chances of birds nesting in vegetation to be cleared can be reduced if flicker tape is installed in or close to the stand before the start of the nesting season. NED advises against the use of flicker tape as it is unlikely to be completely successful. Avoidance of vegetation removal during the bird breeding season is preferable.
 324. NED also recommends that, should excavation works or blasting be scheduled to commence during the bird breeding season, the affected existing quarry face should be checked for the presence of nesting or roosting birds, including peregrines, by a suitably qualified and experienced ornithologist.
 325. Should nesting peregrines be present then no works should commence until a mitigation plan has been agreed by NIEA. Should other nesting birds be present no works should occur until the chicks have fledged and the nest is abandoned. Also, any non-breeding birds should be disturbed from affected quarry faces prior to any blasting.

326. The response from NED noted from the Site Layout & Detailed Planting Plan that additional woodland and hedgerow planting is proposed as part of the site restoration. NED is content that these measures, once established, will provide sufficient compensation for the loss of bird nesting and foraging habitat.
327. It stated that details of these mitigation measures should be detailed in an Ecological Management Plan (EMP) for the site. An appropriate condition will be required on any planning approval to ensure these mitigation measures are implemented.
328. In relation to badgers, Ned confirmed that the site provides suitable habitat for badgers. NED notes from the ES that no badger setts were recorded within the site, however, there was evidence of badgers using the site. NED also notes that a thorough search of the wooded area along the western boundary for badger setts proved difficult due to the dense vegetation. Therefore NED recommended that an updated badger survey is carried out prior to any woodland, hedgerow and scrub removal on site.
329. NED also recommended that woodland, hedgerow and scrub removal is carried out under the supervision of suitably qualified and experienced ecologist. If any badger setts are subsequently found then no clearance works should proceed until a wildlife licence has been granted by NIEA. NED would also highlight that no blasting should occur within 100 metres of a badger sett without a licence from NIEA.
330. NED commented that it is content that the proposal is unlikely to have any significant effects on the features of the SLNCI. NED notes from the Vegetation Removal Plan that the boundary hedgerows are to be retained but that a small amount of hedgerow removal within the site is required.
331. However, NED noted from the Site Layout & Detailed Planting Plan that new native species hedgerow planting is proposed along the southern boundary of the site. NED considers this is sufficient compensation for the loss of existing hedgerow priority habitat within the site.
332. In terms of site restoration, NED noted from the Vegetation Removal Plan that tree, scrub and hedgerow removal is proposed in the south of the site. NED is content that the proposed planting shown in the Site Layout & Detailed Planting Plan will provide sufficient compensation for the loss of existing habitats on site.
333. However, NED recommended that an amended Restoration Plan is submitted which reflects the planting shown in the Site Layout & Detailed Planting Plan and the ES.
334. NED also noted from the ES that evidence of rabbits and foxes have been recorded within the site. Therefore, the applicant should be aware of the protection afforded to all animals under the Welfare of Animals Act (Northern Ireland) 2011.

335. The first Addendum to the ES was submitted and contained the information requested by NED and contained the following:
- Ecological Management Plan (Feb 2021) and update (September 2021).
 - Bat Survey (September 2021)
 - Ornithological and Badger Survey and Report (August 2021).
 - Restoration Plan clarification.
336. NED provided a further response to the Addendum dated 3/12/21 and confirmed that the Bat Survey Report by Blackstaff Ecology included in the Environmental Statement (ES) Addendum notes that it states no bats were seen emerging from/re-entering the building or trees during the series of dusk and dawn surveys.
337. It states that
- a significant level of foraging activity was recorded at the site. Bats may therefore use these features as a transitional/occasional roost later in the year.*
- Therefore, a soft strip of the building and soft-felling of the trees have been recommended, as well as provision of alternative roost space in the form of two bat boxes and concludes that with the implementation of the recommended mitigation measures the proposal is not likely to have a significant impact on the local bat population.*
338. The NED response confirms they are content with the findings of the survey and considers that the proposal is unlikely to have a significant impact on the local bat population provided the recommended mitigation measures are implemented.
339. NED highlighted that ecological surveys are usually only valid for two years therefore updated surveys should be carried out if works commence more than two years from the time the bat surveys were carried out.
340. NED recommended that details of these mitigation measures are included in a final Ecological Management Plan (EMP). NED has recommended an appropriate condition below.
341. In relation to birds NED welcomed the early season breeding bird survey carried out in April 2021 and notes that 25 bird species were recorded on the site with jackdaw, starling and raven confirmed breeding and 19 other species classed as probable or possible breeders including several Northern Ireland priority species and amber listed species of conservation concern in Ireland. NED noted that no evidence of nesting Peregrine falcon was found within the quarry during the survey.
342. NED reiterated the protection offered to breeding birds and their nests under the Wildlife Order and recommended appropriate mitigation measures be required to protect breeding birds as mentioned in earlier response.

343. In relation to badgers NED noted from the ES Addendum that an updated badger survey was carried out of the site which found no setts or other evidence of badger activity.
344. NED further noted that an area in the south of the site could not be fully accessed due to health and safety reasons, however, NED acknowledged that a reasonable attempt was made to survey this area.
345. Site Restoration
346. NED acknowledged the clarification provided on proposed planting and site restoration and is content that the planting proposed in the Site Layout & Detailed Planting Plan and Restoration Plan will provide sufficient compensation for the loss of existing habitats on site and recommended conditions.
347. SES were also consulted regarding the submission and responded having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.
348. The advice received stated that

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

349. For the reasons outlined, it is considered that no protected habitat will be negatively affected by the proposal nor will the development have a negative impact on any natural heritage and that the proposal complies with the relevant policies identified above in respect of policy tests set out in PPS 2.

Planning and Flood Risk

350. The application is supported with a detailed hydrological and hydrogeological impact assessment, including flood risk and site drainage considerations. This assessment identified the implications of the proposal on the water environment and measures are incorporated into site operations to appropriately manage ground and surface water implications.
351. Chapter 9 of the ES describes the geological, hydrological and hydrogeological setting of the site and local area, the current and proposed water management practices at the site and assesses the potential for impact that the applied for development may have on the local water environment and water dependent ecosystems.

352. In terms of Chapter 9, the site operation is described as a site office, weighbridge and workshop/store at the site entrance off Leverogue Road, on the east of the site.
353. A dust suppression spray system is established within internal haul roads. It states that the single void quarry area comprises a number of bench levels from where rock is blasted and hauled to the crusher and screener processing plant, currently situated in the south-western part of the quarry. Aggregate not immediately dispatched is stockpiled, mainly in the north-western part of the quarry, for sale and distribution off-site.
354. Quarry overburden material from previous site development is currently stored on non-quarried land to the south of the quarry void with this area restored to grassland.
355. It confirms that mains water is used on-site for office potable supply and as an additional water source for dust suppression. A shallow borehole (~6m deep) within the quarry pumps water to a storage tank, which is subsequently used for local dust suppression around the processing plant area and haul roads.
356. Foul sewage is managed via a septic tank and percolation area in the area close to the site office. This is regulated under a consent to discharge.
357. A single domestic oil tank for office heating is located in proximity to the site office. Within the quarry, two main fuel tanks (gas oil and DERV), comprising 20000l total capacity, are contained within a fully concreted bunded area, within a locked work shed building.
358. All water entering the site from incident rainfall, marginal run-off and groundwater inflow either infiltrates locally through the quarry bench floors, ponds locally on the quarry bench floors or flows via channels on the toe of the perimeter quarry faces down to the lowest current quarry level, currently in the south-east of the quarry.
359. Water ponding in this lowest ponded sump area is pumped to a higher level pond sump area on the southern side of the quarry from where it is pumped via a buried pipe to an outfall sump area within a field just to the north of the junction between Comber Road and Moss Road. From here it is culverted under Comber Road and discharges into an unnamed watercourse which flows away to the south. Pumping of water from the site is by electrical powered submersible pumps operated by float switch.
360. Chapter 9 confirmed that a search of the Waste & Contaminated Land Database held by the Northern Ireland Environment Agency (NIEA) was undertaken to assess if it contained records of any potential historical land use which may be associated with polluting activities on or in the vicinity of the site. No significant activities were identified other than a vehicle recycling business to the south of the site, outside of the application site boundary and unrelated to the applicant's business.

361. The quarry void is currently excavated to different levels from a perimeter level of ~ 140mOD down to a low point of ~80mOD.
362. The published soils map (DANI Sheet 20) for the area indicates soils at and around the site (where not disturbed) are predominantly Shallow Brown Earths associated with thin shale till or bedrock, with areas of surface water gleys soils associated with the glacial till deposits away from the site. Groundwater Gley soils are mapped to the north of the site associated with the peat (organic/mineral alluvium) deposits in this direction.
363. Chapter 9 also confirmed that the area at and around the quarry, bedrock occurring at or near surface across most of the local area. Isolated areas of Glacial Till (Boulder Clay), overlying bedrock, are mapped in the local surrounding area including in the western central part of the site boundary. This glacial till has been deposited by glacial action and creates the drumlinoid topography associated with the wider area.
364. More recently deposited alluvium, comprising unlithified clay, silt, sand and gravel, is mapped as occurring in the southern part of the application site, in the area where quarry overburden has been stored and grassed over.
365. In terms of bedrock geology the quarry site and surrounding area underlain by Silurian-age Gala Group greywackes and mudstone. The sandstone layers range from a few centimetres to a few metres thick, interbedded with siltstones or mudstones. On the eastern margin of the quarry area, an ESE-WNW trending fault is mapped with strata downthrown to the SE. This strata underlies the majority of County Down and parts of adjacent County Armagh. The strata is of significant thickness, expected to exceed several hundred metres thickness in this area. Proposed quarry deepening to 38mOD will not exceed the basal level of this strata.
366. The quarry is developed at several bench levels with extensive bedrock exposure showing bedded greywackes, siltstones and mudstone dipping at various angles.
367. The bedrock, comprising greywacke sandstones, siltstones and mudstones are classified as an aquifer with limited productivity potential, with no significant intergranular porosity where groundwater storage and movement is within and through fractures and faults, where open.
368. Water abstraction from this strata, where this occurred in the past, was typically for small volume demand, through hand-dug shallow wells into the upper more weathered rock zone, where the well itself provides additional storage space replenished by minor inflow.
369. The glacial till deposits are not a recognised aquifer resource but can contain some water in more permeable zones. Such deposits are not typically used as a source of water.

370. Alluvium can be of variable composition and can contain shallow groundwater which is in hydraulic connection with surface water drainage features which pass through the deposit area
371. Observations reported in Chapter 9 from a site walkover indicated the presence of typical conditions expected for such aquifer type with mainly dry quarry faces but with localised seepages from fractures at different levels.
372. The main water drainage observed in the quarry is around the south-western and southern faces where there is evidence in places of mineral staining and vegetative growth indicating more frequent seepage.
373. Water drains in a channel at the base of the perimeter quarry face to a lower sump area. No major inflows were observed from the quarry faces above floor level at the time of a site visit on 9/12/19, which was preceded by a day of heavy rainfall.
374. At the lowest sump level in the south-east of the quarry a more sustained point inflow from the excavation face ~2m above the ponded water level was observed, with this exposure showing more thinly bedded strata compared with the majority of the quarry.
375. It is considered that this is partly if not entirely fed from overflow drainage from a larger ponded area on slightly higher ground close to this lowest sump area, which receives the main peripheral drainage collected around the south-western and southern quarry void faces.
376. The quarry and surrounding area is in an area shown on regional Groundwater Vulnerability mapping as having high groundwater vulnerability.
377. Chapter 9 provided a conclusion which based upon a review of the environmental setting and the applied for development, it determined that no significant adverse impact on the water environment or water-dependent features is predicted to occur, relating to the applied for development, during either the operational phase or with the planned restoration.
378. It is stated that the minor lateral extension and deepening of the quarry will result in some additional water capture by the quarry void, which is to be managed through similar arrangements as have operated for some time at the quarry.
379. The proposed development is determined as having no implications with respect to risk from flooding.
380. Local groundwater and surface water quality has the potential to be impacted by pollution incidents at the quarry and, as such, pollution incident procedures are in place and pollution mitigation measures are adopted.

381. Earthworks associated with relocation of soils in the southern part of the application site represent a temporary risk to surface water quality which can be managed through standard mitigation and good practice.
382. Ongoing review of site working practices, staff awareness and training and daily inspection of quarry water features is to be continued and is important for minimising the potential for a pollution incident to occur and for minimising the impact, in the event of an incident.
383. As such, no cumulative impact on the hydrological/hydrogeological environment or associated water dependent features is determined.
384. A consultation with NIEA Water Management Unit Water Management Unit considered the impacts of the proposal on the surface water environment and on the basis of the information provided would only be content subject to conditions for a full construction method statement.
385. The Regulation Unit was consulted and commented that a conceptual hydrogeological model has been developed. It is recommended that this is verified or updated using site investigation information, including the drilling of boreholes to determine groundwater levels and in-situ calculated aquifer properties to verify or update the calculated radius of influence.
386. Furthermore it recommended that the boreholes drilled can be used for groundwater monitoring. Based on the verified or updated conceptual model it is also recommended that a groundwater monitoring plan is considered.
387. An Addendum to the ES was submitted dated September 2021 which investigated the hydrological conditions discussed in the Hydrological assessment from the ES Chapter 9 with and supported its findings with monitoring boreholes and subsequent testing and monitoring as requested.
388. It provided evidence of an overall low bulk permeability within the bedrock aquifer. Monitoring data indicates groundwater levels within and external to the aquifer quarry void retained and close to ground level. Water inflows were noted at shallow depth with no noticeable increase in groundwater inflow reported as boreholes were progressed.
389. The conclusion of the ES Addendum was that the data collected supported the conceptual model presented within the ES at Chapter 9 that the quarrying in this area does not significantly influence surrounding groundwater levels, with an expected steep, narrow cone of depression around the void area.
390. No significant water strikes were noted within the deeper bedrock correlating with the conceptual model of reduction in permeability and active flow in this strata type with depth.
391. As such deepening of the quarry is not expected to result in any significant additional inflow, with discharge from the quarry being dominated by shallow

inflow, mainly following rainfall, from immediately surrounding bedrock and from incident rainfall across the void.

392. A further consultation response from NIEA Regulation Unit dated 03 December 2021 was received that considered the impacts of the proposal on the groundwater environment and on the basis of the information provided are unable to determine whether the proposal would have significant adverse impact.
393. NIEA Regulation Unit commented that further information is recommended due to the scale of excavation and insufficient pumping test duration to adequately stress the aquifer. It state that clarification is needed in the form of a comprehensive pumping test of sufficient duration to stress the aquifer that can demonstrate the properties of the aquifer and the values for the zone of influence calculations. This information would provide increased confidence of the risk assessment.
394. It also confirmed that NIEA Regulation Unit they are content with the water features survey provided, however, the risks to any water receptors will need to be re-assessed from a recalculated zone of influence as part of a revised hydrogeological assessment.
395. A second Addendum to the ES was submitted dated March 2022 which contained additional pump tests for longer periods for the Hydrological Model. The data obtained during this was found to be consistent with data obtained during previous pump tests undertaken on the site. The findings conclude still that the works are considered to be low risk.
396. A final consultation from NIEA RU was received dated 21/04/22, stating the Regulation Unit have considered the impacts of the proposal on the groundwater environment and on the basis of the information provided are content with the proposal without conditions.
397. NI Water were consulted and noted that the existing quarry complex is already connected to the public water supply by a metered connection. The applicant is discharging full into a septic tank, and that the applicant proposes to discharge surface water to quarry sump prior to discharge from site via permitted discharge location. There are no conditions proposed.
398. Rivers Agency were also consulted with the details of the ES and a consultation response was received confirming there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.
399. In terms of FLD 1 Development in Fluvial and Coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

400. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure is not applicable.
401. Turning to FLD3 DfI Rivers PAMU has reviewed the Drainage Assessment contained within the submitted Hydrological Assessment by O'Sullivan MacFarlane Consulting, uploaded to the planning portal on 16 December 2020 and while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.
402. Policies FLD4 - Artificial Modification of watercourses and FLD5 - Development in Proximity to Reservoirs were not applicable.
403. It is therefore considered that the proposal would not cause any concerns with regards to flooding and it is considered that it complies with the appropriate policies of PPS 15 for the reasons set out above.

Archaeology and the Built Heritage

404. Chapter 10 of the ES confirms that a desktop survey and field walk of the proposed site were undertaken by Northern Archaeological Consultancy Ltd to assess the archaeological potential and impact of the development on the site and surrounding area and to create a recommended archaeological fieldwork programme.
405. ES Chapter 10 explored and considered the higher status heritage assets in the surrounding 2km revealed no impact on the settings of such monuments. Whilst no specific definite physical archaeological impacts within the proposed area were identified, the previously unquarried parts of the proposed site do retain some potential for subsurface remains of previously unknown archaeological material to survive.
406. As such, a scheme of field evaluation to identify and mitigate such impacts has been recommended. Prior to undertaking that onsite fieldwork, the recommendations will have to be approved by Lisburn and Castlereagh Council Planners and HED: Historic Monuments Unit and an archaeological excavation licence obtained.
407. Historic Environment Division (Historic Monuments) reviewed the Archaeological Impact Assessment (Chapter 10 of the ES), and concur with the recommendations therein.
408. HED were content that the proposal satisfied the policy requirements of the relevant policies of PPS6, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

Other Material Considerations

Quarry Design and Overview

409. Chapter 6 of the ES deals with the quarry design. It confirms that Ballynagarrick Quarry will be deepened to an elevation of 38mAOD, the deepest part of the quarry is currently at c. 83mAOD. In order to allow the quarry to be deepened in a safe manner and to allow mineral reserves to be maximised it is proposed to include a small lateral extension in a southerly direction towards Moss Road and Comber Road.
410. It explains that the southern faces of the quarry, which were formed around 20 – 30 years ago i.e. pre-Quarries Regulations (NI) 2006, currently vary in height from 30m to in excess of 40m.
411. These face heights would not be considered appropriate to be worked in the current era and would not be in compliance with the Quarries Regulations (NI) 2006. It is proposed as part of the quarry extension to reduce the height of these historic face to 15m or less and allow the faces to be re-profiled to a geometry that would ensure long-term stability.
412. Chapter 6 goes on to state that

the southerly extension is proposed to be worked as early as possible in the development in order that access to this area is not cut-off as the quarry is deepened.

The early development of the southern extension will also allow the overburden stripped to be used to improve the screening of the quarry from adjacent properties to the south and the west of the quarry. The initial soils and overburden to be stripped will be used to construct a low profile screening mound to the south and south-west of the quarry. The remainder will be placed in the base of the quarry, when a suitable area has been worked out.

413. The proposed phasing / extraction is shown on the drawings included with the application, the phasing is briefly summarised below;
- Phase 1 – Strip overburden from above southern faces and work southern faces down to an elevation of 100mAOD, splitting the historic faces to create individual faces with heights of 15m or less, in line with guidance given in the Quarries Regulations (NI) 2006. The processing plant will be maintained in its current location for as long as possible.
 - Phase 2 – Extract northern part of quarry down to elevation of 100mAOD.
 - Phase 3 – Extraction to elevation of 85mAOD, by this stage majority of quarry faces will have been worked in accordance with modern standards.
 - Phase 4 – Extraction to 70mAOD.

- Phase 5 - Extraction to 55mAOD.
- Phase 6 – Extraction to 38mAOD in northern part of quarry. Remainder of overburden to be stripped and placed on 38mAOD level.
- Phase 7 – Extraction of southern faces to final positions to elevation of 100mAOD.
- Phase 8 – Re-location of primary section of processing plant to quarry floor.
- Phase 9 – Rock from beneath primary section of processing plant extracted down to elevation of 38mAOD
- Phase 10 – Removal of remainder of fixed processing plant from 100mAOD elevation and relocated to 38mAOD level.
- Phase 11 – Remainder of reserves from south-west corner extracted.

414. Chapter 6 also states that

quarry faces are generally formed through the use of blasting to achieve a face angle of c. 75° from horizontal. Each final level will be separated by a horizontal rock trap bench of a minimum 8m width, locally the benches on the 85 and 70 mAOD levels on the east side of the quarry have been widened to 10m below the historic faces.

These parameters are based upon experience at the site and the currently known geological conditions. Both face angles and bench widths may be varied during the excavation of the quarry depending upon the actual ground conditions encountered.

All ramps have been designed at a gradient of 1 vertical in 10 horizontal, which is recognised best practice for safe and efficient vehicle movements. The ramps width has been selected to allow sufficient room for the construction of appropriate edge protection and the inclusions of a rock trap bund at the toe of the adjacent faces.

The parameters will be reviewed on a biannual basis through regular Geotechnical Assessment of the site, as required by the Quarries Regulations (NI) 2006.

415. Chapter 6 concludes that the slope geometry proposed for the future extraction at Ballynagarrick Quarry is appropriate to the geological conditions as they are currently understood.

416. As is required by the Quarries Regulations (NI) 2006 the site will be subject to regular Geotechnical Assessment, this will allow the geological conditions to be reviewed and the quarry design revised as necessary should conditions vary.

Economic Benefits

417. By way of background, the information submitted with the application confirms that the applicant MW Johnston & Son Ltd is a member of the Mineral Products Association Northern Ireland (MPANI).
418. Within in the Lisburn and Castlereagh Council Area, MPANI advises that minerals, by their nature, can only be extracted where they are found. What this means is that the mineral holdings within the district may represent a competitive advantage for local businesses.
419. Quarry operators provide long term employment directly within their operations, along with indirect employment through support services such as plant and machinery contractors and suppliers.
420. The MPANI advises that 'quarrying holds an important place in the district economy. Lisburn and Castlereagh districts mineral and construction products businesses employ around 167 people, contributing £11 million in wages per year to the local economy.
421. The MPANI companies extract raw product worth £9m, after processing into concrete and asphalt products this is worth around £42m to the Lisburn Castlereagh economy. In addition the Mineral Products Industry in LCCC contributes over £86,000 to the local rates bill.
422. Records demonstrate that the Council area contains a limited number of active hard rock quarries and thus the opportunity to extend aggregate extraction sites is low.
423. As a consequence the benefit provided by extending this active quarry cannot be underestimated. The quarry has been established for over 50 years and is an established local supplier.
424. It is stated the proposal provides an opportunity to secure the viability of the quarry business to meet future market demands, thereby retaining employment and investment in the local economy. It is further suggested that a successful local quarrying industry means raw materials come to local projects sooner and more cheaply, lowering the cost of construction and supporting jobs.
425. The quarry is well established and provides direct employment for 11 staff. It is stated earlier in this report that the policy supports the extension of existing quarries over the creation of new ones. The benefits of quarrying this land in a managed way as set out above is a material consideration given significant weight. The contribution that is made to the economy is noted and the ability to serve the wider construction industry is considered important in sustaining Northern Ireland as a place for future investment.

Conclusions

426. For the reasons outlined in the report, the proposal complies with the SPPS and Policy CTY 1 of PPS 21 in that it is an established use and the proposed minerals development is in accordance with the minerals policies in the Planning Strategy for Rural Northern Ireland (PSRNI).
427. The proposal complies with the SPPS and the requirements of policy MIN 1 of PSRNI in that the proposed development with appropriate mitigation measures will have no significant environmental impact.
428. The proposal also complies with the SPPS and the requirements of policy MIN 2 of the PSRNI in that the conclusions of the Landscape and Visual Impact Assessment are agreed and the proposed development will have no additional unacceptable visual impacts on the landscape for the surrounding area.
429. The proposal complies with the SPPS and the requirements of policy MIN 3 of the PSRNI in that the existing quarry and proposed extended area is not (that has a previous benefit of planning permission) located within an Area of Constraint on Minerals Development.
430. The proposal also complied with the SPPS and the requirements of policy MIN 4 of the PSRNI in that the proposal is not for a valuable minerals development, and is located within an appropriate area within an existing site.
431. The proposal complies with the SPPS and the requirements of policy MIN 5 of the PSRNI in that there are no surface developments approved within the lateral extension area that would prejudice the exploitation of the identified minerals reserves.
432. The proposal also complies with the SPPS and the requirements of policy MIN 6 of the PSRNI in that the information provided within the Environmental Statement (ES) and associated Addendum(s) demonstrate that the proposal is designed to meet the normal safety regulations for quarrying and that there will be no unacceptable impact to amenity the amenity of residents in neighbouring occupied properties from noise, blasting & vibration or dust.
433. The proposal complies with the SPPS and the requirements of policy MIN 7 of the PSRNI in that the proposal development uses an existing access designed to DfI Roads current standard and that does not require improvement as no intensification in use occurs
434. The proposal complies with the SPPS and the requirements of policy MIN 8 of the PSRNI in that the restoration plan submitted with application has been provided and agreed in principle detailing the works required to restore the landscape following the cessation of different stages of quarrying operations at the site.

435. The proposal also complies with the relevant policies of the SPPS and policies CTY 13 and 14 of PPS 21 in that the information provided in support of the application demonstrates that the site can be visually integrated into the surrounding landscape and that the proposed works will not cause a detrimental change to, or further erode the rural character of the area.
436. Based on a review of the ES and its associated addendum(s), it is considered that the proposal complies with the SPPS and related retained policies in PPS 2 in that the proposed development is unlikely to harm or cause a negative impact on any natural heritage or other conservation feature.
437. The proposal is considered to comply with the SPPS and the requirements of policy AMP 2 of PPS 3 in that the proposed access arrangements are already existing and the proposed works are not considered to prejudice road safety or significantly inconvenience the flow of traffic.
438. The proposal is considered to comply with the SPPS and related retained policies in PPS 6 in that the information provided in support of the application demonstrates that the proposal will not cause harm to any archaeological features.
439. The proposal is considered to comply with the SPPS and the requirements of the related retained policies in PPS 15 in that the information provided in support of the application demonstrates that the drainage is designed to not present a flood risk to people, property or the environment locally.

Recommendations

440. It is recommended that planning permission is approved subject to the following conditions with the specific wording for additional conditions in relation to restoration and landscaping delegated to officers.

Conditions

441. The following planning 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. Except in emergencies, to maintain safe quarry working (which shall be notified to the Council as soon as practicable), or with the prior agreement of the Council the operating hours at the site shall not exceed 0700 –

1900 Monday to Friday and 0700 – 1300 on Saturday with no activity on Sundays.

Reason: To protect the amenity of neighbouring dwellings

3. The hours of blasting at the site shall not exceed 1000 – 1630 Monday to Friday except in exceptional circumstances with prior agreement of the Council

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

4. Within 3 months of the date of the approval a dust management plan shall be submitted to and agreed with the Council. The mitigation measures contained therein shall be implemented and adhered to for the duration of the development.

Reason: To protect the amenity of neighbouring dwellings

5. The operator shall employ best blasting practice at all times to minimise the effects of ground vibration having regard to blast design, blast implementation explosive charge weights, methods of initiation and the weather conditions prevailing at the time. Blasting shall be undertaken in such a manner to ensure that ground vibration, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a Peak Particle Velocity (PPV) of 10 mm per second. The measurement is to be taken at or near the foundations of the closest residential property which is outside the ownership or control of the operator.

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

6. The operator shall employ best blasting practice at all times to minimise the extent of air overpressure resulting from blasts. Air overpressure from blasting should not exceed 128dB at any residential property which is outside the ownership or control of the operator.

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

8. The operator shall, when requested in writing by the Council, monitor levels of ground vibration and air over pressure at specified locations during blasting operations. The results of this monitoring together with any other details relating to the blast design, charge sizes, etc., shall be made available to the Council.

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

9. All blasts which are within 150 metres of any occupied dwelling which is outside the ownership or control of the operator shall be monitored by the operator. The positioning of the vibrograph shall be agreed with the Council, and the results of all monitoring, together with details of blast design, charge sizes etc., shall be made available to the Council on request.

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

10. In the event that the levels specified in Conditions X and X are exceeded at any residential property which is outside the ownership or control of the operator no further blasting shall be permitted until the Council is satisfied that these standards will be met in future blasting operations. The Council shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed and revised in accordance with the findings of such review prior to any further blasting being undertaken at the site.

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

11. No blasting shall take place within 100 metres of any occupied dwelling which is outside the ownership or control of the operator as detailed in drawing 17-327-D-026 set out in the Environmental Statement Addendum received by the Council 23 September 2021.

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

12. No blasting operations shall take place until a working scheme has been submitted to and approved in writing by the Council. This scheme shall include details of safe working practices and direction and extent of working.

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

13. A record of all blasting including vibration monitoring, air overpressure and location of monitoring should be retained for two years and made available to Environmental Health upon request. The results of this monitoring together with any other details relating to the blast design, charge sizes, etc., shall be made available to the Council.

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

14. Prior to the commencement of any quarrying to the southern lateral extension, hereby approved, the bund to the southwest and south shall be

completed as detailed in stamped approved drawing [insert drawing number]. The bund should be retained as approved thereafter for the duration of the approved use.

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

15. Following any bund formation the bund should be sealed and seeded as soon as is practical. The vegetation used in this area should be fast growing and planting should be undertaken during the first available planting season.

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

16. A facility for the cleaning of the wheels and chassis of vehicles prior to leaving the site should be installed and maintenance to reduce dust. The operator shall ensure that all commercial vehicles pass through the facility prior to leaving the site. The access roads between the entrance and wheel washing facility should be surfaced with tarmacadam or other suitable material.

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

17. During the operation phase of the development the noise levels from the quarrying, drilling and ancillary operations between the approved working hours, as measured at any noise sensitive receptor in the vicinity of the site, shall not exceed 55dB LAeq,1hr (free field).

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

18. During the hours of 1900 – 0700 (weekday), 1300 – 0700 (Saturday afternoon to Monday morning) the noise levels, as measured at any noise sensitive receptor in the vicinity of the site, shall not exceed 42dB LAeq,1hr (free field).

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

19. Where rock is to be ripped within 100m of any noise sensitive receptor the noise level shall not exceed 55dB LAeq,1hr (free field) between the approved working hours, as measured at any noise sensitive receptor in the vicinity of the site.

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

20. During the formation/restoration phase of the development the noise level from activities such as soil stripping, the construction and removal of

baffle mounds, soil storage and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance, measured at any noise sensitive property, shall not exceed 70 dB LAeq,1hr (free field). These noise limits shall only apply for a maximum of 8 weeks in any calendar year. A maximum permitted noise level of 55dB LAeq,1hr (free field) is applicable during the remainder of the formation/restoration phase.

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

21. The quarry Operator is required to erect an efficient and properly maintained barrier so designed and constructed as to prevent any person from accidentally falling into the quarry and by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public.

Reason: Compliance with Article 10 of the Quarries (Northern Ireland) Order 1993

22. The static processing area should be located as indicated in section 8A.4 of the Environmental Statement Addendum received by the Council 23 September 2021 except during quarry deepening. The location of the static processing area during quarry deepening shall be agreed with the Council prior to commencement.

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

23. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.17-327-D-024 Rev 2A date received 4 December 2020 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

24. Once a contractor has been appointed, a full Construction Method Statement (CMS) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

25. No development activity, including ground preparation or vegetation clearance, shall take place until a final Ecological Management Plan (EMP) has been submitted to and approved in writing by the Planning

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

- a. Details of all mitigation measures to protect bats, badgers and breeding birds;
- b. Details of the provision of bat boxes, including the number, model, specifications and locations (including height and aspect) of bat boxes;
- c. Details of the appointment of an Ecological Clerk of Works (ECoW) to oversee the implementation of mitigation measures and their roles and responsibilities.

Reason: To mitigate for impacts on protected species

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

Reason: To protect breeding birds.

27. 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 and 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.

28. 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.

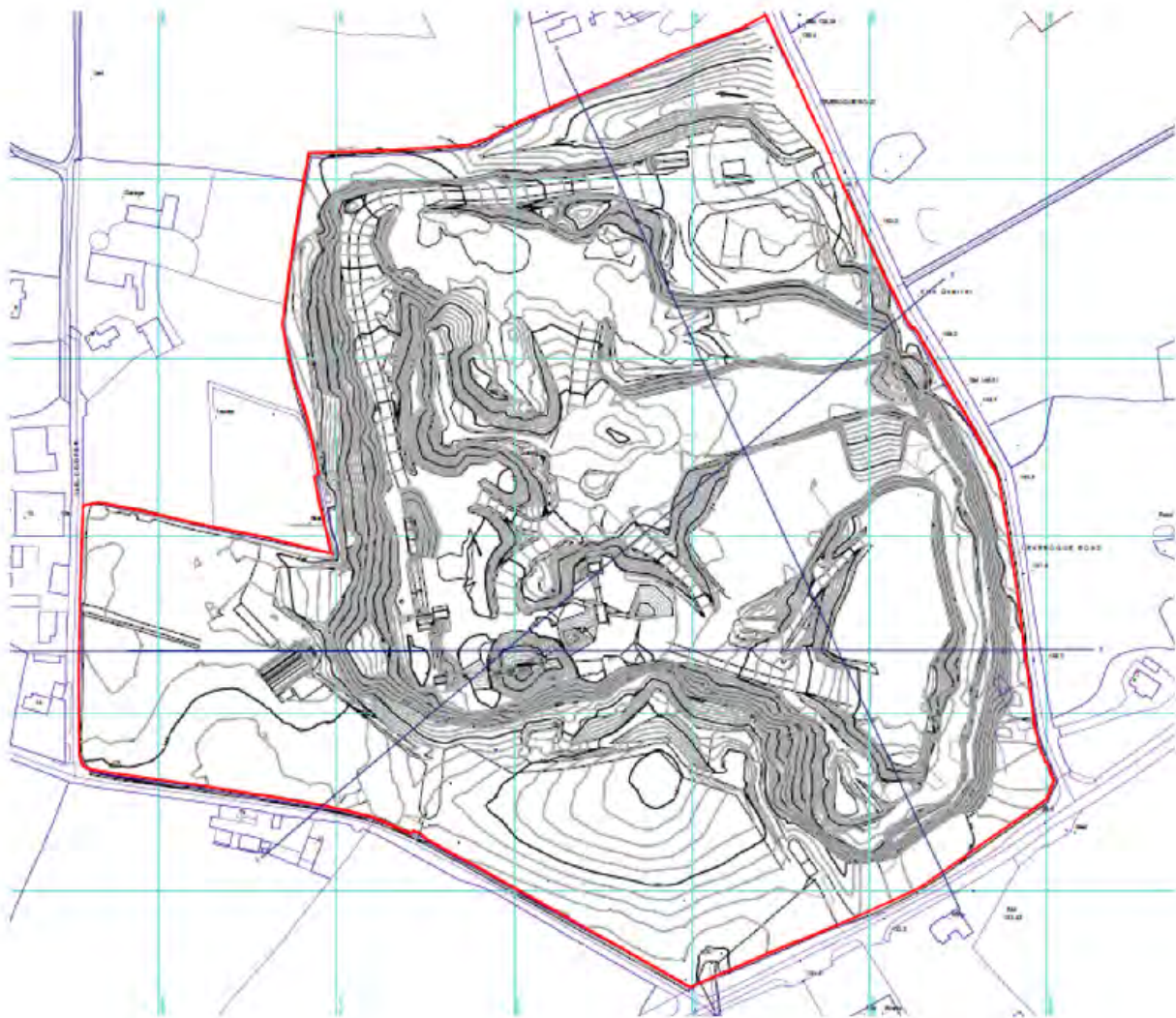
29. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition X. These measures shall be implemented and a final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

30. Within 6 months of the cessation of approved quarrying operations or on exhaustion of permitted reserves, the plant hereby approved, its structures and foundations, shall be dismantled and removed from site.

Reason: to ensure the site is restored.

Site Location Plan – LA05/2020/1009/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	05 September 2022
Committee Interest	Major Application – Addendum Report
Application Reference	LA05/2020/0118/F
Date of Application	10 January 2021
District Electoral Area	Downshire West
Proposal Description	Demolition of existing storage and warehouse buildings, removal of containers and portacabins and the erection of two two-storey office buildings (Class B1) including associated car parking provision.
Location	Land at 5 Ballygowan Road, Hillsborough BT26 6HX
Representations	None
Case Officer	Mark Burns
Recommendation	APPROVAL

Background

1. A recommendation to refuse planning permission for the demolition of existing storage and warehouse buildings, removal of containers and portacabins and the erection of four two-storey office buildings (Class B1) including associated car parking provision was presented to the Committee for determination on 10 January 2021.
2. The advice provided at that time was that the application was contrary to SPPS and policy PED 4 of PPS 4 – Planning and Economic Development in that no exception circumstances are cited to allow for the redevelopment of an established storage and distribution facility for an office business park.
3. Furthermore, it was advised that the scale and nature of the proposal [four separate office blocks] was not justified and that the development as presented would if permitted harm the rural character of the local area contrary to the SPPS and Policy CTY 14 of PPS 21.

4. In addition, it was considered that the redevelopment of the storage and distribution facility for an office business park failed to deal comprehensively with the full extent of the existing site.
5. It was also considered that the proposal as presented failed to demonstrate that there would be environmental benefits as a result of the redevelopment of the site and that the visual impact of the redevelopment would not be significantly greater than that of the buildings to be replaced.
6. Advice was also provided that the proposal was contrary to the SPPS and Policy FLD 3 of PPS 15 – Planning and Flood Risk in that no Schedule 6 consent has been provided and as such it is has not been possible to confirm that 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.
7. Prior to the application being presented at the January 2022 committee, it was agreed to defer consideration of the application to allow for a site visit to be arranged to enable Members to view the site and in its context.
8. A site visit was facilitated on 25 January 2022. A separate note of the meeting is available and appended to the application file.
9. In March 2022 an amended submission was received for the demolition of existing storage and warehouse buildings, containers and portacabins and the erection of two, two storey buildings [Class B1] including associated car parking provision.

Summary of revised Recommendation

10. This application is now presented to the Planning Committee with a recommendation to approve as the revised proposal is considered to comply with the SPPS and policy PED 2 of PPS 4 – Planning and Economic Development in that it has been demonstrated to the Council that the reasons why the development should be located at this location in the countryside and treated as an exception to prevailing regional policy.
11. The application is also considered to comply with the SPPS and policy PED 4 of PPS 4 – Planning and Economic Development in that exceptional circumstances are now demonstrated to justify the redevelopment of an established storage and distribution facility for additional office accommodation to serve the needs of an established business at this location.
12. Furthermore, the proposal is consistent with Policy PED 2 and PED 4 of PPS 4 and Policy CTY 13 and CTY 14 of PPS 21 in that the nature of the proposal is now justified and its scale sufficiently reduced so as not to cause harm to the rural character or appearance of the of the local area and the removal of a number of large dilapidated storage buildings previously used in association

with the operation of a builders yard provide environmental benefits that outweigh the policy constraint to locate offices in settlements.

13. The detailed design also demonstrates how the redevelopment of the site for two, two storey office blocks associated with the operation of the existing business deals comprehensively with the full extent of the site and how the visual impact of the replacement office buildings are not significantly greater than that of the buildings to be replaced.
14. The proposal is considered to comply with the SPPS and key policy tests associated with PPS 2 – Natural Heritage in that the biodiversity checklist submitted in support of the application demonstrates that the proposed development will not have a negative impact on any protected species or natural heritage features within the site.
15. It is considered that the proposal complies with the SPPS and policy tests associated with PPS 3 – Access, Movement and Parking in that the detail submitted demonstrates that the proposed development will create an accessible environment, that adequate provision for car parking and servicing arrangements is provided and that the internal road layout in terms of accessibility and road safety.
16. The proposal is considered to comply with the SPPS and PPS 6 – Planning, Archaeology and the Built Environment in that the detail submitted demonstrates that the proposal will not cause harm to any archaeological features.
17. The proposed development complies with policy tests set out in the SPPS and PPS 15 – Planning and Flood Risk in that the detail associated with the Drainage Assessment demonstrates that the development proposes adequate drainage proposals and demonstrates that there will be no risk from a drainage or flood risk.

Description of Site and Surroundings

Site

18. The application site is located south east of Royal Hillsborough close to the A1 and is accessed from the Ballygowan Road about 50 metres distant from the junction with Pantridge Link.
19. The overall plot measures approximately 2.5 hectares in size with a frontage of 115 metres to the Ballygowan Road.
20. The boundary along the Ballygowan Roads is 1 metre high brick wall with concrete coping and 2 metre high paladin fencing above. The western boundary has a rendered block wall at approximately 5 metres in height. The

eastern boundary between the Graham premises and the adjacent site is a mix of secure paladin fence and timber slatted fence approximately 2.5 metres in height.

21. Within the site is a three storey office block of modern construction used as a headquarters by Grahams for their contracting business, two large warehouses and a yard for the storage for storage of equipment, materials and machinery.
22. A number of the existing buildings are in a poor condition and no longer suitable for storage and distribution of building materials and/or plant and equipment used in large construction projects.

Surroundings

23. The site is in the open countryside, rural in character and the land surrounding is largely in agricultural use.
24. There is other industrial development immediately adjacent to the site including warehouse/showroom buildings associated with PR Designs to the east, and vacant land that is used for vehicle storage to the south.
25. The village of Royal Hillsborough is located to the on the opposite side of the A1.

Proposed Development

26. As explained in the DM Officer Report dated 10 January 2022, the application was initially for the demolition of existing storage and warehouse buildings, removal of containers and portacabins and the erection of four two-storey office buildings (Class B1) including associated car parking provision.
27. An amended submission received on 21 March 2022 comprised the following documents:
28. Further amended drawings, information and technical supplements were submitted to the Council on the 21 March 2022. The information submitted included:
 - Amended P1 application form
 - Amended Transport Assessment Form dated 21 March 2022
 - Amended Drainage Assessment dated March 2022
 - Extension assessment and use requirement dated March 2002
 - Revised Design and Access Statement dated 14 March 2022
 - Landscape Management Plan dated March 2022
29. The amended description of development was as follows:

Demolition of existing storage and warehouse buildings, containers and portacabins and the erection of two two-storey office buildings (Class B1) including associated car parking provision

Relevant Planning History

30. The relevant planning history associated is not altered from that provided for in the initial DM Officer Report.

Additional Consultations

31. The following additional consultations were carried out:

Consultee	Response
DfI Rivers Agency	No Objection
DfI Roads	No Objection

Planning Policy Context

Relevant Policy and Guidance Documents

32. The relevant policy documents are consistent with those set out in the initial DM officer Report.
33. For convenience and ease of reference, the key policy documents are outlined below:
- Regional Development Strategy
 - Lisburn Area Plan
 - Draft Belfast Metropolitan Area Plan – 2015
 - Strategic Planning Policy Statement (SPPS) – Planning for Sustainable Development
 - Planning Policy Statement (PPS) 4 – Economic Development
 - Planning Policy Statement (PPS) 2 – Natural Heritage
 - Planning Policy Statement (PPS) 3 – Access Movement and Parking
 - Planning Policy Statement (PPS) 15 – Planning and Flood Risk
34. The relevant guidance is:

- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

Local Development Plan Context

35. The local development plan context is not changed from that set out in the initial report with the application site located within the open countryside in both the statutory plan and subsequent versions of BMAP.

Regional Policy Context

36. The regional strategic objectives for facilitating economic development through the planning system are to:
- promote sustainable economic development in an environmentally sensitive manner;
 - tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality;
 - sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;
 - support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;
 - promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and
 - ensure a high standard of quality and design for new economic development.
37. Regional direction continues to indicate that city/town centres should be the first choice for various types of development, particularly retail, office and service developments, in order to reinforce the existing 8 administrative and service functions of many settlements, as well as creating new employment that is accessible to large sections of the population.
38. The SPPS states that, until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
39. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
40. Paragraph 3.8 of the SPPS states that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the

proposed development will cause demonstrable harm to interests of acknowledged importance.

41. Paragraph 6.84 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.
42. Strategic policy advises at paragraph 6.85 that in these larger settlements appropriate proposals for Class B1 business uses (such as offices and call centres) should be permitted if located within city or town centres, and in other locations that may be specified for such use in a LDP, such as a district or local centre.
43. It advises that elsewhere, such proposals should be determined on their individual merits, taking account of the potential impacts and the likely economic benefits, both local and regional.
44. Paragraph 6.87 advises that the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS.
45. Strategic policy recognises that farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside.
46. It also acknowledges that such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.
47. Paragraph 6.88 advises that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted.
48. Exceptions to this general principle may be justified in the following circumstances:
 - A small scale new build economic development project may be permissible outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.
 - A proposal for major or regionally significant economic development, where a countryside location is necessary because of size or site specific requirements.

Sustainable Development in the Countryside

49. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

50. Policy CTY 1 –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.

51. The policy also states that

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

52. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

Non-Residential Development

53. The policy also states that

planning permission will be granted for non-residential development in the countryside in the following cases:

- *farm diversification proposals in accordance with Policy CTY 11;*
- *agricultural and forestry development in accordance with Policy CTY 12;*
- *the reuse of an existing building in accordance with Policy CTY 4;*
- *tourism development in accordance with the TOU Policies of PSRNI;*
- *industry and business uses in accordance with PPS 4 (currently under review);*
- *minerals development in accordance with the MIN Policies of PSRNI;*
- *outdoor sport and recreational uses in accordance with PPS 8;*
- *renewable energy projects in accordance with PPS 18; or*
- *a necessary community facility to serve the local rural population.*

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development.

54. Given that the proposed development is for offices it falls to be assessed under PPS 4 – Economic Development.
55. There are however other CTY policies that are engaged as part of the assessment including 13 and 14 and 16.

Integration and Design of Buildings in the Countryside

56. Policy CTY 13 – Integration and Design of Buildings in the Countryside states *that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.*
57. The policy states that *a new building will be unacceptable where:*
 - (a) *it is a prominent feature in the landscape; or*
 - (b) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
 - (c) *it relies primarily on the use of new landscaping for integration; or*
 - (d) *ancillary works do not integrate with their surroundings; or*
 - (e) *the design of the building is inappropriate for the site and its locality; or*
 - (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
 - (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

Rural Character

58. Policy CTY 14 – Rural Character states that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

59. The policy states that

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

60. With regards to Policy CTY14, Building on Tradition [page 131] states that

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

Planning and Economic Development

61. PPS 4 – Planning and Economic Development sets out planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans.

62. For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses as currently defined in the Use Classes Order.

63. PPS 4 supersedes the following provisions of 'A Planning Strategy for Rural Northern Ireland' insofar as they apply to Class B1 of the 2004 Use Classes Order:

- Policy IC 16: Office Development
- Policy IC 17: Small Office and Business Development

64. This application relates to a site in a countryside location and as such the policy tests associated with Policy PED 2 provided the relevant planning context.

65. Policy PED 2 – Economic Development in the Countryside states that

Proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- *The Expansion of an Established Economic Development Use – Policy PED 3*
- *The Redevelopment of an Established Economic Development Use – Policy PED 4*
- *Major Industrial Development – Policy PED 5*
- *Small Rural Projects – Policy PED 6*

Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside.

All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

66. Within this policy context and based on the information provided, it is considered that the proposal as presented represents a proposal for the redevelopment of an established economic development use and as such, it falls to be assessed under Policy PED 4.

Redevelopment of an Established Economic Development Use in the Countryside

67. Policy PED 4 states that

a proposal for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) will be permitted where it is demonstrated that all the following criteria can be met:

- (a) *the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area;*
- (b) *there would be environmental benefits as a result of the redevelopment;*
- (c) *redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site; and*
- (d) *the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced.*

The redevelopment of an established storage or distribution site for continuing storage or distribution use will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for

storage or distribution purposes will only be permitted in exceptional circumstances.

On occasion, proposals may come forward for the alternative use of economic development sites in the countryside. Proposals for the redevelopment of sites for tourism, outdoor sport and recreation or local community facilities will be viewed sympathetically where all the above criteria can be met and where the proposal does not involve land forming all or part of an existing industrial estate.

Redevelopment proposals involving retailing will, however, not be permitted.

Exceptionally, proposals for social and affordable housing may be permitted on former industrial sites that cannot realistically be redeveloped for industry, provided they meet the policy provisions of PPS 21.

Natural Heritage

68. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
69. Policy NH 1 – European and Ramsar Sites states that Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:
 - a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
 - a listed or proposed Ramsar Site.
70. The policy directs that where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.
71. Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.
72. In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:
 - there are no alternative solutions; and
 - the proposed development is required for imperative reasons of overriding public interest; and
 - compensatory measures are agreed and fully secured.

73. 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:
- priority habitats;
 - priority species;
 - active peatland;
 - ancient and long-established woodland;
 - features of earth science conservation importance;
 - features of the landscape which are of major importance for wild flora and fauna;
 - rare or threatened native species;
 - wetlands (includes river corridors); or
 - other natural heritage features worthy of protection.
74. The policy directs that a development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features 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, Movement and Parking

75. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.
76. Policy AMP 2 – Access to Public Roads states that 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) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

Development Control Advice Note 15 – Vehicular Access Standards

77. 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 Departments standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards

Planning, Archaeology and the Built Heritage

78. PPS 6 - Planning Archaeology and Built Heritage sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.
79. Policy BH 1 The Preservation of Archaeological Remains of Regional Importance and their Settings states that

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 other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

80. Policy BH2 The Protection of Archaeological Remains of Local Importance and their Settings states that

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development other material considerations outweigh the value of the remains in question.

Planning and Flood Risk

81. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

82. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that

the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

83. Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that

A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:
- A residential development comprising of 10 or more dwelling units

- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.

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

- The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- *Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

Such development will be permitted where it is demonstrated through the Drainage Assessment 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.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal plan, then Policy FLD 1 will take precedence.

84. Policy FLD 4 Artificial Modification of Watercourses states that:

The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- *Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*
- *Where it can be demonstrated 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.*

85. Policy FLD 5 Development in Proximity to Reservoirs states

"New development New development will only be permitted within the potential flood inundation area of a "controlled reservoir"¹⁴ as shown on the Strategic Flood Map, if:

the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient

- *assurance regarding reservoir safety, so as to enable the development to proceed;*

- *the application is accompanied by a Flood Risk Assessment which demonstrates:*
 1. *an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and*
 2. *that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures*

A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- *essential infrastructure;*
- *storage of hazardous substances;*
- *bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.*

Further Assessment

- 114 Within the context of the planning policy tests outlined above, the following assessment of amended information received in March 2022 is made.

Economic Development

115. As explained previously, the application site has an established economic development use within the open countryside and it is accepted that a previous grant of planning permission provided for ancillary offices in association with the use of the site as a builders yard. .
116. The current proposal effectively involves the redevelopment of part of the previous builders yard for offices only in association with the established contracting/construction business.

Redevelopment of an Established Economic Development Use in the Countryside

117. Offices are a B1 business use and whilst the Local Development Plan and Strategic Planning Policy directs new office development to town centres, policy PED 4 does provide for the redevelopment of an established economic development site within a countryside location subject to a number of policy criteria being met.
118. In progressing this application and to demonstrate exceptional circumstances, the Agent provides justification in correspondence received on 28 October 2021 as to why the existing office at Hillsborough cannot be extended to provide for the growing demands of the Graham business.
119. The main reasons cited are as follows:
- Disruption to the existing staff/operations
 - Impact on the environmental performance of the existing building
 - Need for accommodation to house Facilities Management, other expanding division and IT helpdesk.
 - Site Topography
 - Vehicular Circulation
 - Buildability
 - Occupancy
 - Business Strategy
120. In addition to the reasons outlined above, the Agent explains that the existing site contains significant storage sheds and ancillary space for use by its construction business and that these buildings are now largely redundant and no longer 'fit for purpose', in very poor condition and not suitable for conversion to office use.
121. An examination of the detail submitted by the Agent in August and October 2021 indicates that the business structure of Grahams is split into five divisions and that all of these divisions with the exception of the Facilities Management Division have their headquarters registered to the existing offices in Hillsborough.
122. Information provided by the Agent in August 2021 advises that the Facilities Management Unit is currently based in Boucher Road but it is the intention of Graham to move this entire unit to Hillsborough.
123. No information was provided in August in relation to staff numbers associated with the Facilities Management Unit nor was any explanation provided at that time to explain why this part of the business needed to relocate.
124. Clarification provided in October 2021 provided information on staff numbers across the Graham group as follows;

Total Number of Staff in Graham Group	2204
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Capacity of Hillsborough	355
Capacity of Hillsborough with COVID restrictions applied	178
Staff growth year by year for first 10 years	20% increase Year on Year

125. Clarification was also provided in relation to staffing associated with the Graham Facilities Management Unit as follows:

Lease Expiry on Wildflower Way office	July 2022
Number of Staff in Graham Facilities Management	723
Number of staff in Graham Facilities Management Helpdesk	42

126. In terms of Graham Interior Fit-Out, 113 staff were employed. The number employed in Graham IT was identified as follows

Number of IT staff based in Hillsborough	47
Number of IT staff based in temporary accommodation	14
Number of IT helpdesk staff	20

127. In March 2022, additional information was submitted by way of justification and the proposal was reduced in scope from four buildings to two buildings.
128. The submission included a document entitled "Extension Assessment and Use Requirement". This document was in response to a number of questions put to the agent with regards the site specific needs for the proposed office development at this location.

129. The first question posed was with regards to the number of employees located within Grahams Facilities Management Unit and the need to move out of its current accommodation in Belfast.
130. The first part of the query with regards to numbers has been set out in the table above but for clarity the Facilities Management (FM) section of Grahams has a total of 723 employees, 100 of which are office based in premises in Belfast.
131. Grahams have indicated in this Extension Assessment and Use Requirement document that the FM Belfast office suffers from poor daylight and air quality and it is a priority for Graham to ensure that all staff enjoy high quality facilities that serve to enhance their wellbeing.
132. Graham have also stated that the lease on these premises expires in July 2022, and that the relocation of these staff to Hillsborough cannot be accommodated by a single block.
133. The document also states that off the 100 staff to be relocated from Belfast 40 of these are of a help desk nature and due to the nature of their work they would require separate self-contained accommodation which would be shared with IT staff. They have stated this is another reason why there is a need for a separate second block.
134. The second question posed to Graham was in relation to the possibility of extending the existing Hillsborough Headquarters office. Grahams stated that there were three reasons why this was not a feasible option.
 - Significant disruption to existing staff/operations
 - Adverse impact on the environmental performance of the existing building
 - The need for bespoke accommodation to house FM and IT staff.
135. The document goes into more detail in relation to the disruptive impact that would occur if the existing building was to be extended. The points raised included:
 - Extending the building to the south would require extensive excavations and disposal of significant amount of surplus material. Along with the environmental impacts this would also result in increased traffic movements.
 - Due to the increased traffic movements it is unlikely that the existing site entrance could be used and an alternative access would be required. An alternative access further along Ballygowan Road would impact on the existing car parking arrangements resulting in reduced capacity of the existing building
 - Alternative accommodation away from the site would also be required as there are a number of meeting rooms and video conferencing facilities which would be impacted on by construction noise.

- Extending the building to the west would severely compromise the sustainable methods of controlling the buildings ventilation lighting and cooling systems. This existing elevation is a major part of the of the buildings design solution. The existing car park would also be rendered inoperable resulting in the need for alternative car parking within or out with the existing boundary.
136. With regard to criteria (a) of PED 4, the proposal involves the development of two, two - storey office blocks each with a maximum height of 7 metres and the overall footprint of the two buildings is less than the existing headquarters building on site. A large open space landscaped is proposed in front of the proposed buildings along with newly planted trees to the eastern and southern boundaries.
 137. The site area associated with the proposed development is therefore not considered to represent a significant increase in the site area and the need for the nature and scale of the proposal in this rural location has been explained as outlined above.
 138. In relation to criteria (b) it is considered that given the poor structural and aesthetic quality of the redundant buildings on site identified to be demolished and replaced, there would be environmental benefits on account of their being a significant improvement in the visual amenity of both the immediate and wider surrounding area. The additional landscaping will also integrate the proposal with the surrounding countryside.
 139. In terms of criteria (c), the proposed development does comprehensively deal with the full extent of the site. The area of the overall red boundary site that is not to be occupied by the proposed office buildings and associated car parking will be fully landscaped to a high quality. A detailed landscaping drawing and accompanying maintenance plan, which outlines how the landscaping will be delivered, has plan has been submitted with the application.
 140. In terms of criteria (d), the design and access statement explains that public views into the site are available from the A1 dual carriage way, particularly from where the grade separated junction meets. Views of the existing warehouses are evident, from an elevated position on Pantridge link. Further south along the A1, views are obscured by tall dense trees.
 141. Public views are also evident from the sites frontage along Ballygowan Road. Strong high solid boundaries to the west and south along with thick vegetation obscures views from these locations.
 142. It is considered that the two building proposed with a maximum height of 7 metres and which have been sensitively designed would not have a significantly visual greater impact than the large redundant building on site that is to be replaced. Furthermore the building proposed have been designed so as

to complement the existing Headquarter building on site and integrate with the surrounding area and landscape.

Integration and Design of Buildings in the Countryside

143. Turning then to policy CTY13 the proposed buildings are considered to be of a modest rural design. The proposed buildings are two storey measuring 7 metres in height each with a flat roof.
144. The proposed external material finishes include smooth painted sand cement walls coloured white, with silver aluminium double glazed windows.
145. The buildings are also designed with a "Brise Soliel" which is an architectural feature of a building that reduces heat gain within that building by deflecting sunlight. The materials to be used in the construction of this element of building is to be Aluminium.
146. Overall, it is considered that the design of the proposal is visually acceptable and that it is appropriate for the site and the overall locality in that it will not be a prominent feature in the landscape.
147. In terms of criteria (b), the existing boundaries of the site are being retained and augmented in places. The northern and eastern boundary are defined by fencing railing. Whilst the northern boundary, which is where the site is currently accessed from, is to remain unchanged there is additional boundary planting proposed on the eastern boundary.
148. The existing vegetation on both the western and southern boundaries is currently mature and screen the site. The vegetation will be retained on both these boundaries with additional planting proposed on the southern boundary.
149. The site therefore does not lack established natural boundaries to provide a suitable degree of enclosure.
150. In terms of criteria (c), the proposal would not rely primarily on new landscaping for integration purposes. As well as the retaining the existing planting and vegetation new landscaping is also proposed as detailed on the landscaping plan [drawing 013] and is considered to be acceptable.
151. In terms of criteria (d), it is considered that any ancillary works associated with the internal road layout and car parking areas would integrate into their surroundings. The existing and proposed levels are considered to be acceptable and the existing access arrangement, entrance gate, wall and fencing are to remain unaltered and therefore have no impact on the surroundings.
152. In terms of criteria (e), the design as discussed above is considered to be appropriate for the site and its locality. It also complies with the guidance set

out in Building on Tradition in that it is simple in form and designed to complement the existing Graham's Headquarters building.

153. In terms of criteria (f), the proposed levels in relation to the existing along with the existing backdrop and the proposed landscaping and retained landscaping will ensure that the proposal blends into the landform.
154. In terms of criteria (g), it is not applicable in this case as the proposal is not for a farm dwelling.
155. For the reasons outlined above, the proposed building can be visually integrated into the surrounding landscape and the design of the buildings are appropriate and policy tests associated with Policy CTY 13 are met.
Rural Character
156. In terms of policy CTY 14 for the reasons outlined above and taking into account the existing vegetation that is to be retained and augmented, the proposed development will not be unduly prominent in the landscape and the detail submitted demonstrates that the proposal will integrate sufficiently with the existing buildings and the surrounding area.
157. For these reasons, it is also considered that the proposed development would not create or add to a ribbon of development or create a sub-urban style of build-up.
158. The nature of the ancillary works which comprise the parking and turning area would not damage rural character due to their location and screening of the site.
159. It is considered that the proposal would not have a detrimental impact on the rural character of the area and policy tests associated with Policy CTY 14 are met.

Access, Movement and Parking

160. An amended Transport Assessment Form dated March 2022 was submitted in support of the revised scheme. It explains that the existing access to the site will be retained as part of this proposal. It also advises that the proposal is non-residential with gross floor area of 1931 square metres or more and that it is likely to generate 30 or more vehicle movements per hour.
161. Commentary is provided in relation to Travel Characteristics based on information extracted from the TRICS database using a category of employment and a sub category of offices to determine the generated traffic.
162. For the existing development, TRICS has been used to predict a daily two way trip mean trip rate of 321 arrivals and 306 departures during the time period 08:00-18:00.

163. For the proposed development TRICS has been used to predict a daily two way trip mean trip rate of 188 arrivals and 179 departures during the time period 08:00-18:00.
164. The information provided represents an increase of an additional 367 additional vehicular movements.
165. With regard to Transport Impacts, the amended Transport Assessment Form explains that the site at Ballygowan Road is currently the head office for Graham Construction and that the proposal includes demolition of existing service buildings and the addition of two office buildings with a total floor area of 1931 square metres
166. Advice is provided which indicates that the site access/Ballygowan road junction and the Ballygowan Road/Pantridge link junction have been modelled using junctions 8 – an industry standard modelling software programme.
167. The conclusion reached in the amended Transport Assessment Form in relation to Transport Impacts is that the junctions identified will function within capacity taking into account the additional movements associated with the proposed development.
168. In relation to measure to mitigate impacts/influence travel to the site, the amended Transport Assessment Form explains that as part of the developments internal layout, doorways will connect to the footways connecting to the different areas of the car park via dropped kerbs and tactile paving. Advice is also provided which indicates that 250 car parking spaces will be available including 10 spaces provided for the disabled.
169. The amended Transport Assessment Form acknowledges that the site has limited bus services and that there are no train routes or cycle routes that run by this site. Given the nature and location of the business it is expected that the majority of employees and visitors will arrive to the site by private car.
170. DfI Roads in a response received on 21 June 2022 advised that they offered no objection to the proposal subject to condition aimed at ensuring that adequate provision was made for parking, servicing and traffic circulation within the site.
171. Based on a review of the detail provided, it is accepted that the proposed development will not impact on prejudice road safety or significantly inconvenience the flow of traffic.

Natural Heritage

172. Advice provided previously indicated that a biodiversity checklist carried out by Ayre Environmental Consulting Ltd provides information in relation to designated sites and priority habitats. It advises that the development is not in or within 100 metres of a nationally or internationally designated site. It also

advises that the development will not affect or involve the removal of trees nor will any waste, effluent or run-off produced affect minor watercourses or field drains.

173. This checklist acknowledged that the development was in a rural location on a site greater than 0.5 hectares in area and that it would likely require to be screened under the Planning (Environmental Impact Assessment) Regulations.
174. Based on the responses provided at Part 2 of the Checklist, there was no requirement to further consider the potential impacts to identified protected and priority species.
175. The ecological statement associated with the checklist explains that a site walkover was carried out in June 2019 explains that no priority habitats were identified within the site area and that there would be no impacts upon protected species due to the absence of suitable roosting provisions and field evidence.
176. Natural Environment Division [NED] had previously considered the detail of the application and associated biodiversity check list and no objection is offered. It was not considered necessary to re-consult with NED and advice provided previously that the proposed development will not harm European protected species nor will it result in an unacceptable adverse impact on, or damage to, habitats, species or features, may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or features remains.

Archaeological and Built Heritage

177. It was not considered necessary to consult further with Historic Environment Division as the advice received from Historic Monuments previously offered no objection to the proposal.
178. The scheme is now reduced in terms of its nature and scale and as such, advice remains that the proposed development will not have an adverse impact on archaeological remains and/or features of the built heritage.

Planning and Flood Risk

179. A Flood Risk Assessment was submitted with the application in February 2020 and an amended Drainage Assessment report dated March 2022 was commissioned by Flood Risk Consulting on behalf of the applicant.
180. These two documents have been read in conjunction with each other. Paragraph 1.5 of the FRA & DA assessment explains that the objective of the Assessments were to verify more accurately, the extent of the 1 in 100 year flood plain and to consider any pluvial flooding within the site.

181. The assessments have also been undertaken to examine the potential to safely discharge surface water from the proposed site without increasing the risk of flooding within the site or elsewhere.
182. Mapping of the proposed site shows that the area within the proposed site is relatively level and above 100 m OD Belfast. The mapping also identifies the route of the watercourse to the east of the proposed site and confirms that it now flows from south to north east [as opposed to its original route of south to north west]. A second watercourse north west of the proposed site flows from south to north away from the site.
183. The FRA & DA assessment demonstrates at paragraph 3.2 that fluvial flooding is indicatively predicted within the southern portion of the proposed site during a 100 year flood event. Climate change does not have a significant impact on the predicted extent of fluvial flooding.
184. In terms of surface water, Rivers Agency maps show that surface water flooding is predicted in the southern portion of the site and that climate change has only a minimal impact on predicted surface water flooding.
185. Potential reservoir flooding is not predicated to affect the application site.
186. Paragraph 7.3 of the Assessment report explains that the proposed development [four separate office blocks] will result in the hardstanding area for the site being reduced from 100% to approximately 96.7%.
187. With regard to Policy FLD 1 – Development in Fluvial (river) and coastal plain considerations, modelling demonstrates that the proposed site is not located within the predicted 100 year fluvial flood plain and as such, no mitigation is required.
188. In relation to Policy FLD 2 – Protection of flood defence and drainage infrastructure, the assessment reports demonstrate that no River Agency designated drainage infrastructure or undesignated watercourses are located within the proposed site. Reference is made to paragraph 6.32 of the justification and amplification states that were a new development proposal is located beside a watercourse, an adjacent working strip is to be retained to facilitate future maintenance by Rivers Agency.
189. The assessment report advises that no development will occur within 10 metres of a water course and as such, the proposal complies with Policy FLD 2.
190. With regard to Policy FLD 3 – Development and surface water (pluvial) flood risk outside flood plains requires the submission of a Drainage Assessment for all development proposals with a development site in excess of 1 hectare or a change of use involving new buildings/or hard surfacing exceeding 1000 m³,
191. The Drainage Assessment report looked at Flood Risk to and from the development. Paragraph 4.2 explains that the area of the proposed site, minus

the existing access road into the site covers approximately 16,305m². It also explains that while this area is presently 100% hardstanding, proposed amenity space within the proposed development will result in this hardstanding area being reduced to approximately 96.7%

192. Paragraph 5.4.3.2 of the DA advises that the proposed development will result in a decrease in the design flow from 243 l/s to 235 l/s.
193. An associated schedule 6 application submitted to Rivers Agency in parallel with the current application seeks to discharge surface water from the development site to the watercourse north west of the site at a maximum discharge rate of 235 l/s.
194. A response from DfI Rivers dated 29 April 2020 requested further information to demonstrate the viability of drainage assessment proposals through provision of Schedule 6 consent from DfI Rivers in relation to discharge to a water course.
195. A letter from DfI Rivers to the applicant dated 17 June 2022 stated that:

DfI Rivers is satisfied with your proposals to discharge at the total stated maximum Greenfield rate of 16.3/s to the watercourse as shown on the submitted application. This watercourse is undesignated under the terms of the Drainage (Northern Ireland) Order 1973. Attenuation method is to be by using a hydrobrake fitted manhole and appropriate storage systems within the site. The Department accepts the outfall detail submitted with your application and advises that it should be constructed in appropriate scale to the size of the outlet pipe. The discharge pipes and outlet structures should be turned in the direction of flow and anti-scour measures taken to prevent bank and bed erosion

196. It is therefore considered that the complies with Policy FLD 3 as the applicant has demonstrated that 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.
197. Policy FLD 4 – Artificial modification of watercourse and Policy FLD 5 - Development in proximity to reservoirs is no applicable to this site.

Conclusions

86. For the reasons outlined in the addendum report above, application is presented with a recommendation to approve as it is considered that the revised proposal is considered to comply with the SPPS and policy PED 2 of PPS 4 – Planning and Economic Development in that it has been demonstrated to the Council that the reasons why the development should be located at this location in the countryside and treated as an exception to prevailing regional policy.

87. The application is also considered to comply with the SPPS and policy PED 4 of PPS 4 – Planning and Economic Development in that exceptional circumstances are now demonstrated to justify the redevelopment of an established storage and distribution facility for additional office accommodation to serve the needs of an established business at this location.
88. Furthermore, the proposal is consistent with Policy PED 2 and PED 4 of PPS 4 and Policy CTY 13 and CTY 14 of PPS 21 in that the nature of the proposal is now justified and its scale sufficiently reduced so as not to cause harm to the rural character or appearance of the of the local area and the removal of a number of large dilapidated storage buildings previously used in association with the operation of a builders yard provide environmental benefits that outweigh the policy constraint to locate offices in settlements.
89. The detailed design also demonstrates how the redevelopment of the site for two, two storey office blocks associated with the operation of the existing business deals comprehensively with the full extent of the site and how the visual impact of the replacement office buildings are not significantly greater than that of the buildings to be replaced.
198. The proposal is considered to comply with the SPPS and key policy tests associated with PPS 2 – Natural Heritage in that the biodiversity checklist submitted in support of the application demonstrates that the proposed development will not have a negative impact on any protected species or natural heritage features within the site.
199. It is considered that the proposal complies with the SPPS and policy tests associated with PPS 3 – Access, Movement and Parking in that the detail submitted demonstrates that the proposed development will create an accessible environment, that adequate provision for car parking and servicing arrangements is provided and that the internal road layout in terms of accessibility and road safety.
200. The proposal is considered to comply with the SPPS and PPS 6 – Planning, Archaeology and the Built Environment in that the detail submitted demonstrates that the proposal will not cause harm to any archaeological features.
201. The proposed development complies with policy tests set out in the SPPS and PPS 15 – Planning and Flood Risk in that the detail associated with the Drainage Assessment demonstrates that the development proposes adequate drainage proposals and demonstrates that there will be no risk from a drainage or flood risk.

Recommendations

202. It is recommended that planning permission is approved.

Conditions

203. 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 development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No 02A bearing the Lisburn and Castlereagh date stamp 21 March 2022 to provide for parking and servicing within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

3. 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. 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. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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

4. After completing the remediation works under Condition 1 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. 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.

5. Prior to any site works taking place, a "Plan of Work" for the management of site asbestos containing materials (ACM) must be prepared by a suitably competent person and submitted to the Planning Authority within the Council for its agreement. This Plan of work needs to be submitted before any site work with ACM is carried out and should include details of the work and the actions to control risk and prevent harm.

The Plan of Work must include the following:

- Nature and expected duration of the work
- Number of persons involved
- Address and location of where work is to carried out
- Method for picking asbestos
- Methods use to prevent, control and reduce exposure to asbestos
- air monitoring
- Arrangement for disposal of asbestos waste and
- Type of equipment including personal protective equipment

Work on site with asbestos containing materials must not take place unless a copy of this Plan of Work is readily available on site.

Reason: Protection of human health and ensure the development site is suitable for use.

6. All hard and soft landscape works shall be carried out in accordance with Drawing No. 05 bearing the Lisburn and Castlereagh City Council date stamp 21 March 2022 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.

7. 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.

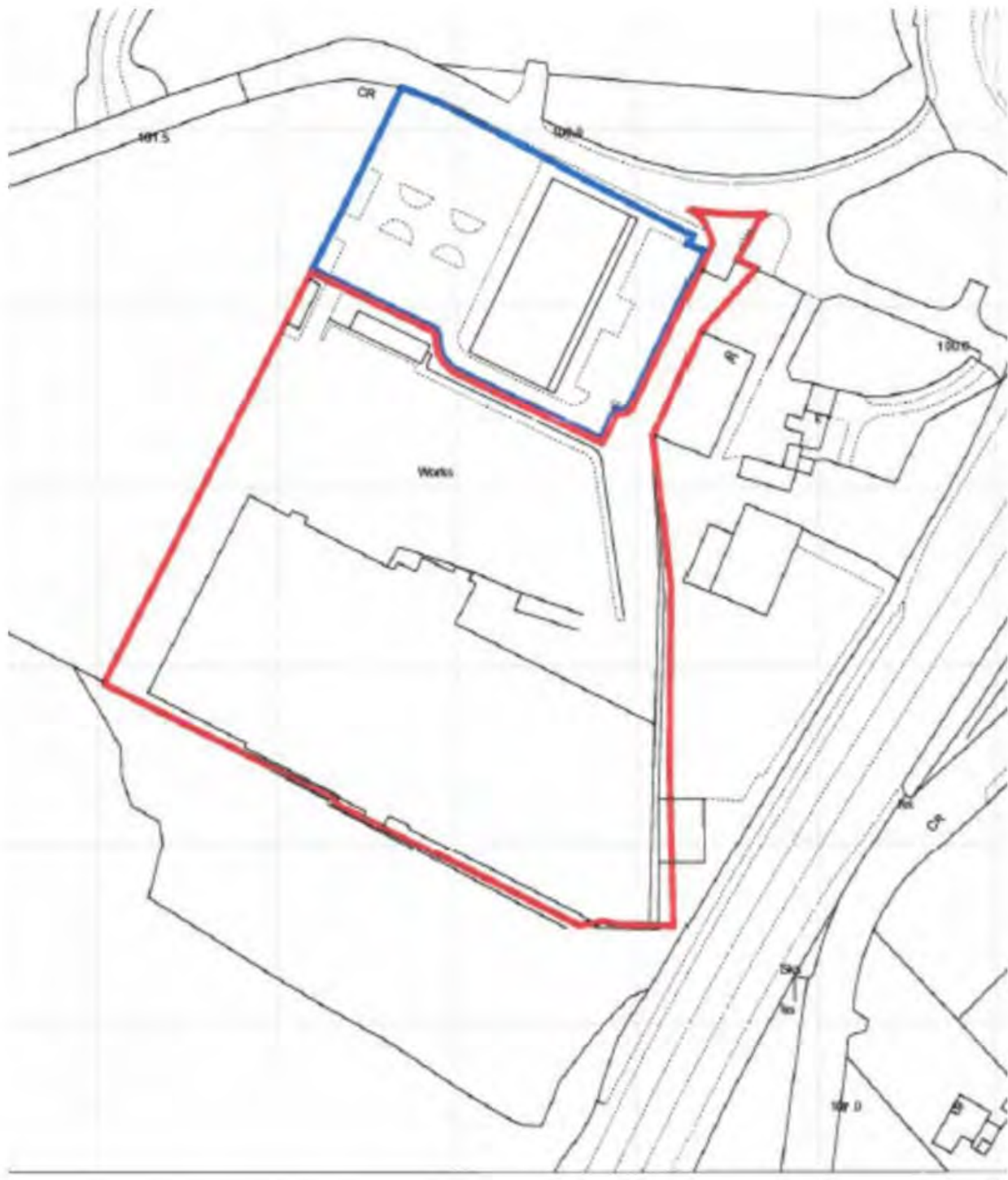
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

8. No retained tree as identified on Drawing 13 bearing the Lisburn and Castlereagh City Council date stamp 21 March 2022 and the approved details 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 – LA05/2020/0118/F



LISBURN & CASTLEREAGH CITY COUNCIL**Minute of a site visit by the Planning Committee held at 12.00 noon on Tuesday 25th January 2022 at 5 Ballygowan Road, Hillsborough.****PRESENT:**

Councillor A Swan (Chairman)

Alderman J Tinsley (Vice Chairman)

Aldermen J Dillon, D Drysdale and O Gawith

Councillors Craig and John Palmer

IN ATTENDANCE:

Head of Planning and Capital Development (CH)

Member Services Officer (PS)

Apologies for non-attendance at the meeting were recorded on behalf of Alderman A Grehan and Councillor U Mackin and the Principal Planning Officer (RH).

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

- LA05/2020/0118/F - Demolition of existing storage and warehouse buildings, containers and portacabins and the erection of four two-storey office buildings (Class B1) including associated car parking provision on land at 5 Ballygowan Road, Hillsborough, BT26 6HX

The application had been presented for determination at the meeting of the Planning Committee held on 10 January 2022. The Committee had agreed to defer consideration of the application to allow for a site visit to take place. It was noted that the site visit would enable the Committee to view the nature, scale and detail of the proposed development.

Members and Officers met at the site and, in accordance with the Protocol for the Operation of the Planning Committee, the Head of Planning and Capital Development provided an overview of the application.

With the aid of a site layout drawing, the location of the four office blocks proposed was explained. Members were also advised that the office block currently in situ provided ancillary office accommodation to the original builders contracting business which was changed as a matter of updated practices in the industry for storing materials and equipment.

The Head of Planning and Capital Development advised that the Facilities Management side of the business was currently located in Belfast and that some of the IT provision were

working from sectional buildings on the site. Reference was made to wider plans for these units to be re-located into one site.

Members were advised that additional information had been sought from the agent to justify the proposal and to clarify a few technical matters but that responses received to date had been light on information and as such, a recommendation to refuse planning permission had come forward.

Members then moved to the rear of the site and viewed the office accommodations and the contractors' yard and stores which were now derelict and surplus to requirements.

He then responded to a number of questions raised by members of the Committee and the difference between office accommodation in a rural location and other development was noted, as was the importance of a town centre first preference within the policy.

Members then viewed the sectional buildings which housed some of the IT Staff.

There being no further business, the site visit was terminated at 12.45pm.

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	10 January 2021
Committee Interest	Major Application
Application Reference	LA05/2020/0118/F
Date of Application	06 February 2020
District Electoral Area	Downshire West
Proposal Description	Demolition of existing storage and warehouse buildings, removal of containers and portacabins and the erection of four two-storey office buildings (Class B1) including associated car parking provision
Location	Land at 5 Ballygowan Road, Hillsborough BT26 6HX
Representations	None
Case Officer	Mark Burns
Recommendation	REFUSAL

Summary of Recommendation

1. The application is considered to be contrary to the SPPS and policy PED 2 of PPS 4 – Planning and Economic Development in that no exception circumstances are cited to allow for the development of an office business park in the countryside
2. The application is contrary to SPPS and policy PED 4 of PPS 4 – Planning and Economic Development in that no exception circumstances are cited to allow for the redevelopment of an established storage and distribution facility for an office business park.
3. Furthermore, the scale and nature of the proposal [four separate office blocks] is not justified and harms the rural character of the local area. In addition, the redevelopment of the storage and distribution facility for an office business park fails to deal comprehensively with the full extent of the existing site.

4. It is considered that the proposal as presented fails to demonstrate that there will be environmental benefits as a result of the redevelopment of the site and that the visual impact of the redevelopment will be significantly greater than that of the buildings to be replaced.
5. The proposal is also contrary to the SPPS and Policy FLD 3 of PPS 15 – Planning and Flood Risk in that no Schedule 6 consent has been provided and as such it is has not been possible to confirm that 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.

Description of Site and Surroundings

6. The application site is located south east of Royal Hillsborough close to the A1 and is accessed from the Ballygowan Road about 50 metre distant from the junction with Pantridge Link.
7. The overall plot measures approximately 2.5 hectares in size with a frontage of 115 metres to the Ballygowan Road.
8. The boundary along the Ballygowan Roads is 1 metre high brick wall with concrete coping and 2 metre high paladin fencing above. The western boundary has a rendered block wall at approximately 5 metres in height. The eastern boundary between the Graham premises and the adjacent site is a mix of secure paladin fence and timber slatted fence approximately 2.5 metres in height.
9. Within the site is a three storey office block of modern construction used as a headquarters by Grahams for their contracting business, two large warehouses and a yard for the storage for storage of equipment, materials and machinery.
10. The site is in the open countryside, rural in character and the land surrounding is largely in agricultural use. The village of Royal Hillsborough is located to the on the opposite side of the A1.

Proposed Development

11. The application is for the demolition of existing storage and warehouse buildings, removal of containers and portacabins and the erection of four two-storey office buildings (Class B1) including associated car parking provision.
12. A Pre-Application Community Consultation (PACC) report dated January 2020 is submitted in support of the application. It provides a record of the consultation that has taken place in order to inform interested parties of the proposed development by Grahams to develop a site for Class B1 Offices.

13. The format of the report is in accordance with the practice note 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 process.
14. The application was also supported with the following technical assessments and other reports:
 - Flood Risk and Drainage Assessment dated September 2019
 - Biodiversity checklist dated September 2019
 - Transport Assessment Form dated January 2020
 - Planning Application Concept Statement/Design and Access Statement
 - Outline Demolition Phase Health and Safety Plan
 - Planning Policy Statement – February 2021
15. Officers of the Council had expressed concern in relation the principle of developing land in the open countryside for offices and whether this was linked to the established use given it's the nature and scale of the proposal in a meeting in June 2021 and in subsequent mails dated 04 October, 08 November and 19 November 2021.
16. Amendments to the scheme were received from the Agent on 29 November 2021 with an amended P1 Form provided on 03 December 2021. The Agent advised that the applicant had decided to amend its current proposals from four office blocks to two office blocks.
17. Whilst two drawings were submitted showing an amended site layout to remove two of the blocks insufficient supporting documentation justifying the amended proposal was provided nor were any of the supporting reports/assessments namely the D&AS or drainage assessment updated to reflect the reduced scheme.
18. As the amended proposal is incomplete, and in the absence of a full package of information being provided, this assessment is based on the application submitted to the Council on 6 February 2020.

Relevant Planning History

19. The relevant planning history associated with this site is set out in the table below:

Reference	Description	Location	Status
LA05/2015/0681/F	Proposed light industrial unit, access, parking and ancillary site works	Lands approximately 145 metres South West of 3 Ballygowan Road, Hillsborough, Co. Down.	Planning Permission Granted - 14 June 2016

S/2007/0455/F	Part redevelopment of existing storage, distribution and maintenance depot to include a new ancillary officer accommodation, service building, sub-station, retaining wall, new gates and associated car parking and landscaping	Lands at the former Kemira Site, Ballygowan Road, Hillsborough	Planning Permission Granted - 14 March 2008
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20. The planning history associated with the 2007 application provides important context for the assessment of the current application in that this permission allowed for the partial redevelopment of existing storage, distribution and maintenance depot to include a new ancillary office accommodation, service building, sub-station, retaining wall, new gates and associated car parking and landscaping.
21. It was never envisaged in the earlier grant of planning permission that office use would be the primary use of the land. It was clear that the intention was for this site to be the main location for Graham contracting business.
22. The proposal as submitted is for a speculative development of a rural business park and despite the clarification offered by the applicant in respect of the need for at least one building for staff accommodation associated with the operation of their facilities management business and for additional call centre and IT staff the scheme is still identified on the company website as a second phase of development for sale or let to tenants.

Planning Policy Context

23. The relevant planning policy and guidance context which relates to the application is as follows:
 - Regional Development Strategy
 - Lisburn Area Plan
 - Draft Belfast Metropolitan Area Plan – 2015
 - Strategic Planning Policy Statement (SPPS) – Planning for Sustainable Development
 - Planning Policy Statement (PPS) 4 – Economic Development
 - Planning Policy Statement (PPS) 2 – Natural Heritage
 - Planning Policy Statement (PPS) 3 – Access Movement and Parking
 - Planning Policy Statement (PPS) 15 – Planning and Flood Risk

Consultations

24. The following consultations were carried out

Consultee	Response
DfI Rivers	No Objection
Historic Environment Division	No Objection
NI Water	No Objection
DfI Roads	No Objection
NIEA	No Objection
Environmental Health	No Objection

Representations

25. No letters of representation have been received in respect of this proposal.

Consideration and Assessment

26. The main issues to consider in the determination of this planning application are:

- Environmental Impact Assessment
- Local Development Plan
- Principle of Development
- Economic Development
 - Economic Development in the Countryside
 - Redevelopment of an Established Economic Development Use in the Countryside
- Access, Movement and Parking
- Flood Risk
- Natural Heritage

Environmental Impact Assessment

27. As the development is within Category 10 (B) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017 the Council is required under Regulation 12(1) of these Regulations to make a determination as to whether the application is for an EIA development.
28. DCAN10 - Environmental Impact Assessment Guidelines (revised 2012) advises that the basic test of the need for an EIA in a particular case is the likelihood of significant effects on the environment.
29. In this case, the site is not located within any of the sensitive areas defined in the regulation 2 (2) of the EIA Regulations.
30. DCAN10 further advises that an EIA is more likely to be needed for Schedule 2 developments in three main type of cases:
 - Major developments of such a scale as to have wide ranging environmental effects and be of more than local importance,
 - Developments of a smaller scale located within environmentally sensitive locations where their effects are significant;
 - Developments with unusually complex and potentially hazardous environmental effects.
31. Within this context, it is considered the nature of the proposed development would not fall within any of the above three categories taking into account the following issues:
 - Roads Impact including parking provision
 - Potential Pollution to watercourses and underground stratum
 - Amenity effects on neighbouring sites
 - Potential drainage/flooding issues
 - Noise and air pollution associated with construction and operational phases
 - Dust and vibration primarily from construction works
 - Visual Impact
 - Impact on flora and fauna
 - Economic considerations
 - Cumulative effects with existing/approved development
32. The application proposes the demolition of existing storage warehousing. The main issues associated with this application relate to design, access/parking and an assessment of the impacts on the amenity of existing dwellings.
33. It is considered that issues arising are not likely to be significant and that any potential impacts can be address with through the normal planning process without the need for an Environmental Statement.

Local Development Plan

34. Section 6(4) of the Planning Act (NI) 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 of applications must be in accordance with the plan unless material considerations indicate otherwise.
35. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan (BMAP) 2015 had in its entirety not been lawfully adopted.
36. As a consequence of this decision, the Lisburn Area Plan 2001 is now the statutory up to date LDP. Draft BMAP remains a material consideration.
37. Within both the Lisburn Area Plan, draft BMAP and indeed the quashed BMAP 2015 the site is the countryside.
38. There is no policy direction provided by the Lisburn Area Plan in relation to office development in the open countryside.
39. Within draft BMAP, Part 1 – 3 of Volume 1 of the Plan Strategy & Framework provides appropriate office policies based on a review of existing office stock within the Plan Area. Office development should be directed to settlements.
40. The Belfast Metropolitan Area (BMA) Office strategy comprises the following elements:
 - The promotion of the role of Belfast City Centre as the primary location for office development in Northern Ireland in order to reinforce the role of Belfast as a Regional City;
 - Limited dispersal of major office development to major employment locations at Global Point/Ballyhenry, Purdysburn, West Lisburn/Blaris and Titanic Quarter;
 - Office development of an appropriate scale within Lisburn City Centre and the Town Centres of Bangor, Carrickfergus, Ballyclare, Carryduff and Holywood, in order to protect and enhance their vitality, to assist urban renaissance and to provide jobs in local areas; and
 - Office development of an appropriate scale within designated shopping/commercial areas on Arterial Routes at designated Commercial Nodes on Arterial Routes and in designated Local Centres (Dundonald, Dunmurry, Glengormley) in order to provide local services.
41. Whilst the draft plan is silent on office development in countryside locations, it does emphasize that the portfolio approach seeks to provide for the diverse requirement of a range of office users and that locations identified for office development are sustainable and accessible by a choice of transport particularly public transport.

42. There is no reference in the Public Inquiry report to any case being advanced for the lands associated with the application being zoned for employment use and or extended for future employment use in the open countryside.
43. In a recent publication the Chief Planner for Northern Ireland advised that for those planning authorities subject to draft BMAP, that the draft plan along with representations received to the draft plan and the PAC inquiry report **remains as material considerations** to be weighed by the decision-maker.
44. As there is no distinguishable difference in the local development plan context, is afforded to the draft plan, PAC inquiry report and post inquiry draft plan.
45. Whilst it is accepted that new office development should be directed to settlement as the plan is silent on dealing with existing economic development sites in the open countryside the proposal is weighed in accordance with the prevailing regional policy.

Principle of Development

46. The regional strategic objectives for facilitating economic development through the planning system are to:
 - promote sustainable economic development in an environmentally sensitive manner;
 - tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality; • sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;
 - support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;
 - promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and
 - ensure a high standard of quality and design for new economic development.
47. Regional direction continues to indicate that city/town centres should be the first choice for various types of development, particularly retail, office and service developments, in order to reinforce the existing 8 administrative and service functions of many settlements, as well as creating new employment that is accessible to large sections of the population.
48. Changing patterns of employment and the need for a more flexible approach is however recognised as being necessary when determining the types of economic development that are acceptable in particular locations.
49. Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation.

50. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
51. Paragraph 3.8 of the SPPS states that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
52. Paragraph 6.84 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.
53. Strategic policy advises at paragraph 6.85 that in these larger settlements appropriate proposals for Class B1 business uses (such as offices and call centres) should be permitted if located within city or town centres, and in other locations that may be specified for such use in a LDP, such as a district or local centre.
54. It advises that elsewhere, such proposals should be determined on their individual merits, taking account of the potential impacts and the likely economic benefits, both local and regional.
55. Paragraph 6.87 advises that the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS.
56. Strategic policy recognises that farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside.
57. It also acknowledges that such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.
58. Paragraph 6.88 advises that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted.
59. Exceptions to this general principle may be justified in the following circumstances:
 - A small scale new build economic development project may be permissible outside a village or small settlement where there is no suitable

- site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.
- A proposal for major or regionally significant economic development, where a countryside location is necessary because of size or site specific requirements.
60. In this case, the proposal is to demolition of existing warehouse buildings, remove containers and porta cabins and erect four two-storey office buildings (Class B1) including associated car parking provision.
61. The D&AS indicates that the new two storey offices will provide 3848 metres squared of Grade A office space. Each building will be approximately 7 metres in height.
62. Within this rural context, this is not considered to be a small scale new build development consistent with the exceptions outlined at paragraph 6.88 of the SPPS and no evidence has been submitted to demonstrate that there are no suitable sites within the settlement.
63. Having considered the content of the SPPS against the retained policies set out in PPS 21 and PPS 4, no distinguishable differences are found that should be reconciled in favour of the SPPS.

Sustainable Development in the Countryside

64. PPS 21 - Sustainable Development in the Countryside sets out planning policies for development in the countryside.
65. Policy CTY 1 – Development in the Countryside states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.
66. It states that planning permission will be granted for non-residential development in the countryside including industry and business uses in accordance with PPS 4 – Economic Development.
67. The application is supported by a document from Osborne King dated September 2019 commissioned by the applicant to provide comment on the proposed office scheme at Ballygowan Road, Hillsborough. The document looks at demand, supply, market trends and occupier requirements. It also provides comment on the scale and layout of the proposed scheme within the context of the current market.
68. In terms of general market overview, the document acknowledges that the office sector remains extremely active as the service and technology sectors in particular continue to grow. It notes that the majority of activity is still focused on Belfast City Centre and trends to relocate away from the city centre due to savings in occupational costs and greater availability of on-site car parking.

69. Commentary on demand and supply is focused on Belfast leading the way as the most active area in the Northern Ireland office market.
70. In terms of the proposed development, the Osborne King document expresses an opinion that the development is an excellent provision and that it should prove to be a key selling point. It does acknowledge that Graham propose to occupy some of the space the extent of which will be determined by ongoing growth and business demand.
71. The Design and Access Statement (D&AS) provides a summary of the proposal and explains in paragraph 3 on page 3 that the new office buildings will be used by Graham as both expansion space for their own staff, and as a commercial development attracting new tenants. Paragraph 4 on page 3 also explains that consultation with a commercial agent to provide office space that will provide a unique opportunity in the Northern Ireland office market had also taken place.
72. During the processing of the application, clarification was provided by the Agent in correspondence received on 19 August 2021 that the need for additional office space was now not part of a speculative nature but predicated on a clearly defined need for the 100% exclusive use of Graham employees.
73. The established use of the site is as a builder's yard with stores for equipment, materials and machinery. The office accommodation is ancillary to the primary use.
74. Whilst acknowledging the construction industry is changed and many contractors of the size no longer keep large amount of machinery, equipment or materials in one area, what is proposed removes all the warehousing and changes the nature and character of a prominent site in the open countryside by creating a business park.
75. No supporting information is provided to demonstrate that the scale of the proposed development [four separate office blocks] should be treated as an exception to policy nor has it been demonstrated that there are no suitable sites within the settlement for this new economic development consistent with paragraph 6.88 of the SPPS.
76. The requirement to provide additional ancillary accommodation is understood but the scheme is not designed or amended to take advantage of sharing facilities already available at the site and it is not explained why more than one building is required to meet the needs of the business.

Economic Development

77. PPS 4 – Planning and Economic Development sets out planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans.

78. For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses as currently defined in the Use Classes Order.
79. PPS 4 supersedes the following provisions of A Planning Strategy for Rural Northern Ireland' insofar as they apply to Class B1 of the 2004 Use Classes Order:
- Policy IC 16: Office Development
 - Policy IC 17: Small Office and Business Development

Economic Development in Settlements

80. Policy PED 1 – Economic Development in Settlements is supportive of new office developments to settlements. This underlying policy objective for city and town centres to be the primary focus for B1 Business/Office Uses.
81. That said, the application site has an established economic use the countryside and it is accepted there is a previous history of approval for offices linked to the primary use of the land for warehousing and as such, Policy PED 2 provides the relevant context for the assessment of this application.

Economic Development in the Countryside

82. Policy PED 2 – Economic Development in the Countryside states that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:
- The Expansion of an Established Economic Development Use – Policy PED 3
 - The Redevelopment of an Established Economic Development Use – Policy PED 4
 - Major Industrial Development – Policy PED 5
 - Small Rural Projects – Policy PED 6
83. The proposal involves the redevelopment of the primary economic use of land for warehousing associated with the contracting business for offices.

Redevelopment of an Established Economic Development Use in the Countryside

84. Policy PED 4 provides a policy context for the Redevelopment of an Established Economic Development Use in the Countryside and states that a proposal for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) will be permitted where it is demonstrated that all the following criteria can be met:

- (a) the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area;
 - (b) there would be environmental benefits as a result of the redevelopment;
 - (c) redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site; and
 - (d) the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced.
85. Offices are a B1 business use and whilst the Plan directs new office development to settlements PED 4 does provide for the redevelopment of established site subject to all the above criteria being met.
86. In progressing the application and to demonstrate exceptional circumstances, the Agent provides justification in correspondence received on 28 October 2021 as to why the existing office at Hillsborough cannot be extended to provide for the growing demands of the Graham business as follows:
- Disruption to the existing staff/operations
 - Impact on the environmental performance of the existing building
 - Need for accommodation to house Facilities Management, other expanding division and IT helpdesk.
 - Site Topography
 - Vehicular Circulation
 - Buildability
 - Occupancy
 - Business Strategy
87. In addition to the reasons outlined above, the Agent explains that the existing site contains significant storage sheds and ancillary space for use by its construction business and that these buildings are now largely redundant and no longer 'fit for purpose', in very poor condition and not suitable for conversion to office use.
88. An examination of the detail submitted by the Agent in August and October 2021 indicates that the business structure of Grahams is split into five divisions and the all of these divisions with the exception of the Facilities Management Division have their headquarters registered to the existing offices in Hillsborough.
89. Information provided by the Agent in August 2021 advises that the Facilities Management Unit is currently based in Boucher Road but it is the intention of Graham to move this unit to Hillsborough.
90. No information was provided in August in relation to staff numbers associated with the Facilities Management Unit nor was any explanation provided at that time to explain why this part of the business needed to relocate.

91. Clarification provided in October 2021 provided information on staff numbers across the Graham group as follows;

Total Number of Staff in Graham Group	2204
Capacity of Hillsborough	355
Capacity of Hillsborough with COVID restrictions applied	178
Staff growth year by year for first 10 years	20% increase Year on Year

92. Clarification was also provided in relation to staffing associated with the Graham Facilities Management Unit as follows:

Lease Expiry on Wildflower Way office	July 2022
Number of Staff in Graham Facilities Management	723
Number of staff in Graham Facilities Management Helpdesk	42

93. In terms of Graham Interior Fit-Out, 113 staff were employed. The number employed in Graham IT was identified as follows

Number of IT staff based in Hillsborough	47
Number of IT staff based in temporary accommodation	14
Number of IT helpdesk staff	20

94. With regard to criteria (a), the proposal involves the development of four two storey office blocks. Detail submitted with the D&AS explains that the existing Grahams Headquarters building site is 0.7 hectares and that the proposed site in which the development will expand into is 1.75 hectares.
95. Taking into account the access, the area associated with the red line boundary is 1.88 hectares [proposed site] and the area of the blue line existing Graham Headquarters site] is 0.53 hectares.

96. The site area associated with the proposed development is considered to represent a significant increase in the site area and the need for the nature and scale of the proposal in this rural location is not explained.
97. In relation to criteria (b) and taking into account that warehouses of this scale are found in the open countryside and it is not obvious that it appears incongruous in the landscape. It is the existing office block that is not typical of a traditional rural form and to add further office blocks albeit of a smaller scale and mass no significant landscape benefit or visual improvement.
98. In terms of criteria (c), the proposed development fails to deal comprehensively with the full extent of the existing site or in the case of partial redevelopment address the implications for the remainder of the site.
99. In terms of criteria (d), the D&AS explains that public views into the site are available from the A1 dual carriage way, particularly from where the grade separated junction meets. Views of the existing warehouses are evident, from an elevated position on Pantridge link. Further south along the A1, views are obscured by tall dense trees.
100. Public views are also evident from the sites frontage along Ballygowan Road. Strong high solid boundaries to the west and south along with thick vegetation obscures views from these locations.
101. The proposal involves the erection of four two storey office blocks aligned east west within the site, designed with the eastern front elevation heavily glazed to allow large amounts of natural light to penetrate and the rear western elevation more solid with punched windows to mitigate against solar gains will without doubt result in a development whereby the overall visual impact of replacement buildings is significantly greater than that of the buildings to be replaced.
102. Ancillary development in the form of car parking further adds to the impact and fundamentally changes the character of this part of the open countryside.

Access, Movement and Parking

103. Planning Policy Statement 3 – Access, Movement and Parking sets out the policies for vehicular and pedestrian access. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.

Access to Public Roads

104. Policy AMP2 - Access to Public Roads seeks to create safe accesses to public roads and states that permission will not be granted for a proposal involving

- direct access where it will prejudice road safety or significantly inconvenience the flow of traffic.
105. Policy AMP 7 – Car Parking and Servicing Arrangements requires adequate provision for car parking and appropriate servicing arrangements to be provided.
 106. The policy directs that the precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan.
 107. It also directs that proposals should not prejudice road safety or significantly inconvenience the flow of traffic.
 108. A Transport Assessment Form dated January 2020 submitted in support of the application explains that the existing access to the site will be retained as part of this proposal. It also advises that the proposal is non-residential with gross floor area of 500 square metres or more and that it is likely to generate 30 or more vehicle movements per hour.
 109. Commentary is provided in relation to Travel Characteristics based on information extracted from the TRICS database using a category of employment and a sub category of offices to determine the generated traffic.
 110. For the existing development, TRICS has been used to predict a mean trip rate of 68 arrivals and 9 departures during the AM Peak hour of 08:00 – 09:00 hours. During the PM peak hour of 17:00 – 18:00 it is predicted that there will be 8 arrivals and 57 departures.
 111. For the proposed development TRICS has been used to predict a mean trip rate of 80 arrivals and 10 departures during the AM Peak hour of 08:00 – 09:00 hours. During the PM peak hour of 17:00 – 18:00 it is predicted that there will be 9 arrivals and 67 departures.
 112. The information provided represents an increase of 13 vehicular movements in the AM Peak and 11 vehicular movements in the PM peak
 113. With regard to Transport Impacts, the Transport Assessment Form explains that the site at Ballygowan Road is currently the head office for Graham Construction and that the proposal includes demolition of existing service buildings and the addition of four office buildings with a total floor area of 3862 square metres
 114. Advice is provided which indicates that the site access/Ballygowan road junction and the Ballygowan Road/Pantridge link junction have been modelled using junctions 8 – an industry standard modelling software which shows that during AM and PM peak hours of the proposed 2035 scenario, the site access will function with a maximum ratio of flow to capacity of 64%. The Ballygowan Road/Pantridge Link Junction will function with a maximum of 49% capacity.

115. The conclusion reached in the Transport Assessment Form in relation to Transport Impacts is that the junctions identified will function within capacity taking into account the additional movements associated with the proposed development.
116. In relation to measure to mitigate impacts/influence travel to the site, the Transport Assessment Form explains that as part of the developments internal layout, doorways will connect to the footways connecting to the different areas of the car park via dropped kerbs and tactile paving. Advice is also provided which indicates that 394 car parking spaces will be available including 24 spaces provided for the disabled.
117. The Transport Assessment Form acknowledges that the site has limited bus services and that there are no train routes or cycle routes that run by this site. Given the nature and location of the business it is expected that the majority of employees and visitors will arrive to the site by private car.
118. DfI Roads in a response received on 3 March 2020 advised that the offered no objection to the proposal subject to condition aimed at ensuring that adequate provision was made for parking, servicing and traffic circulation within the site.
119. Based on a review of the detail provided, it is accepted that the proposed development will not impact on prejudice road safety or significantly inconvenience the flow of traffic and that

Natural Heritage

120. Planning Policy Statement 2 – Natural Heritage sets out the planning policies for the conservation, protection and enhancement of our natural heritage. Natural Heritage is defined as the diversity of our habitats, species, landscapes and earth science features.
121. Policy NH 2 – Species Protected by Law covers both European Protected Species and nationally protected species. Policy states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species
122. Policy NH 5 – Habitats, Species of Features of Natural Heritage Importance states that a development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features, 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.
123. A biodiversity checklist carried out by Ayre Environmental Consulting Ltd provides information in relation to designated sites and priority habitats. It advises that the development is not in or within 100 metres of a nationally or internationally designated site. It also advises that the development will not

affect or involve the removal of trees nor will any waste, effluent or run-off produced affect minor watercourses or field drains.

124. The checklist does acknowledge that the development is in a rural location on a site greater than 0.5 hectares in area and that it would likely require to be screened under the Planning (Environmental Impact Assessment) Regulations.
125. Based on the responses provided at Part 2 of the Checklist, there was no requirement to further consider the potential impacts to identified protected and priority species.
126. The ecological statement associated with the checklist explains that a site walkover was carried out in June 2019 explains that no priority habitats were identified within the site area and that there would be no impacts upon protected species due to the absence of suitable roosting provisions and field evidence.
127. Natural Environment Division has considered the detail of the application and associated biodiversity check list and no objection is offered. It is therefore considered that the proposed development will not harm European protected species nor will it result in an unacceptable adverse impact on, or damage to, habitats, species or features, may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or features.

Archaeological and Built Heritage

128. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage sets out the Department's planning policies for the protection and conservation of archaeological remains and features of the built heritage.
129. Advice received from Historic Monuments offers no objection to the proposal. It is therefore considered that the proposed development will not have an adverse impact on archaeological remains and/or features of the built heritage.

Flood Risk

130. Planning Policy Statement 15 – Planning and Flood Risk sets out planning policies to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.
131. A Flood Risk Assessment and Drainage Assessment report dated September 2019 was commissioned by Flood Risk Consulting on behalf of the applicant. Paragraph 1.5 of the assessment explains that the objective of the

- Assessments were to verify more accurately, the extent of the 1 in 100 year flood plain and to consider any pluvial flooding within the site.
132. The assessments have also been undertaken to examine the potential to safely discharge surface water from the proposed site without increasing the risk of flooding within the site or elsewhere.
 133. Mapping of the proposed site shows that the area within the proposed site is relatively level and above 100 m OD Belfast. The mapping also identifies the route of the watercourse to the east of the proposed site and confirms that it now flows from south to north east [as opposed to its original route of south to north west]. A second watercourse north west of the proposed site flows from south to north away from the site.
 134. The assessment demonstrates at paragraph 3.2 that fluvial flooding is indicatively predicted within the southern portion of the proposed site during a 100 year flood event. Climate change does not have a significant impact on the predicted extent of fluvial flooding.
 135. In terms of surface water, Rivers Agency maps show that surface water flooding is predicted in the southern portion of the site and that climate change has only a minimal impact on predicted surface water flooding.
 136. Potential reservoir flooding is not predicated to affect the application site.
 137. Paragraph 7.3 of the Assessment report explains that the proposed development [four separate office blocks] will result in the hardstanding area for the site being reduced from 100% to approximately 96.7%.
 138. With regard to Policy FLD 1 – Development in Fluvial (river) and coastal plain considerations, modelling demonstrates that the proposed site is not located within the predicted 100 year fluvial flood plain and as such, no mitigation is required.
 139. In relation to Policy FLD 2 – Protection of flood defence and drainage infrastructure, the assessment reports demonstrate that no River Agency designated drainage infrastructure or undesignated watercourses are located within the proposed site. Reference is made to paragraph 6.32 of the justification and amplification states that were a new development proposal is located beside a watercourse, an adjacent working strip is to be retained to facilitate future maintenance by Rivers Agency.
 140. The assessment report advises that no development will occur within 10 metres of a water course and as such, the proposal complies with Policy FLD 2.
 141. With regard to Policy FLD 3 – Development and surface water (pluvial) flood risk outside flood plains requires the submission of a Drainage Assessment for all development proposals with a development site in excess of 1 hectare or a change of use involving new buildings/or hard surfacing exceeding 1000 m³.

142. The Drainage Assessment report looked at Flood Risk to and from the development. Paragraph 8.4.3.1 explains that the area of the proposed site, minus the existing access road into the site covers approximately 16, 305m². It also explains that while this area is presently 100% hardstanding, proposed amenity space within the proposed development will result in this hardstanding area being reduced to approximately 500 m².
143. Paragraph 8.4.3.2 advises that the proposed development will result in a decrease in the design flow from 243 l/s to 235 l/s.
144. An associated schedule 6 application submitted to Rivers Agency in parallel with the current application seeks to discharge surface water from the development site to the watercourse north west of the site at a maximum discharge rate of 235 l/s.
145. A response from DfI Rivers dated 29 April 2020 requested further information to demonstrate the viability of drainage assessment proposals through provision of Schedule 6 consent from DfI Rivers in relation to discharge to a water course.
146. To date no consent information has been provided and as such, the proposal is considered not to comply with Policy FLD 3 as the applicant has not demonstrated 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.
147. Policy FLD 4 – Artificial modification of watercourse and Policy FLD 5 - Development in proximity to reservoirs is not applicable to this site.

Conclusions

148. Based on a review of the information submitted with the application it is considered that the application is contrary to SPPS and policy PED 4 of PPS 4 – Planning and Economic Development in that no exceptional circumstances are cited to allow for the redevelopment of an established storage and distribution facility for an office business park.
149. Furthermore, the scale and nature of the proposal [four separate office blocks] is not justified and harms the rural character of the local area. In addition, the redevelopment of the storage and distribution facility for an office business park fails to deal comprehensively with the full extent of the existing site.
150. It is considered that the proposal as presented fails to demonstrate that there will be environmental benefits as a result of the redevelopment of the site and that the visual impact of the redevelopment will be significantly greater than that of the buildings to be replaced

151. The proposal is also contrary to the SPPS and Policy FLD 3 of PPS 15 – Planning and Flood Risk in that no Schedule 6 consent has been provided and as such it is has not been possible to confirm that 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.

Recommendations

152. It is recommended that planning permission is refused.

Reasons

153. The following refusal reasons are recommended:

- The application is contrary to SPPS and policy PED 4 of PPS 4 – Planning and Economic Development in that no exception circumstances are cited to allow for the redevelopment of an established storage and distribution facility for an office business park.
- The application is contrary to SPPS and policy PED 4 (a) of PPS 4 in that the scale and nature of the proposal [four separate office blocks] is not justified and harms the rural character of the local area.
- The application is contrary to SPPS and policy PED 4 (b) in that it has not been demonstrated how the redevelopment of the site for offices would bring environmental benefits
- The application is contrary to SPPS and policy PED 4 (c) of PPS 4 in that the redevelopment of the storage and distribution facility for an office business park fails to deal comprehensively with the full extent of the existing site.
- The application is contrary to SPPS and policy PED 4 (d) in that the redevelopment as proposed will without doubt have an overall visual impact which is significantly greater than that of the buildings to be replaced.
- The proposal is also contrary to the SPPS and Policy FLD 3 of PPS 15 – Planning and Flood Risk in that no Schedule 6 consent has been provided and as such it is has not been possible to confirm that 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.

Site Location Plan – LA05/2020/0118/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 September 2022
Committee Interest	Local Application (Called In) – Fourth Addendum
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Twenty Three
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

- Members will be aware that this application had been subject to a number of previous consultations with the planning committee and the associated reports are listed as follows:

07 December 2020 – Initial DM Officer Report
 02 August 2021 – First Addendum Report
 06 September 2021 – Second Addendum Report
 04 October 2021 – Composite Report (comprising three previous reports)
 01 November 2021 – First Addendum Report (to 04 October 2021 Report)
 07 March 2022 – Second Addendum Report (to 04 October 2021 Report)

2. The composite report [dated 04 October 2021] brought together the chronology of assessments as outlined in the other reports referred to above and provides the main basis for consideration of the proposal in front of the committee.
3. To assist the members and by way of an aid memoire it was first agreed at a meeting of the planning committee on 04 October 2021, that consideration of the application be deferred to allow for a site meeting to be arranged to enable Members to view the site within its surrounding context.
4. A site visit was facilitated on Friday 15 October 2021. A minute of the meeting was taken which informs the detail of the 01 November 2021 addendum report.
5. At the November 2021 meeting, members agreed that consideration of the application should be deferred for a second time to allow for additional information in relation to the use of the existing access in terms of traffic impact, modelling and for further comment to be provided by DfI Roads.
6. In December 2021, the applicant's consultant team provided additional information in relation to roads/traffic generation and access arrangements as requested. Clarification is provided in relation to the following matters:
 - Direct Access from A24 Saintfield Road
 - Development Proposals increase in traffic generation
 - Traffic Safety
 - Accident History
 - Proposed access impact on existing junctions
 - Capacity Model of Proposed Access
7. Consideration of this further information was set out in an addendum report dated 07 March 2022.
8. Prior to the application being presented to the Committee at its meeting in March 2022 further representations were received from a third party on the 4 and 6 March 2022.
9. This representation included a third party challenge in respect of the proposed visibility splays. It was decided to withdraw the application from the schedule to allow the Council time to investigate the challenge and consider the implications for the application process.
10. Additional information was received from the applicant on 29 April 2022 and was uploaded to the Planning Portal on the 04 May 2022.
11. Neighbour notifications also issued at this time. At the date of writing this report in June 2022, no further representation had been received.
12. The application was withdrawn from the 13 June 2022 committee meeting as a consequence of one of the parties not being able to speak due to illness. This is the first opportunity officers have had to bring the application forward in the

intervening period. A number of the interested parties had leave commitments and were not available for the two meetings in July and August.

13. No new information has been received from any party that required the Council to take further advice from its consultees.

Further Consideration

14. The Information received from the applicant on 29 April 2022 included the following:
 - Proposed Site Plan - drawing no.1571-01 100-03 Rev G
 - Proposed Block Plan - drawing no.1571-01 200-01 Rev C
 - Proposed Cross Section - drawing no.1571-01 500-01 Rev C
 - Sightline Plan – drawing no. 20-150-DR-001
15. The covering letter provided with the drawings explained that no roads works are proposed that require the wall at the entrance to Wrights to be altered or removed.
16. The letter further explained that the proposed demolition of the existing wall to the north of the proposed access and its replacement approximately 645 mm further into the site will assist in enhancing visibility to the north for those exiting the site onto Saintfield Road.
17. Finally it was noted that DfI Roads had already stated its position in relation to intensification and for this reason, there was no requirement to alter the existing access arrangements.
18. The letter and associated drawings were sent to DfI Roads for their information and comment. In a response dated 30 May 2022 it was confirmed that the minor changes to the access arrangements including the visibility splays were acceptable.
19. It was also confirmed that the drawings now showed the correct position of the existing right turning lane road markings.
20. DfI Roads advised that they were unable to offer an objection to the access arrangements in terms of prevailing regional policy and guidance.
21. Significant weight is afforded by DfI Roads to the established use of the land and use of TRICS data to establish there is no intensification of the use of the access.
22. The response provided by DfI Roads also has regard to information submitted from all the third parties which highlight discrepancies in the previously

submitted drawings together with related objections about the existing access layout which they consider to falls short of current standards.

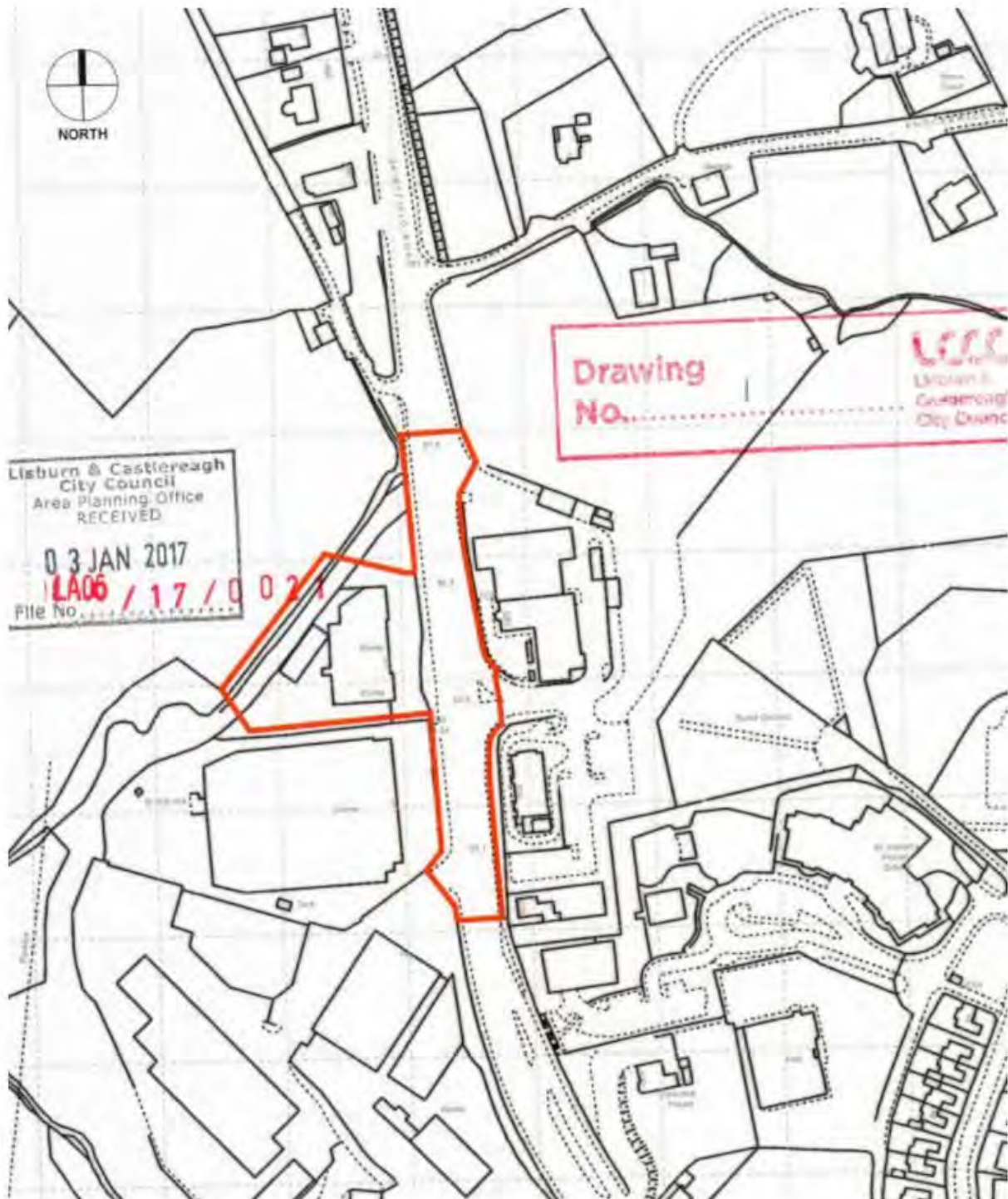
Conclusions

23. The information from the applicant received on 29 April 2022 address a P2 challenge. Amendments to the submitted plans are minor in nature and do not result in any additional road safety or traffic impact concerns and the advice of DfI Roads in accepted.
24. No new substantive evidence is provided that would require the advice set out in the composite report of October 2021 and subsequent addendum reports to be changed or amended.
25. The recommendation that planning permission be approved for the reasons indicated in the composite report of October 2021 are not changed.
26. The detail of this third addendum report should be read in conjunction with the all the reports previously drafted for committee dated 04 October 2021, 01 November 202, 07 March 2022 and 13 June 2022.

Recommendations

27. It is recommended that planning permission is approved.

Site Location Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	13 June 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Sixteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

- Members will be aware that this application had been subject to a number of previous consultations with the planning committee and the associated reports are listed as follows::

07 December 2020 – Initial DM Officer Report
 02 August 2021 – First Addendum Report
 06 September 2021 – Second Addendum Report
 04 October 2021 – Composite Report (comprising three previous reports)
 01 November 2021 – Addendum Report
 07 March 2022 – Second Addendum Report

2. The composite report [dated October 2021] brought together the chronology of assessments as outlined in the other reports referred to above and provides the main basis for consideration of the proposal in front of the committee.
3. To assist the members and by way of an aid memoire it was first agreed at a meeting of the planning committee on 04 October 2021, that consideration of the application be deferred to allow for a site meeting to be arranged to enable Members to view the site within its surrounding context.
4. A site visit was facilitated on Friday 15 October 2021. A minute of the meeting was taken which informs the detail of the 01 November 2021 addendum report.
5. At the November 2021 meeting, members agreed that consideration of the application should be deferred for a second time to allow for additional information in relation to the use of the existing access in terms of traffic impact, modelling and for further comment to be provided by DfI Roads.
6. In December 2021, the applicant's consultant team provided additional information in relation to roads/traffic generation and access arrangements as requested. Clarification is provided in relation to the following matters:
 - Direct Access from A24 Saintfield Road
 - Development Proposals increase in traffic generation
 - Traffic Safety
 - Accident History
 - Proposed access impact on existing junctions
 - Capacity Model of Proposed Access
7. Consideration of this further information was set out in an addendum report dated 07 March 2022.
8. Prior to the application being presented to the Committee at its meeting in March 2022 further representations were received from a third party on the 4 and 6 March 2022.
9. This representation included a third party challenge in respect of the proposed visibility splays. It was decided to withdraw the application from the schedule to allow the Council time to investigate the challenge and consider the implications for the application process.
10. Additional information was received from the applicant on 29 April 2022 and was uploaded to the Planning Portal on the 04 May 2022.
11. Neighbour notifications also issued at this time. At the date of writing this report, no further representation had been received.

Further Consideration

12. The Information received from the applicant on 29 April 2022 included the following:
 - Proposed Site Plan - drawing no.1571-01 100-03 Rev G
 - Proposed Block Plan - drawing no.1571-01 200-01 Rev C
 - Proposed Cross Section - drawing no.1571-01 500-01 Rev C
 - Sightline Plan – drawing no. 20-150-DR-001
13. The covering letter provided with the drawings explained that no roads works are proposed that require the wall at the entrance to Wrights to be altered or removed.
14. The letter further explained that the proposed demolition of the existing wall to the north of the proposed access and its replacement approximately 645 mm further into the site will assist in enhancing visibility to the north for those exiting the site onto Saintfield Road.
15. Finally it was noted that DfI Roads had already stated its position in relation to intensification and for this reason, there was no requirement to alter the existing access arrangements.
16. The letter and associated drawings were sent to DfI Roads for their information and comment. In a response dated 30 May 2022 it was confirmed that the minor changes to the access arrangements including the visibility splays were acceptable.
17. It was also confirmed that the drawings now showed the correct position of the existing right turning lane road markings.
18. DfI Roads advised that they were unable to offer an objection to the access arrangements in terms of prevailing regional policy and guidance.
19. Significant weight is afforded by DfI Roads to the established use of the land and use of TRICS data to establish there is no intensification of the use of the access.
20. The response provided by DfI Roads also has regard to information submitted from all the third parties which highlight discrepancies in the previously submitted drawings together with related objections about the existing access layout which they consider to falls short of current standards.

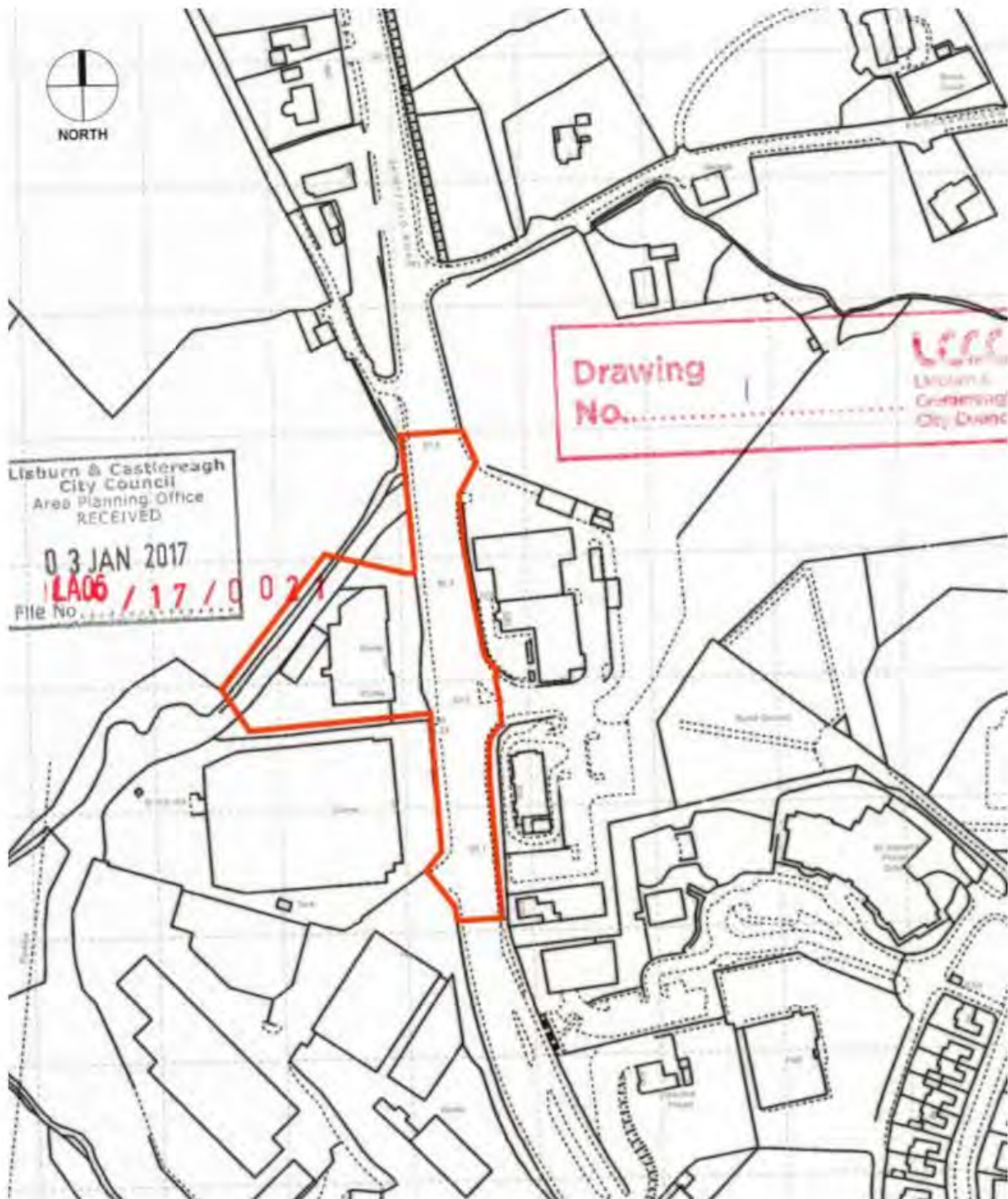
Conclusions

21. The information from the applicant received on 29 April 2022 address a P2 challenge. Amendments to the submitted plans are minor in nature and do not result in any additional road safety or traffic impact concerns and the advice of DfI Roads is accepted.
22. No new substantive evidence is provided that would require the advice set out in the composite report of October 2021 and subsequent addendum reports to be changed or amended.
23. The recommendation that planning permission be approved for the reasons indicated in the composite report are not changed.
24. The detail of this third addendum report should be read in conjunction with the all the reports previously drafted for committee dated 04 October 2021, 01 November 2021 and 07 March 2022.

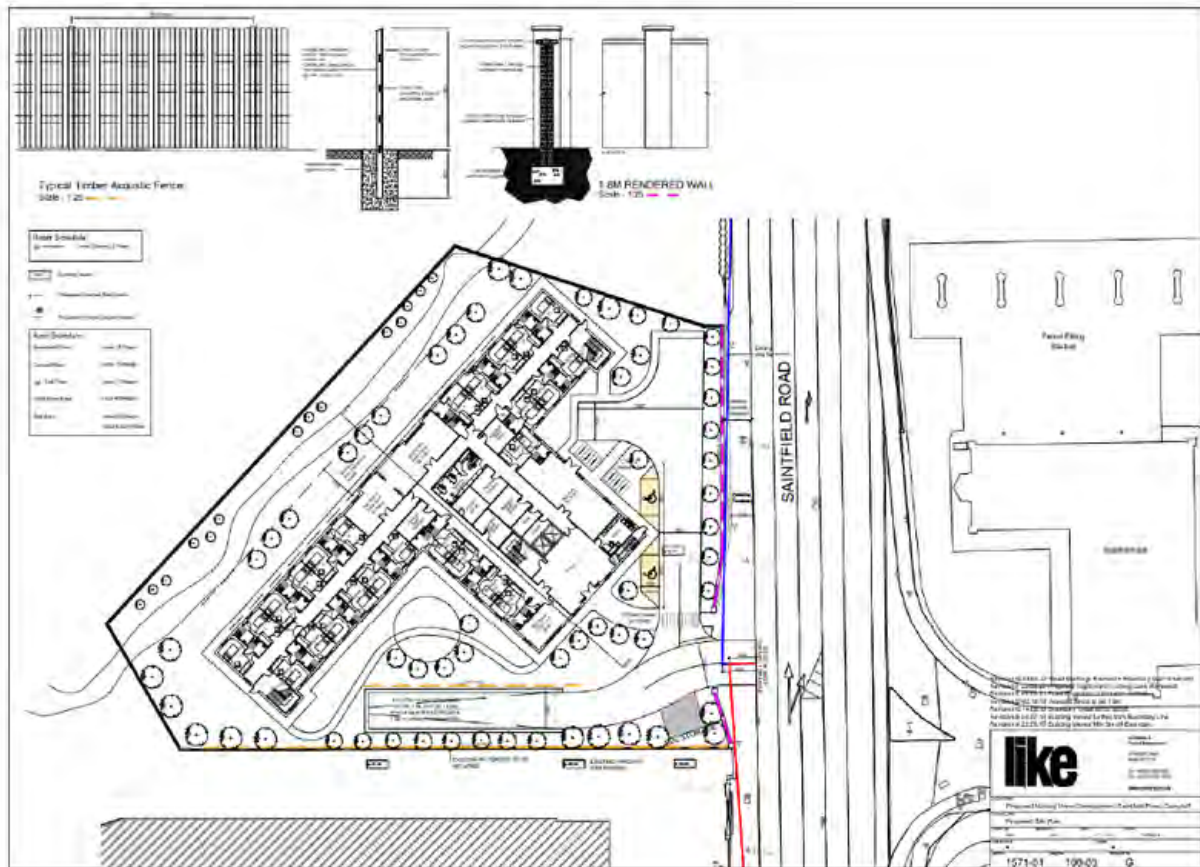
Recommendations

25. It is recommended that planning permission is approved.

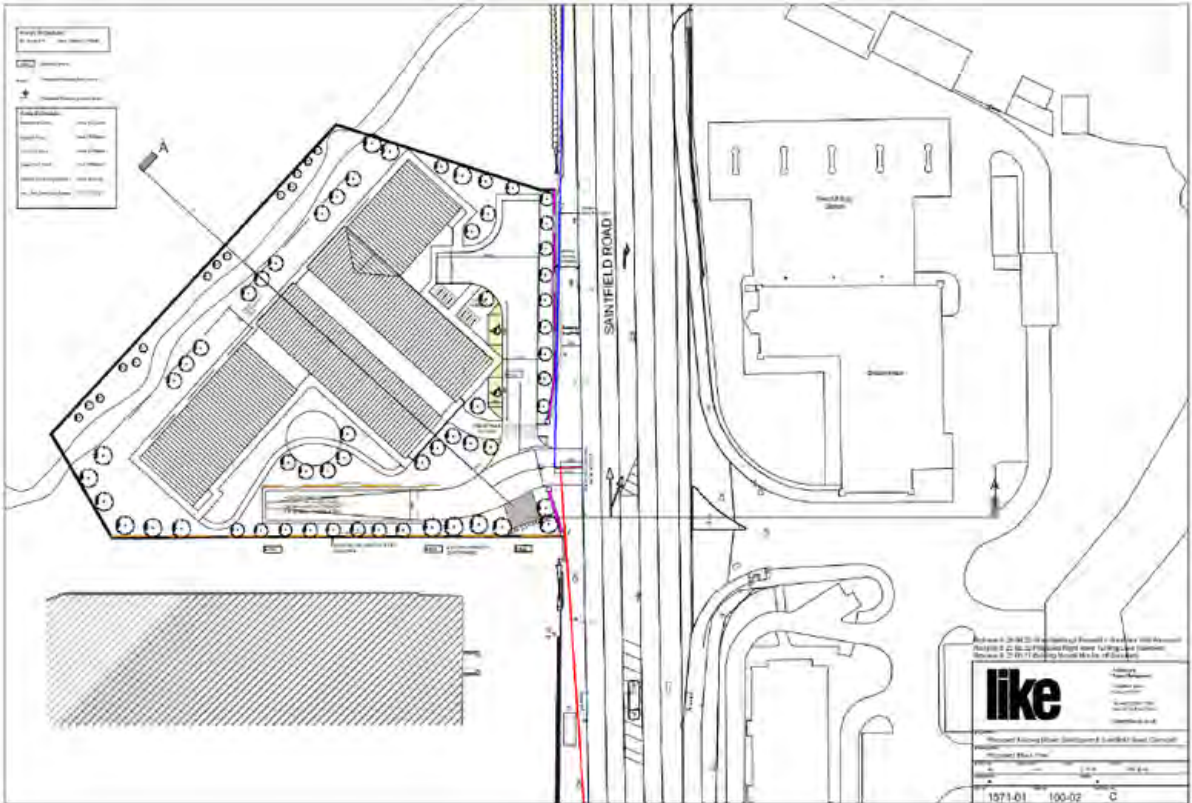
Site Location Plan – LA05/2017/0021/F



Proposed Site Plan – LA05/2017/0021/F



Proposed Block Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	07 March 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Sixteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

- Members will be aware that this application had been withdrawn from the schedule of applications as presented to the Committee on the following occasions:
 - 07 December 2020 – Initial DM Officer Report
 - 02 August 2021 – First Addendum Report
 - 06 September 2021 – Second Addendum Report
 - 04 October 2021 – Composite Report
- The composite report brought together the chronology of assessments as outlined in the other reports referred to above.

3. A recommendation to approve planning permission was presented to the Committee on 04 October 2021 for the reasons outlined in a composite report.
4. At the request of members, it was agreed that consideration of the application should be deferred to allow for a site meeting to be arranged to enable Members to view the site within its surrounding context.
5. A site visit was facilitated on Friday 15 October 2021. A minute of the meeting was taken which informs the detail of an addendum report along with the minute of the site visit are provided.
6. At the November 2021 meeting, members agreed that consideration of the application should be deferred for a second time to allow for additional information in relation to the use of the existing access in terms of traffic impacts, modelling and for further comment to be provided..

Further Consideration

7. In December 2021, the applicant's consultant team provided additional information in relation to roads/traffic generation and access arrangements as requested. Clarification is provided in relation to the following matters:

Direct Access from A24 Saintfield Road
8. The submission [dated 3 December 2021] acknowledges that the A24 Saintfield Road forms part of the Protected Route network within the settlement development limit.
9. As advised previously, policy AMP 2 of PPS 3 – Access, Movement and Parking states that 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) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
10. Policy AMP 3 provides direction in relation to Protected Routes within Settlement limits. It states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:
 - (a) where access cannot reasonably be taken from an adjacent minor road; or
 - (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of

access onto the Protected Route 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.

11. In this case and as previously advised, there are no minor roads bounding the site which would permit an alternative access route and as such, access via an existing access to the Saintfield Road is the only feasible access option to the site consistent with the requirements of policy AMP 3.
12. Advice received from DfI Roads dated 25 January 2022 also acknowledge that there is no minor road giving access to the site Furthermore, the advice provided notes that the proposal is for the use of an existing access and that it has not been demonstrated by the third party objectors that intensification of the use of the access would result from the proposed development. As such they do not consider the proposal to be contrary to Policy AMP 2.
13. This latest advice from DfI Roads also takes account of the operation of the right turn pocket serving the Brackenvale complex opposite together with the access service an existing premises on the same side along with the relatively high volume and speed of traffic using the Saintfield Road.

Development Proposals increase in traffic generation

14. In response to concerns raised by Members about traffic generation associated with the existing and proposed use of the site, the applicant's consultant team has advised that with transport analysis, there is an accepted methodology for carrying out traffic calculations and it is the land use that is compared against other land uses because businesses can come and go within the approved land use with different levels of traffic.
15. The submission advises that the methodology for deriving the proposed development daily vehicle trips is supported through the use of the TRICS database – an assessment tool which utilises surveyed vehicle generations of existing sites throughout the UK and Ireland to provide an anticipated vehicle generation for proposed sites yet to be constructed and represent recorded flows of existing sites.
16. This is assessed on the basis of the **proposed land use rather than a particular occupier** or operator since planning permission is granted for the land use and not an individual user.
17. The submission from the applicant notes that the representation in opposition to the application provides evidence based on the existing vehicle trips associated with the operation of the current site occupier and the associated daily vehicle movements of this specific business, rather than the existing site land use.
18. The submission explains that that the proposed development anticipates 207 two-way vehicle trips to the site per day which equates to an average of 17 two-way trips per hour.

19. That said, the submission also notes that it is widely accepted that the peak hours of operation at development sites equates to 10% of the total daily traffic flow and that taking this into consideration, that proposed development is anticipated to generate approximately 21 tow-way trips during the busiest hours of operation [one arrival and 1 departure every three minutes during peak operating times].
20. The applicant provides TRICS data in relation to a retail/warehouse land uses and proposed land uses. For convenience and ease of reference, the tables provided for in the applicants submission of 03 December 2021 are set out below.

Table 1 - Existing Site Layout 1st %ile TRICS Database Vehicle Trip Generations

Land Use	GFA	Trip Rate		Generated Trips		
		Arr	Dep	Arr	De p	Tota l
01/G Retail - Other Individual Non-Food Superstore	557	6.59	6.20	37	35	71
02/C Employment - Industrial Unit	814.5	0.27	0.35	2	3	6
Existing Site Layout 1st %ile TRICS Trip Generations				39	37	77

Table 2 - Proposed Site Layout 1st %ile TRICS Database Vehicle Trip Generations

Land Use	No. of Beds	Trip Rate		Generated Trips		
		Arr	Dep	Arr	Dep	Total
05/F Health - Care Home	86	0.39	0.35	33	30	63

Table 3 - Existing and Proposed Site Layouts 1st %ile TRICS Comparison

Land Use	Generated Trips		
	Arr	Dep	Total
Existing – Retail/ Industrial	39	37	77
Proposed – Care Home	33	30	63

21. The tables demonstrate that when comparable trip generation methodologies are used, the daily vehicle generations of the existing and proposed sites are broadly similar.

22. DfL Roads in correspondence dated 25 February 2022 provided clarification in relation to their consideration of the TRICS information provided by the applicant team in January 2022.
23. The advice explains that the TRICS database is the leading industry wide recognised tool used to analyse trip generation for a wide range of development types.
24. In this particular application it was used to provide trip figures firstly for the proposed development; and also secondly for the existing development, to enable a comparison.
25. To make the figures more robust, in the case of the proposed development the category considered was of a higher standard than that required; and for the existing development a lower threshold (retail, not including the warehousing) was used to generate trip numbers.
26. When compared it was noted that the number of trips associated with the application proposal were less than the figures associated with the existing development and therefore intensification of the existing access was not considered an issue.
27. It is DfL Roads' understanding that there was a previous history for retail development on this site. Whilst the Council clarify to DfL Roads that this decision is not an extant permission the policy circumstances are not changed in the intervening period and the TRICS analysis is therefore a material consideration to be weighed in the decision making process.

Traffic Safety

28. In response to concerns raised in relation to traffic safety, the applicant makes reference to proposed amendments to the existing access junction arrangement to include:
 - Existing right turning vehicles into the development site currently have no provision to wait clear of A24 southbound traffic and are forced to cross the segregation hatching between the northbound and southbound right turn lanes.
 - By implementing the changes proposed at the site access to accommodate a right refuge for turning vehicles into the site, this access arrangement will provide a betterment over existing provision.
 - The provision of a refuge will mean that traffic waiting to turn right will be off the mainline flow and will minimise vehicular conflict and accident risk over the existing situation.
29. A late representation from Merit Retail Ltd dated 1 November 2021 representing the owners of Brackenvale complex expresses concern that the Right turning pocket (RTP) was not shown accurately on the drawings,

30. Advice from DfI Roads dated 25 January 2022 confirms that the this matter has been further considered by an internal design consultancy and traffic section and that taking cognisance of the speed and volume of traffic on the A24 Saintfield Road and its downward gradient approaching Brackenvale from the south, it is not deemed acceptable to compromise the safety of the access to Brackenvale by making a reduction [of 8 metres] to the RTP.
31. DfI Roads has advised that no alterations to the RTP are required and no issues in relation to the operation of the existing access are raised.
32. The Agent on behalf of the applicant team provided a set of revised plans on 24 February 2022 comprising the following:
 - Proposed Site Plan
 - Proposed Block Plan
 - Proposed Section
33. Related correspondence advises that the plans have been amended to address the direction from DfI Roads that there should be no alterations to the existing Right Turn Lane on Saintfield Road.
34. The drawings now reflect the existing situation on the ground along Saintfield Road, proposing no changes to the existing arrangement. Confirmation is provided that no further amendments have been made to the plans.
35. A further letter is provided from the applicant's roads consultant, Kevin McShane Ltd. This letter provides a review of and response to the latest DfI Roads consultation response and Matrix Planning Consultancy correspondence.
36. The letter acknowledges the planning policy context against which DfI Roads assessed the application and that the view that has been expressed is that the application is not contrary to planning policy for the reasons outlined in their response dated 25 January 2022.
37. The letter also acknowledges that the response from DfI Roads takes into account a recent representation from a neighbouring landowner [Merit Retail Ltd dated 01 November 2021].
38. The letter recognises that DfI Roads are the overseeing authority responsible for determining the traffic and transport implications of prospective applications on the road network and that the advice provided by the Department should be considered as an independent assessment of the application.

Accident History

39. The applicant's submission makes reference concern expressed by Members in relation to a historic level of road traffic collisions along A24 Saintfield Road. The following comments are made:
- None of the fatal collisions were at the proposed site access;
 - While the 3 serious collisions along the Brackenvale frontage between 1 June 2011 and 31 May 2021 are unfortunate, this must be viewed in the context of the 11,000, 000 traffic movements which occur on this stretch of road every year [source DfI Traffic and Travel Information report 2014].
 - Police enforcement efforts continue to be focused on reducing speed in the area and improving driver behaviour;
 - Traffic flows at the proposed land use will be consistent with the established land use.
 - Accordingly, the development proposals are highly unlikely to contribute to a deterioration of road traffic collision statistics;
 - The development proposals include amendments to the existing site access design which will reduce the likelihood of road traffic collisions.
40. Advice from DfI Roads dated 25 January 2022 confirms that road traffic collision data was discussed further with the PSNI Traffic Management Branch and that the Traffic Branch has confirmed that records held by DfI Roads and the branch are the same.
41. DfI Roads in correspondence dated 25 February 2022 provided further comment in relation to a further representation from a third party in relation to traffic accident information.
42. DfI Roads confirm that they have no reason to doubt the veracity of the information provided by an Agent acting on behalf of third parties about Road Traffic Collisions occurring on the Saintfield Road on 29th September 2021 and the 31st January 2022.
43. The third party objectors provide no contrary evidence of a history of traffic accidents associated with the operation of the existing access.
44. However, they advise that DFI Road collision history information only goes up to the end of March 2021, with annual details being provided to DFI by PSNI Traffic Branch every September.
45. That said and having spoken to PSNI Traffic Branch about these particular incidents, they would not comment, as they have a requirement to verify Road Traffic Collisions and complete legal action where necessary, before releasing details into the public domain. For this reason, the location and causation of these two incidents are unable to be determined.

Proposed access impact on existing junctions

46. In response to concern expressed about the impact of the proposed development access improvements on adjacent junctions along A24 Saintfield Road, the submission from the applicant team makes reference to proposed alterations to road markings to accommodate a right turn refuge into the site.
47. These proposed amendments were based on traffic flow surveys carried out by the applicant team the results of which when analysed demonstrated that the reduction in queuing capacity into the Brackenvale site to accommodate a right turn provision into the site could be delivered without detrimentally impacting the existing right turn lane provision.
48. DfI Roads were initially content with this proposal based on a review of the evidence provided. That said and in light of concerns expressed by Members, the matter was further considered by an internal design and consultancy and traffic sections and taking cognisance of the speed and volume of traffic on the A24 Saintfield Road and its downward gradient approaching Brackenvale from the south advice received indicated that it is not deemed acceptable to compromise the safety of the access to Brackenvale by reducing the Right Turn Provision.
49. With regard to concerns expressed in third party representations, about the impact of the proposed development on the delivery of access arrangements to an approved Hotel to the north, the submission from the applicant advises that it is there understanding that the site access to the future hotel site was constructed in 2015. This access is onto the Knockbracken Road and that this includes the provision of a right turn lane ghost island into Knockbracken Road south to the immediate north of the Brackenvale junction.
50. The proposed development does not propose any changes that would impact on the future hotel access junction.

Capacity Model of Proposed Access

51. The applicant's submission provides further information based on a junction capacity model of the proposed site access layout. For convenience and ease of reference, the results of the assessment is set out in the tables below.

Table 4 - Proposed Site Access Future Operation 2022

Junction Arm	2022 B+D			
	AM Peak Hour		PM Peak Hour	
	Max RFC	Max Queue	Max RFC	Max Queue
B-C - Left Turn Out of Site Access	0.01	0.0	0.01	0.0
B-A - Right Turn out of Site access	0.11	0.1	0.10	0.1
C-AB - Right Turn into Site	0.02	0.0	0.01	0.0

Access				
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Table 5 - Proposed Site Access Future Operation 2022

Junction Arm	2032 B+D			
	AM Peak Hour		PM Peak Hour	
	Max RFC	Max Queue	Max RFC	Max Queue
B-C - Left Turn Out of Site Access	0.01	0.0	0.01	0.0
B-A - Right Turn out of Site access	0.17	0.2	0.12	0.1
C-AB - Right Turn into Site Access	0.02	0.0	0.01	0.0

36. The applicant advises that the assessment demonstrates that the proposed site access junction is anticipated to operate well within capacity to the future design year 2032.
37. Whilst the submission expresses the view that the queuing at the proposed right turn lane is anticipated to be accommodated within the junction layout with no knock-on impact/ blocking back onto A24 Saintfield Road.
38. As explained above, recent advice from DfI Roads indicates that alterations to the Right Turn Provision are not required and not additional adjustments are recommended.
39. This direction is acknowledged by the Agent in correspondence received on 24 February 2022 along with amended drawings.

Further Representations

40. A further representation from an Agent acting on behalf of third party objectors was received on 01 February 2022. The correspondence to the position of DfI Roads being undermined as a result of the latest advice.
41. The advice now received from DfI Roads is based on a review of additional information provided late in the application process and following discussion with both their internal design consultancy and traffic sections, revised advice was provided. Whilst it is changed in part the general thrust of the advice is not and the recommendation of DfI Roads is still to approve.
42. The advice from DfI Roads throughout the application process and indeed in relation to an earlier application has been that intensification of the existing access has not been demonstrated to their satisfaction and that in their opinion,

- the access arrangements as proposed provide for a safe access that will not prejudice road safety or significantly inconvenience the flow of traffic.
43. In the absence of any more robust evidence to the contrary being provided, officers have no reason to disagree with both the conclusions reached by the applicant team and advice provided by DfI Roads in relation to intensification.
 44. The representation is critical of traffic survey information provided by the applicant team having been taken during a period of 'lockdown'.
 45. The applicant's consultant team provide clarification in this regard. The letter dated 24 February 2022 explains that the survey information referred to was used to support the provision of an amendment to the right turn lane access into the Brackenvale development to then accommodate a right turn provision into the proposed site.
 46. Now that the amendments to the Brackenvale right turn lane are no longer requested, the survey information is not required to be used as an evidence base.
 47. The applicant's consultant team does however point out that the previous submission on behalf of third party representatives [20 January 2021] relied upon camera survey data for vehicle trips associated with the current occupier to argue an intensification point. This survey information was recorded in November 2022 during the 'lockdown' period.
 48. The view is expressed that a Transport Assessment is required to support the application.
 49. Paragraph 2.1 of the Department's Transport Assessment Guidelines for Development Proposals in Northern Ireland explains that purpose of a Transport Assessment is to provide enough information for the Department to understand how the proposed development is likely to function in transport terms.
 50. It also explains that assessing the transport impacts in a systematic manner contributes towards understanding how more sustainable travel patterns might be achieved through changing travel behaviour. Transport Assessment also subsumes the former process of Traffic Impact Assessment.
 51. Paragraph 2.2 explains that the preparation and detail of a Transport Assessment will vary depending on the location, scale and nature of the proposed development and that an Assessment should, where appropriate, propose a package of measures designed to promote access to the site by walking, cycling and public transport, while reducing the role of car access as much as possible.
 52. Advice received from DfI Roads on 25 January 2022 advised that a full transport assessment and safety audit would be superfluous in assessing this

- application in terms of planning policy as it would only address the non-intensified site access and the road layout as exist.
53. In the absence of any further robust evidence being provided, officers have no reasons to question the advice provided by Dfl Roads in this regard.
 54. In relation to additional traffic collision information, the matter has been considered by Dfl Roads and no further comment is provided.
 55. The representation makes reference to history appeal [2005/A885] whereby the view is expressed that the approach taken by officers was contrary to the PAC consideration and that the Committee had not been advised of this fact.
 56. The committee are advised of the appeal decision but it does not change the fact that this proposal was assessed on its merits taking into account the current situation, evidence provided by the applicant team and scrutiny and advice provided by Dfl Roads officials, the internal consultant and traffic sections.
 57. The representation fails to explain that the application to which these decision related was for the erection of a new build food store which by its very nature would attract higher numbers of visitors, result in intensification of the existing access and necessitate the need for a right turning lane. It also fails to highlight that the current approved business involve some direct sales to the public.
 58. The advice received from Dfl Roads in this case is that a Transport Assessment is not required and that the proposal will not result in the intensification of the existing access. In the absence of further evidence being provided to the contrary, officers have no reason to disagree with the position held in this regard.
 59. The additional representation received does not raise any new information and the application has provided amendments in response to direction from Dfl Roads that alterations to right turning lane into Brackenvale are not required.

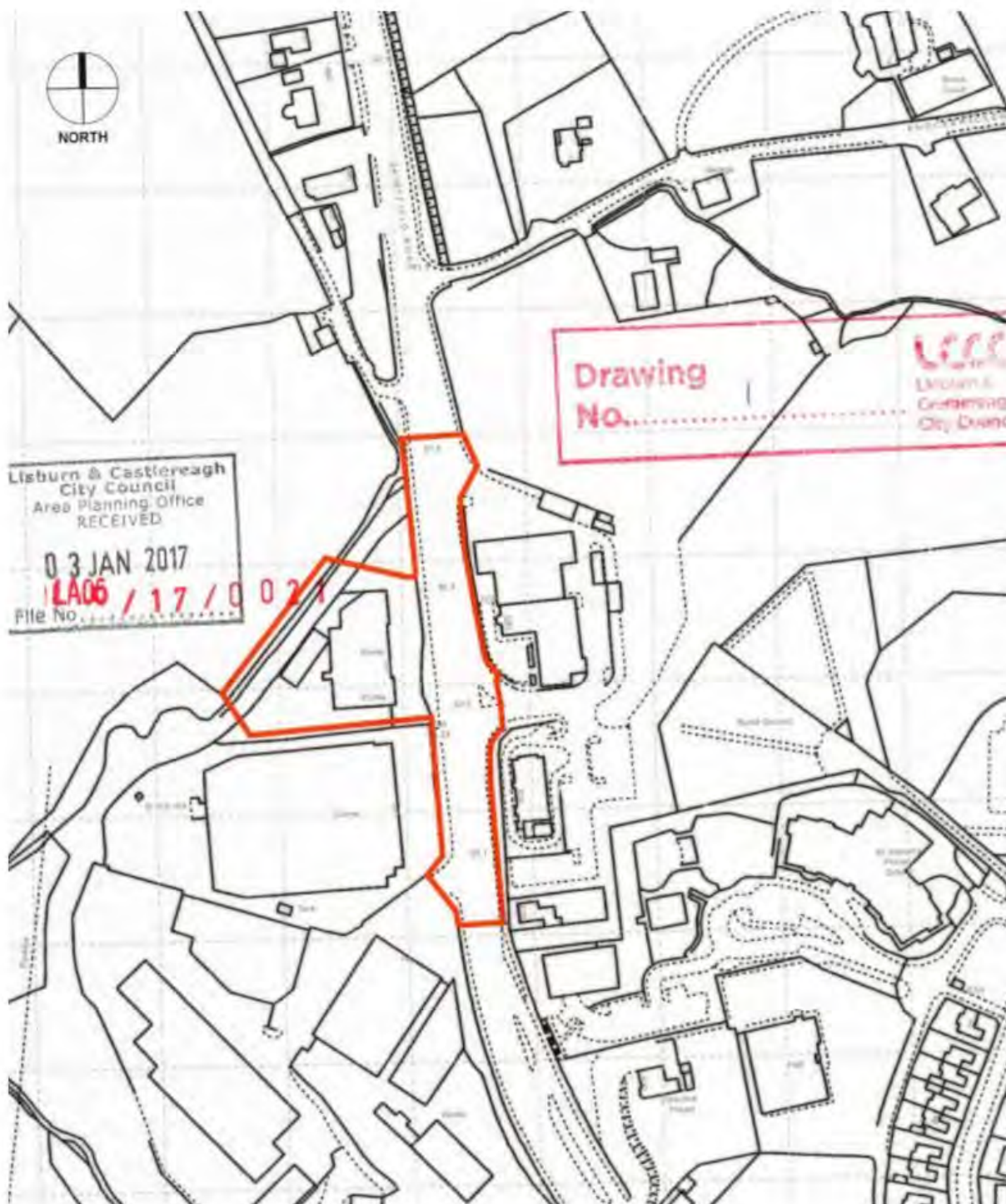
Conclusions

60. No new substantive evidence is provided that would change the recommendation set out in the composite report and the advice previously offered that planning permission be approved for the reasons indicated in the main officers report is not changed.
61. The detail of this second addendum report should be read in conjunction with the composite officers report previously presented to the Committee on 04 October 2021 and the addendum report presented on 1 November 2021.

Recommendations

62. It is recommended that planning permission is approved.

Site Location Plan – LA05/2017/0021/F



LISBURN & CASTLEREAGH CITY COUNCIL**Minute of a site visit by the Planning Committee held at 2.30pm on Friday 15th October 2021****PRESENT:**

Councillor A Swan (Chairman)

Aldermen J Dillon, and O Gawith

Councillors DJ Craig, U Mackin and John Palmer

IN ATTENDANCE:

Principal Planning Officer (RH)

Planning Officer (MB)

Member Services Officer (BF)

ALSO ATTENDED:

Mr S Cash (Roads Service)

Apologies for non-attendance at the meeting were recorded on behalf of Aldermen A Grehan and J Tinsley.

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

- LA05/2017/0021/F – Demolition of existing buildings and erection of care home (Class 3(b) of the schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, Belfast, BT8 8ES.

The application had been presented for determination at the meeting of the Planning Committee on 04 October 2021. The Committee had agreed to defer the application to allow for a site visit to take place to enable Members to view the site context and access arrangements to and from the Saintfield Road.

Members and Officers met at the site and, in accordance with the Protocol for the Operation of the Planning Committee, the Principal Planning Officer with the aid of site location and site layout plans, provided Members with overview of the application.

Members were reminded that the site was within the settlement limit for the Carryduff Local Plan zoned and zoned as an area of existing employment. The existing retail use was observed.

The Committee observed the site from the rear and noted its proximity to the Carryduff River and to an adjacent car workshop.

Members observed the current access arrangements to the site from the Saintfield Road. Reference was made to proposed enhancements to the existing right turning lanes and road markings.

Traffic turning right onto the Saintfield Road from the Knockbracken Road junction opposite was observed.

Members requested that details of proposed road enhancements associated with the proposed development, acoustic measures on the boundary with the car workshop and amenity provision be made available when the application was presented back to the Committee for determination.

There being no further business, the site visit was terminated at 3.10pm.

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	01 November 2021
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Thirteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

- Members will note that this application has been withdrawn from the schedule of applications as presented to the Committee on the following occasions:
 - 07 December 2020 – Initial DM Officer Report
 - 02 August 2021 – First Addendum Report
 - 06 September 2021 – Second Addendum Report
 - 04 October 2021 – Composite Report
- This composite report brings together the chronology of assessments as outlined in the other reports referred to above.
- A recommendation to approve planning permission was presented to the Committee on 04 October 2021 for the reasons outlined in a composite report.

4. At the request of members, it was agreed that consideration of the application should be deferred to allow for a site meeting to be arranged to enable Members to view the site within its surrounding context.
5. A site visit was facilitated on Friday 15 October 2021. A minute of the meeting was taken which informs the detail of this report. This is provided at **Appendix 1.2(b)**.

Further Consideration

6. Members were reminded at the site visit of the background to the application. The extent of the application site and its boundaries were outlined using a site location and site layout plan and had the opportunity to view the proposed development in the context of the existing buildings.

Road Enhancements/Modelling

7. Members having observed the current access arrangements to the site from the Saintfield Road sought clarification on the proposed enhancements to the existing right turning lanes and road markings.
8. Clarification on roads related concerns is provided in a supporting statement from Karen McShane Ltd on behalf of the applicant team dated 15 April 2021.
9. The document advises that implementing the changes proposed at the site access to accommodate a right refuge for turning vehicles into the site, will provide a betterment over existing access arrangements that will mean that traffic waiting to turn right will be off the main flow and will minimise vehicular conflict and accident risk over the existing situation.
10. Evidence in support of this conclusion advises that a review of existing right turning vehicles into both Brackenvale and the adjacent accident repair centre has been carried out to assist with our understanding of the potential impact on the introduction of the proposed site access arrangements on existing conditions.
11. A right had turning pocket is not required for this or the neighbouring development as the scale of development in either site does not generate more than 500 vehicle movements.
12. That said advice is offered indicating that the existing right turn lane provision into Brackenvale is approximately 78 metres in length and can accommodate approximately 12 Passenger Carrying Unit (PCU) queuing before exceeding its capacity (PCU – Passenger Carrying Unit length 5.75m or approximately a car length). The existing right turn provision into the adjacent Accident Repair

Centre is 18 metres in length (excluding direct taper distance) and can accommodate approximately 3 PCU queuing before exceeding capacity. There is some capacity to alter the white lines on the road to allow for betterment in the access arrangements to this site.

13. The proposed site access arrangement aims to reduce the existing right turn lane capacity into Brackenvale by approximately one vehicle length to accommodate a right turn refuge into the development site. This leaves capacity for approximately 11 PCUs in the right turn lane to Brackenvale.
14. The right turn provision into the adjacent Accident Repair Centre will remain unaltered.
15. This evidence demonstrated that the proposed care home site access arrangement could be delivered without detrimentally impacting the existing right turn provision.
16. Advice received from DfI Roads remains as previously advised in that the proposed access arrangements are in accordance with prevailing guidance and that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

Acoustic Barriers

17. Paragraph 222 of the composite officer report advises that triple glazing, acoustic ventilation and an acoustic barrier have been incorporated into the proposal to mitigate any potential impact from adjacent land uses.
18. The building is set back into the site from the Saintfield Road in order to minimise the impact on the residents from any traffic noise from the Saintfield Road. The proposed buffer planting along the site frontage will help to screen the development from the Saintfield Road.
19. The proposed acoustic barrier is shown to extend along the boundary of the site with the adjacent car repair business. A barrier is also shown to enclose the access into the underground parking area.
20. Whilst no specific details are provided of the materials to be used in the construction of the barrier, advice from the Councils Environmental Health Unit recommends that a 1.8 metre high acoustic barrier is erected along the sites boundary as presented on the site plan drawing prior to the commencement of any works and that this barrier should be constructed of suitable material (with no gaps), should have a minimum self-weight of 6 kg/m² and so retained thereafter.
21. The Council's Environmental Health Unit raise no objections to the proposal on the grounds of noise or nuisance associated with the operation of the vehicle repairs workshop.

Amenity Provision

22. Paragraph 121 of the composite officer report explains that amenity space for the development is proposed to the south and east of the building in the form of communal grassed courtyards. The provision is considered sufficient to meet the requirements of the future residents and will serve as a visual amenity more so than functional amenity space.
23. The DCAN does not specify a quantum of amenity space for this type of development. It does however advise that it is important to ensure that the design and layout of buildings on site are satisfactory in themselves and in relation to adjoining properties and regard is to be had to the provision of garden amenity space for use by residents.
24. The new landscaping proposed throughout the site in the form of new planting, green areas and a landscaped communal area to the front of the building is considered to be acceptable.

Residential and Nursing Home Use

25. Within the Use Classes Order 2015, Class C3: Residential institutions Use allows for
 - (a) for the provision of residential accommodation and care to people in need of care (other than a use within Class C1 (Dwellinghouses));
 - (b) as a hospital or nursing home; or
 - (c) as a residential school, college or training centre.
26. The Use Classes Order allows for a change of use to take place within the same class without the need for planning permission. That said, the certificate of lawful development process provides the mechanism for providing such formal confirmation.

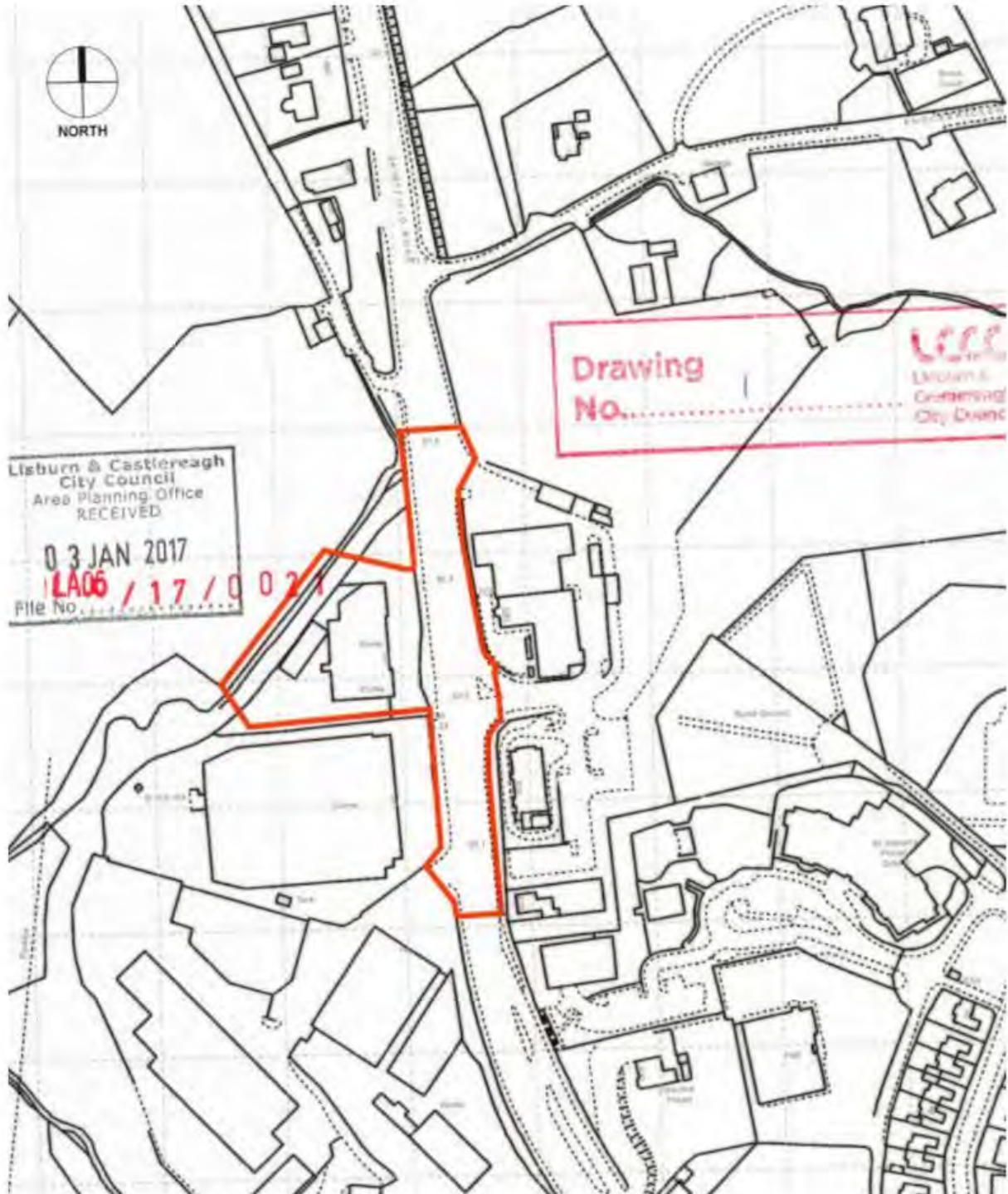
Conclusions

27. No new substantive evidence is available that would change the recommendation set out in the composite report and the advice previously offered that planning permission be refused for the reasons main indicated is not changed.
28. The detail of this addendum report should be read in conjunction with the composite officers report previously presented to the Committee on 04 October 2021.

Recommendations

29. It is recommended that planning permission is approved.

Site Location Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 October 2021
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Thirteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a local planning application. It is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation of approve as it is considered that greater material weight should be attached to the fact that this portion of the individual employment zoning has changed to retail use and that it is unlikely for the reasons set out in the report to revert back to employment uses as currently defined in Part B – Industrial and Business Use of the Planning (Use Classes Order) Northern Ireland 2015.

3. Members will note that this application has been withdrawn from the schedule of applications as presented to the Committee on the following occasions:

07 December 2020 – Initial DM Officer Report

02 August 2021 – First Addendum Report

06 September 2021 – Second Addendum Report

4. This composite report brings together the chronology of assessments as outlined in the reports referred to above.
5. Addressing the substance of the submission whilst the proposal will result in the loss of a small portion of land zoned for economic development use the planning history carries weight in the assessment in that it demonstrates that the land use classification of this part of the site has through previous permissions allowed for A1 retailing uses.
6. The special circumstances of this case as demonstrated in the report are considered to outweigh the preferred policy option of retaining the land for economic development use.
7. Significant weight is also attached to other material considerations in respect of the current site and buildings not being fit for modern employment use; the associated economic benefits in terms of job creation; a commitment to employ skilled people; generate income locally and create additional expenditure in the supply chain.
8. The proposed development is considered to comply with the SPPS and Policy PED 8 of PPS 4 in that its location at the edge of the northern most edge of the employment zoning and the edge of the settlement limit along with the proposed mitigation demonstrate that the development is not likely to impact on the continued operation of adjacent businesses including those more distant from the site.
9. The proposed development complies with the SPPS and Policy NH2 of PPS 2 in that the detail submitted demonstrates that the proposed development is not likely to harm a European Protected Species.
10. The proposal complies with the SPPS and policies AMP 2 and AMP 3 of PPS 3 in that the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic for the reasons detailed in the report.
11. The proposal complies with the SPPS and PPS 15 in that detail submitted with the application demonstrates that surface run off associated with the development when compared with existing run-off is considered to be negligible and mitigation measures outlined in the drainage assessment which include the provision of porous pavements, further drains and source control measures to allow rain water and run off to infiltrate into permeable material below ground and provide storage are acceptable.

Description of Site and Surroundings

12. The site is comprised of single storey buildings constructed of rendered block and corrugated metal cladding with hard standings to the east, west and south.
13. Ground levels within the site fall gradually from south to north and more markedly from east to west.
14. The eastern boundary is adjacent to the Saintfield Road and defined by a low wall.
15. The access is at the south eastern corner and car parking to the front of the buildings behind the wall.
16. The southern boundary is defined by a 2.5 metre brick wall and fence.
17. The western site boundary is defined by a small watercourse, its eastern bank, within the existing site is undefined but for scrub vegetation and deciduous trees over its northern half.
18. The northern site boundary is defined by a 2 metre chain link fence.
19. Industrial buildings are located adjacent and extend approximately 200 metres south of the site. The western extent of these buildings, and that of the application site demarks the settlement limit, with rural lands beyond. East of the site is Brackenvale Service Station and a fast food restaurant.

Proposed Development

20. The application is for the demolition of existing buildings and erection of care home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.
21. The following documents were submitted in support of the application:
 - Planning Statement dated December 2016
 - Planning Statement – Amended Proposal – dated September 2018
 - Additional Supporting Statement – dated September 2019
 - Clarification Statement on Local Development Plan – October 2020
 - Design and Access Statement
 - Transport Assessment Form
 - Phase 1 – Site Investigation Report
 - Preliminary Ecological Appraisal and Assessment
 - Noise and Odour Impact Assessment

22. Inconsistencies in drawings whereby the footprint of the proposed nursing home had not been updated to match the drawing which provided details of visibility splays has been addressed with the submission of an amended plan.

Relevant Planning History

23. The relevant planning history associated with the application site is set out in the table below:

Application Reference	Proposal	Decision
Y/1990/0273/F	Extension to existing workshop and provision of additional storage facilities.	Approved 30/01/1991
Y/1992/0057/F	Extension to existing joinery and shop fitting premises	Approved 21/03/1992
Y/2002/0210/F	Change of use from existing workshop, stores, display showroom, and offices to provide furniture display/showroom, ancillary offices and storage	Approved 13/11/2002
Y/2003/0520/F	Variation of Conditions 2 and 3, removal of Condition 4 of approval Y/2002/0210/F.	Appeal Allowed 16/03/2004
Y/2004/0428/F	Alterations to Conditions 1 and 3 of Y/2003/0520/F.	Approved 05/07/2005
Y/2005/0429/O	Construction of food store and related works.	Appeal Dismissed 26/02/2007
LA05/2015/0726/F	Demolition of existing retail buildings and erection of building providing care to the elderly within Class 3(b) of the schedule to the planning (Use classes) Order (NI) 2015 comprising bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation, modification of an existing access to a public road and provision of area for car parking and servicing.	Refused 04/04/2020

Planning Policy Context

24. The relevant planning policy context which relates to the application is as follows:

- Regional Development Strategy (RDS) 2035
- Carryduff Local Plan
- Draft Belfast Metropolitan Area Plan (dBMAP) 2015

- Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development
- Planning Policy Statement (PPS) 2 – Natural Heritage
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- Planning Policy Statement 4 (PPS 4) – Planning and Economic Development
- Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
- Planning Guidance –
 - Development Control advice Note 9 – Residential and Nursing Homes
 - Development Control advice Note 15 - Vehicular Access Standards

Consultations

25. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
NI Water	No objection
Environmental Health	No Objection
DAERA – Water Management Unit	No objection
DAERA – Natural Heritage Unit	No Objection
DfI Rivers Agency	No objection

Representations

26. Twelve letters of representation have been received in opposition to this proposal. The following issues are raised:

- Not Compatible with existing land use
- Repeat Application
- Traffic
- Noise Nuisance and Disturbance
- Design and Integration
- Natural Heritage
- Inconsistency/Incompatible drawings
- Neighbour Notification/Advertising
- Intensification and Road Safety

27. One letter of support was received from Killynure Community Association in recognition of the need for a nursing home in Carryduff and the economic benefits associated with the development in terms of job creation for the local community.

Consideration and Assessment

28. The main issues to consider in the determination of this planning application are:
- Environmental Impact Assessment
 - Regional Development Strategy
 - Local Development Plan
 - Principle of Development
 - Planning History
 - Economic Development
 - Other Material Considerations
 - Planning Guidance
 - Natural Heritage Considerations
 - Access, Movement and Parking
 - Flood Risk and Drainage
 - Contaminated Land

Environmental Impact Assessment

29. The application was considered to fall within Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2015 in that it was considered that the application provided for an urban development project whereby the site area exceeded 0.5 hectares.
30. A determination carried out in April 2017 indicated that the likely environmental effects of the project were likely to relate to visual impact and impact on flora and fauna.
31. The view expressed in the determination was that the environmental effects were not likely to be significant and that an environmental statement was not required.

Regional Development Strategy

32. The Revised Regional Development Strategy (RDS) 2035 was published in 2010. It is the spatial strategy of the Stormont Executive and it seeks to deliver the spatial aspects of the Programme for Government (PfG).
33. 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.

34. 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.

Local Development Plan Context

35. 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.
36. The adopted BMAP 2015 was quashed by a judgement of the Courts on the 18th May 2017, as a consequence the Lisburn Area Plan 2001 is now the statutory up to date LDP. Draft BMAP remains a material consideration.
37. Within the Carryduff Local Plan the site is inside the settlement limit of Carryduff.
38. Within the draft BMAP 2015 the site is within the settlement limit of Carryduff on land zoned as existing employment land.
39. In November 2019 the Chief Planner for Northern Ireland issued a publication which advised that for those planning authorities subject to draft BMAP, that the draft plan along with representations received to the draft plan and the PAC inquiry report remains as material considerations to be weighed by the decision-maker.
40. In October 2020, the Agent submitted a statement in response to the direction provided by the Chief Planner.
41. It acknowledged at paragraph 3.7 that the site contained buildings that were currently in use for retail, that was located on unzoned land in the Carryduff Local Plan and that there are no local policies contained with the Carryduff Plan that would prohibit the redevelopment of the site as a nursing home subject to meeting all other planning and environmental considerations.
42. It was also acknowledged however that draft BMAP remains a material consideration in the assessment of the application. In this context, the statement recognised that the site lies within an area identified in draft BMAP as a major area of existing employment/industrial land and that draft BMAP does not identify any specific policy as to how to address the redevelopment of a site of non- employment use on zoned land to an alternate use.
43. It is stated in the 2015 revision to the draft BMAP that the developed portions of zonings from previous Area Plans and other lands currently in employment use are zoned in order to retain them for employment purposes.

44. This is not policy however and the weight to be attached to this statement in a draft Plan is limited and must be reconciled against prevailing and retained regional policy as directed in the relevant policy sections of the Plan.
45. Taking into account the Local Development Plan context, material weight is afforded to the draft plan and the PAC inquiry report and the principle of the development of this land is weighed primarily against those policies associated within the zoning in draft BMAP.
46. Whilst residential care facility falls under Class C3 (Residential Institutions) of Part C of the Planning (Use Classes) Order (Northern Ireland) 2015 it still falls within the general meaning of a residential. This is a use not normally found on zoned industrial land and the compatibility of the proposed development at this location is examined in detail in the following sections.

Principle of Development

47. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation.
48. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
49. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
50. Having considered the content of the SPPS against the retained policies set out in PPS 4 Economic Development; PPS3 Access, Movement and Parking; and PPS 2 Natural Heritage no distinguishable differences are found that should be reconciled in favour of the SPPS.
51. The application therefore falls to be assessed against prevailing policy tests taking into account the planning history and planning guidance associated Development Control Advice Note 9 in so far as it relates to Nursing Homes.
52. Acknowledging that a general policy presumption against the loss of this employment land in the SPPS and the retained policies in PPS4 the appropriateness of the development of a small proportion of the lands zoned for employment use for a residential development is considered in the next sections.

Planning History

53. The planning history is an important material consideration to be weighed in this assessment.
54. Planning permission was granted on this site in 2002 for a change of use from existing workshop, stores, display showroom, and offices plus alterations to provide furniture display/showroom plus ancillary offices and storage and alterations to the existing car park layout (Y/2002/0210/F).
55. Permission was subsequently granted on appeal to vary/remove conditions associated with this permission to effectively allow for the sale of goods from the site (Y/2003/0520/F - PAC Ref 2003/A281).
56. A subsequent appeal 2005/A885 sought permission for an open class retail food store on the site. Whilst this application was unsuccessful on appeal the report of the PAC noted that '...the Department has already approved retail development on the appeal site and although now zoned as employment/industrial land, the retail use has already been conceded on this particular plot which represents only a small portion of the overall land included within zoning CF11. On this basis, I do not consider that rejection of the appeal proposal on the basis of conflict with the proposed zoning would be justified.'
57. It is therefore concluded that the use of the land as employment/industry has been conceded to a use other than 'businesses' as defined in PPS4. Furthermore, the site remains in retail use today as a showroom for sale of kitchens to the general public.
58. The land use zoning does not logically follow the history of the site. However, for the purpose of consistency the proposal is considered within the same broad parameters as outlined in the PAC decision.

Economic Development

59. Paragraph 4.18 of the SPPS recognises that a modern, efficient and effective planning system is essential to supporting wider government policy, in its efforts to promote long term economic growth.
60. Strategic policy directs that planning authorities should take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities.
61. PPS 4 Planning and Economic Development sets out the planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans.

Retention of Zoned Land and Economic Development Uses

62. Policy PED 7 Retention of Zoned Land and Economic Development Uses states that development that would result in the loss of land or buildings zoned for economic development uses in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless zoned land has been substantially developed for alternative uses.
63. The application insofar as it comprises a residential Nursing Home, is contrary to both the SPPS and policy PED7 of PPS4 in that it will result in the loss of a small portion of land zoned for economic development uses.
64. That said, and as the planning history demonstrates that the land use classification of this part of the site has through previous permissions allowed for A1 retailing uses and that retail is the current use.
65. With regard to the planning advice note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses paragraph 16 requires that in the case of applications involving a departure from a development plan zoning (such as this application), planning officers should be 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.
66. At paragraph 21, the Planning Advice Note lists a number of other planning considerations which may be pertinent when making balanced judgements on the merits of a particular case of the potential loss of economic development including the views expressed by all other interested parties, accessibility to the regional transportation network, potential to regenerate existing urban areas, accessibility to every member of the community, consideration of why the site is no longer required or suitable, evidence of the availability of alternative sites for economic development use, compatibility with neighbouring land uses, views of statutory consultees and availability of adequate services and infrastructure. Further consideration of these issues are set out next sections.

Development incompatible with Economic Development Uses

67. PED 8 – 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 future operation will be refused.
68. Paragraph 5.33 of the justification and amplification to PED 8 states that such cases can arise where the particular processes being carried out have a tendency to cause adverse effects of some kind on adjacent land, even when all reasonable remedial measures have been taken by the operator.

69. The application site is located at the northern most edge of the employment zoning (CF09) just on the edge of the settlement limit of Carryduff as designated in draft BMAP.
70. It is acknowledged that a vehicle repair business operates on adjacent site to the immediate south. Whilst the characteristics of such a business are such that noise, particularly from the body repair workshop and emissions from the process of vehicle spray painting and testing may give rise to adverse effects upon the operation of a nursing home at this location.
71. That said, mitigations measures proposed as part of the application include:
 - The repositioning of the proposed building away from the southern boundary of the site;
 - the closest residential room is sited 17 metres away from this boundary;
 - Addition of a 2.25 metre wide buffer of structured tree and shrub planting on the southern and eastern boundaries;
 - A 1.8 metre high acoustic fence along the entire southern boundary;
 - A 1.8 metre high acoustic fence around the basement access ramp;
 - A 1.8 metre high rendered wall along the eastern boundary with the Saintfield Road; and
 - A comprehensive landscape plan for the entire site along with a maintenance and management plan.
72. An amended noise assessment outlines the acoustic benefits of the amendments outlined above and the landscape plan serves to define the site and provide a distinction between it and the most immediate adjoining land use.
73. In light of the above, it is considered that the operation of a nursing home at this location is not likely to prejudice the use of the adjacent lands including those more distant from the application site for economic purposes.

Other Material Considerations

74. As indicated above, Section 6(4) of the Planning Act (NI) 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 of applications must be in accordance with the plan unless material considerations indicate otherwise.
75. In this case, the agent has requested that a number of other material considerations be weighed in the assessment of this application including
 - the current retail use;
 - the current site/ building not fit for purpose;
 - economic benefits; and
 - the need for the facility

Current Retail Use

76. As demonstrated above, the planning history and comments by the PAC in relation to Y/2003/0520/F (2003/A281) and Y/2005/0429/F (2005/A885) have removed the protection afforded by the employment zoning and has allowed for the lands to operate as a retail use.
77. The agent has confirmed in their statement that it is unlikely to ever revert back to employment use and no evidence is submitted to prove otherwise.

Current site/ building not fit for purpose

78. An argument is advanced supported with evidence set out in a report by Colliers International to demonstrate why the site is no longer fit for employment related purposes. A summary of the main points are outlined below:
 - The current site and building is second or third generation warehousing and is reaching the end of its economic lifecycle and needs investment.
 - The ability to service the site is difficult given its current configuration. There is no access to the rear of the existing building and no turning circle. It is impossible for 40 foot lorries to service the site.
 - The site is not large enough to create a footprint to make a new development economically viable.
 - The current building is not in an area where there are any inquiries for employment lands. Enquires are mainly for the existing industrial lands on the Comber Road in Carryduff.
 - New businesses are attracted towards sites in more established industrial areas to cluster and satisfy their key occupational requirements something which the subject site clearly cannot do.
79. Taking into account the existing use, the argument advanced in this regard is not unreasonable and robust evidence is provided to support a case that the existing building/land is unlikely to be developed in the future for an acceptable employment use particularly given the fact that the current use of the site is retail.

Economic Benefits

80. With regard to Economic Benefits to the immediate area, supporting information provided by the Agent identified the following benefits:
 - Job Creation
 - Commitment to People
 - Local Incomes and Expenditure
 - Wider Community Benefits

81. In terms of Job Creation, supporting documentation advises that
- 40/45 direct construction jobs based on a build cost of approximately £5.5 million will be created by the development.
 - Operational staff when nursing home is up and running will include 2 teams of 32 members based on a 12 hour shift pattern which equals 64 full time jobs.
 - At night time two carers and one nurse is required per unit which equates to 12 staff. Over a 7 days period 2 shifts are required to service when fully operational this equates to 24 full time equivalent jobs.
 - Over a 7 day period a total 88 full time jobs will be created with each job averaging 42 hours.

Commitment to People

82. In relation to commitment to people, supporting information indicates that the Macklin Group recognises the importance of cherishing and developing staff and that they have an award winning recruitment, training and staff development program. Evidence also demonstrates that the Group has a high proportion of long serving team members with over 55% of members having between 5 and 30 years of service.
83. Tenure and quality of employment are identified as critical elements of staff retention and business sustainability which is important in securing and sustaining such an important service within a local community.

Local Incomes and Expenditure

84. Supporting information includes details of salaries and total staff costs equating to direct salary payments of over £2 million per annum.
85. The view is expressed that it is expected that the majority of staff will be drawn from the local area and as such, a significant proportion of the spending power associated with salaries will be retained locally, supporting local shops and services.
86. In addition, the development will have supply chain benefits in the region of £1 million with all of the group supplies being based in Northern Ireland.

Wider Community Benefits

87. The statement provided indicates that high quality care home services is recognised as having a positive impact on NHS Services and the proposed development will assist directly in freeing up valuable local NHS resources and services.
88. Based on the evidence submitted in relation to the economic benefits, it is accepted that the proposed development in securing the delivery of 64 direct jobs at the site alone with potential gross total of 110 full time equivalent jobs in the local and wider economy once direct jobs and indirect employment in the supply chain of the business is taken into account contributes significantly to the local job targets for the Council area and carries significant weight in the assessment of the application.
89. It is also considered that the value that such an established Group will bring to the Council Area will in itself bring added benefits in terms of development and nurturing of people within the Council area.
90. The potential incomes offered and anticipated expenditure will without doubt bring benefits in terms of money being spent in the local economy.
91. Whilst the net benefit to the wider community is not quantified in financial terms, the benefits socially of a high quality nursing home are widely accepted.

Need for Nursing Home

92. Additional information provide in support of the application demonstrates the nursing home provision in the immediate area currently,
93. In summary, Carryduff has two nursing homes, Carryduff Nursing Home and Hollygate which between them have 37 single rooms and 7 shared.
94. Saintfield Lodge Care Home provides 51 single rooms and is on the road to Belfast.
95. The ageing population in the council area continues to rise and as such, the need in the future to meet demand of the area is recognised.
96. The nursing home proposed would provide an additional 86 rooms which would go towards meeting future demand for care home places in the area and relief some of the pressures faced by NHS staff and services.

Planning Guidance

97. Turning to the detail of the application itself and whilst there is no specific planning policy for residential care facilities the guidance contained in Development Control advice Note 9 – Residential and Nursing Homes (DCAN 9) is relevant to this assessment.
98. As explained above, this application is for full permission for a nursing home,
99. The guidance contained in DCAN 9 indicates that it is to be expected that, other than in exceptional circumstances that residential and nursing homes will be located in cities, towns and villages where services are readily and conveniently available.
100. Within this context, and as demonstrated above, the application site is within the settlement limit of Carryduff where it is envisaged that a building of the scale and massing proposed is acceptable as the buildings adjacent and opposite to the site are off large bulky proportions.
101. It is further indicated in the guidance that the Council will have regard to the following matters.

Siting

102. The Design and Access Statement submitted in support of the application demonstrates within a contextual analysis, how the proposed development sits within its immediate and surrounding context.
103. A kitchen business currently operates from the site and although the site is zoned for existing employment use planning approvals and PAC rulings over the years have allowed for A1 retail uses to operate from the site.
104. The buildings associated with the retail business are single storey in height and constructed in render block with corrugated metal cladding about with both conventional pitched and flat roofs.
105. Surrounding land uses are identified as mixed use in character with a Petrol Filling Station and Drive through restaurant to the east of the site and a further hot food takeaway bar beyond the site to the north.
106. To the south of the site is Brackenvale Business Park which comprises a number of industrial ware house building and offices for an accident repair centre, an upholsterers an engineering firm and St. Johns Ambulance Headquarters.
107. The constraints of the site are the access onto a protected access and the neighbouring businesses and uses.

1108. The extent of the site is capable of absorbing the size of the development stated which includes underground car parking and a landscaped area to the front and rear.
1109. The plans submitted allow for a full and proper assessment of the capacity of the land to accommodate and absorb a building of three storey in height with a large footprint.
1110. The drawings shows a three storey building with an open landscaped courtyard to the front and a landscaped area to the rear of the site.
1111. Sections have been provided to establish the scale of the building within the site and this indicates that the proposal is relative in size as the Brackenvale complex which is directly opposite the site.
1112. On this basis it is considered that the land does have the capacity to absorb a building of the bulk, scale and massing envisaged. It would not look out of place with the adjacent building or the Brackenvale complex on the opposite side of the road.

Locality

1113. It is not considered that the development of a residential care facility which is sensitively designed would have a detrimental impact on the character of the area for the reasons already stated above.

Traffic

1114. DfI Roads has no objection to the proposal. The existing access to the kitchen shop has been built to an acceptable standard and has more than sufficient capacity to absorb the number of trips generated by this type and scale of development.
1115. Thirty seven car parking spaces are to be provided at basement level and will not be visible and two number disabled space have been proved adjacent to the entrance of the nursing home.
1116. Two disabled parking space are provided adjacent to the front entrance of the building at ground floor level along with twelve cycle spaces.

Amenity

1117. The Design and Access Statement submitted in support of the application demonstrates that due regard has been given to the effect of the proposed residential care facility on neighbouring land uses and the amenity of the wider area in general. It is not considered that the use as a nursing home would have a detrimental impact on the amenity of the adjacent buildings.

118. The main issue is in relation to the impact of adjacent land uses on the amenity of the proposed residential care facility with concern expressed in representations in relation to the impact of adjacent land uses in terms of noise nuisance and disturbance.
119. A noise impact assessment was submitted which demonstrated that there would be no detrimental impact to residents of the proposed development in terms of the loss of residential amenity by way of noise nuisance or disturbance.
120. Triple glazing, acoustic ventilation and an acoustic barrier have been incorporated into the proposal to mitigate any potential impact from adjacent land uses.
121. The amenity space for the development is proposed to the south and east of the building in the form of communal grassed courtyards. The provision is considered sufficient to meet the requirements of the future residents and will serve as a visual amenity more so than functional amenity space.
122. The arrangements of the building within the site also maximised views from the site to the open countryside which less mobile residents will be able to enjoy.

Design and Layout

123. The Design and Access Statement submitted in support of the application seeks to demonstrate how the proposed development responds to its surrounding context and how local development plan policies have been taken into consideration as part of the evolution of the detail of the design.
124. The building is to be three storeys in height with parking provided in the basement. The proposed building will have a main central section with a barrel shaped roof and wings either side of the central portion which will accommodate the bedrooms.
125. The materials to be used in the construction of the building will include white render walls, with grey timber cladding, grey window and a standing seam metal roof. These materials have an industrial style feel to them and will blend in with the other buildings in the area.

Landscaping

126. The Design and Access Statement explains that the site layout is arranged to create a significant buffer between the proposed building and the adjacent industrial unit through the siting of amenity space, the entrance ramp to the basement level car park and denser buffer planting towards the southern boundary of the site.

127. The new landscaping proposed throughout the site in the form of new planting, green areas and a landscaped communal area to the front of the building is considered to be acceptable.

Natural Heritage

128. PPS 2 – Natural Heritage, sets out the planning policies for the conservation, protection and enhancement of our natural heritage.
129. Policy NH 2 – Species Protected by Law covers both European Protected Species and nationally protected species. Policy states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species.
130. A Preliminary Ecological Appraisal and Assessment is submitted by Ayre Environmental Consulting in May 2017 in support of the application. The following protected species surveys were undertaken to establish the presence or likely absences of such within the confines of the site area:
- Bat Roost Potential
 - Otter Assessment
 - Badger Survey
131. In relation to bats, results confirmed that the existing built structures on site had been assess as having negligible roosting suitability due to the fact that heir constructed from corrugated metal sheets and metal frames means they are subject to large and rapid temperature fluctuations which are entirely unsuitable for roosting bars as they require environments with more stable temperature ranges.
132. The existing commercial building was likewise assess as having negligible roosting suitability due to the presence of flat roof on rear portion whilst southern portion is formed by asbestos roof tiles with no roof void making it unsuitable.
133. Trees were also assessed as having negligible bat roost potential.
134. With regard to otters, the water course was subject to extensive examination for the presence of field evidence such as slides, holts, lays and prey remains. No evidence was identified.
135. With regard to badger surveys, the assessment confirms that no setts were recorded in any aspect of the site boundary or up to 25 metres outwith.
136. Natural Heritage Division having considered the detail of this Assessment along with amended drawings received in July 2017 which indicated a landscape buffer adjacent to the watercourse confirmed that they had no objections to the proposal subject to conditions in relation to lighting.

137. Information received late in the planning process made reference to a Preliminary Ecological Appraisal and Assessment being out of date.
138. A letter from the Agent received on 5 February 2021 enclosed further information which confirms that the situation on the site remains unchanged from the PEA previously submitted in support of the application and that this is informed by a site walkover undertaken on 14 January 2021.
139. The information from Ayre Environmental explains that the purpose of the return visit was to establish if there had been any material changes in the baseline ecological information as recorded in 2017.
140. It advised that the most recent return visit and updated ecological inspection noted that the site has partially deteriorated as a direct result of lack of site maintenance. Areas of scrub and all rural habitat have colonised the south and western extents of the site.
141. The existing building structures (Dutch-style barn; offices and workshops/warehouses) remain in the same condition as previously documented in 2017.
142. No field evidence is recorded during the return site visit to suggest any changes have occurred to the baseline ecology other than extant vegetation maturing with natural vegetation succession. Photographs dated 14 January 2021 are provided in support of this statement.
143. The information from Ayre Environmental concludes that the recommendations provided within the 2017 PEA report remain pertinent to the proposed development with particular emphasis on the retention of the existing tress located adjacent to the watercourse on the northwest boundary.
144. Natural Environment Division (NED) has considered this information and in advice provided on the 25 February 2021. It confirms that NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions recommended to minimise the impact of the proposal on the nature conservation value of the river corridor.
145. The response also confirmed that no material changes have occurred and refers to our previous response in relation to advised conditions.
146. Based on the information provided by the Agent and advice from NED, it is considered that the proposed development will not have an adverse impact on natural heritage features and that the proposed development complies with Policy NH2 in that it is not likely to harm a European protected species.

Access, Movement and Parking

147. PPS 3 – Access, Movement and Parking sets out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking.
148. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.
149. The P1 form indicates that the access arrangements for this development involve the alteration of an existing access to a public road for both vehicular and pedestrian use.
150. Whilst the Saintfield Road is a protected route this access is to lands within the settlement limit of Carryduff. The following policies considerations apply.

Access to Public Roads

151. Policy AMP 2 – Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification of an existing access, onto a public road where;
 - (a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - (b) The proposal does not conflict with Policy AMP 3 – Access to protected routes.
152. Details submitted with the application indicate that it is intended to use an existing access to the public road.
153. DfI Roads were consulted in relation to this proposal and are satisfied that the proposed access arrangements are in accordance with prevailing guidance.
154. Based on the information submitted and advice from DfI Roads it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.
155. Furthermore and as demonstrated below the proposal does not conflict with Policy AMP 3 – Access to Protected Routes.

Access to Protected Route

156. AMP 3 – Access to Protected Route states that planning authorities will restrict the number of new access and control the level of use of existing access onto Protected Routes.

157. With regard to Protected Routes within settlement limits, the policy directs Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:
- (a) where access cannot reasonably be taken from an adjacent minor road; or
 - (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route 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.
158. Third party objections raise issues of intensification of the use of the access onto a Protected Route.
159. Paragraph 1.2 of DCAN 15 - Vehicular Access Standards advises that intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more.
160. The Design and Access Statement submitted in support of the application indicates that the A24 Saintfeild Road is a Protected Route connecting Carryduff with Belfast. It acknowledges that the carriageway is four lanes wide and a right turn pocket to the petrol filling station is provided. Reference is made to the road being classified as an A Class Road where a 50 miles per hour speed limit applies.
161. The P1 Form provides details of the average number of existing vehicles at the premises daily along with details of the expected increase (change). It advises that there are 448 Visitors/Customers and four goods vehicles daily. The expected increase (changes) is shown to be a significant reduction to 147 and 1 respectively.
162. In terms of the number of persons attending the premises daily, the P1 form indicates figures of 485 compared with a figure of 234 associated with the proposed development (reduction of 251) persons attending daily.
163. A Transport Assessment form submitted with the application advises that the care home will have a compliment of 4 full time staff and 12 part time staff per shift and that an analysis of the proposed development indicates that this will generate 66% less traffic than the existing retail premises currently operating on the site.
164. The view is expressed that traffic generation will fall below the threshold for intensification as outlined in Development Control Advice Note (DCAN) 15.
165. The Design and Access Statement submitted in support of the application demonstrates that the site benefits from access to bus services which operate in both directions and a regular basis during the working day. Whilst there are

currently no dedicated cycle paths located on the Saintfield Road, pedestrian footways are located on both sides of the Saintfield Road.

166. Alterations proposed include the provision of 4.5 x 124 metre sightlines and a 6 metre access. This will result in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points by virtue of there being an access in situ.
167. Based on the information submitted and in the absence of any evidence to the contrary, it is considered that the proposed development is acceptable and meets the criteria of policy AMP 3 in that access cannot reasonably be taken from an adjacent minor road (criteria (a)) and that the alterations proposed will significantly assist in the creation of a quality environment without compromising standards of road safety (criteria (b)).
168. Intensification is not a matter to be weighed as significant as both criteria (a) and (b) are met which is more than required to meet the policy test.

Flooding and Drainage

169. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.
170. A water course flows in a south western direction adjacent to the sites northern boundary.
171. As part of the planning application process, DfI Rivers Agency were consulted. In a response dated 3 February 2017 they stated that their comments of 7 March 2016 associated with the previous application (LA05/2015/0726/F) remained valid.
172. This response relied on an earlier Drainage Assessment for a similar proposal which indicated at paragraph 4.1.2 that discharge was proposed into watercourse where nearby surface water flooding is evident.
173. The view expressed was that the increase in surface water runoff associated with the proposed development is considered to be negligible and as such, there was no requirement to limit to pre-development conditions.
174. The earlier assessment advised that any storm water on site will primarily be infiltrated where possible, through grassland and landscaped areas. The Drainage Assessment provides the following conclusions:
 - The proposal include the demolition of existing retail buildings and erection of building providing care to the elderly.

- Infiltration will be used primarily for drainage and soft landscaped areas will be included in the design where possible in order to maximise infiltration rates;
 - The site will undergo adequate levelling and drainage designs to ensure no build-up of surface water remains on site; elevations and underground drainage will drop towards the discharge gathering points;
 - Increase in surface water discharge is considered negligible (0.031/s), and as such, it should be considered acceptable to discharge post development run-off rates of 12.91//s.
175. Mitigating measures identified include the provision of porous pavements, filter drains and source control measures to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed.
176. DfI Rivers advised that their earlier advice of 7 March 2016 remained valid and that the submitted Drainage Details only lacked a letter from Rivers Agency local area office for consent to discharge into the adjacent undesignated watercourse.
177. Late information from a third party in December 2020 expressed the view that there was a lack of drainage information submitted with the proposal. No further detail was provided in this regard.
178. A letter from the Agent received on 5 February 2021 advised that the Drainage Assessment submitted previously remained valid and that DfI Rivers provided a response offering no objection with the only matter to be resolved being securing Schedule 6 consent.
179. The letter advises that MCL Consulting have engaged with DfI Rivers directly in respect to Schedule 6 consent to an adjacent watercourse and that initial discussions indicate that the proposed method of discharge is agreeable in principle and that a further Schedule 6 consent application had been formally submitted in December 2020.
180. This information was considered by DfI Rivers and in a response received on 9 May 2021 advised that the following information was required to demonstrate the viability of your proposals by means of providing the following:
- Schedule 6 consent for discharge to the watercourse; and
 - Attenuation calculations that demonstrate that storm water discharge from the site does not exceed the consented discharge rate for all events up to and including a 100 year design rainfall event and climate change.
181. In an email dated 23 June 2021, the Agent makes reference to advice from DfI Rivers [first bullet point] which indicates that greenfield run-off rate could be consented and in doing so, expressed the view that discharging to the watercourse is acceptable in principle.

182. In response to this exchange, Rivers Agency explained that there would appear to be some confusion as the Schedule 6 response from our Area Office reads "unable to consent". In this case, the consent application was to discharge 22.6l/s which is over twice that proposed in the Drainage Assessment.
183. The advice provided explained that the applicant was required to obtain an approved discharge rate and based on the approved rate provide calculations and attenuation layout as part of a revised Drainage Assessment. This requirement was also discussed with the applicant's drainage consultant [MCL Consulting] at the time.
184. The Agent was advised on the 24 June 2021 that the Drainage Assessment associated with the planning application needed to be updated to take account of the agreed discharge rate.
185. It was also explained that it was this information along with the Schedule 6 consent confirmation from Rivers Agency that is required to allow the application process to be concluded.
186. An electronic copy of a revised Drainage Assessment prepared by MCL Consulting was provided on 9 July 2021.
187. The Drainage Assessment advises by way of conclusion that the infiltration will be used primarily for drainage and soft landscaped areas will be included in the design where possible in order to maximise infiltration rates.
188. It advises that a Schedule 6 Consent application has been submitted to Rivers Agency requesting discharge into the open watercourse flowing close to the sites northern boundary with the view expressed that this will replicate existing regimes at a lesser rate. Whilst reference is made to this detail following the drainage assessment as an addendum, no additional information has been provided to the Council in this regard.
189. An explanation is also provided that the site will undergo adequate levelling and drainage designs to ensure no build – up of surface water remains on site and that elevations and underground drainage will drop towards the discharge gathering points.
190. Finally, the view is expressed that there is a betterment in regard to surface runoff as peak runoff during Q100 (1hr) has been reduced from 28.35 l/s under existing conditions to 22.66 l/s.
191. Rivers Agency in a response received on 21 July 2021 confirmed that its response in relation to Policies FLD1, FLD 2, FLD 4 and FLD 5 remained as per advice provided on 9 January 2021.

192. In relation to Policy FLD 3, the response confirmed that the revised Drainage Assessment had been reviewed and that the information previously requested had not been provided.
193. The response advised that in order for Rivers Agency to fully assess this Drainage Assessment further information was required to demonstrate the viability of the proposals by means of providing the following:
 - Schedule 6 consent for discharge to the watercourse.
 - Attenuation calculations that demonstrate that storm water discharge from the site does not exceed the consented discharge rate for all events up to and including a 100 year design rainfall event + climate change.
194. Rivers Agency also provided confirmation that area office records showed that no further Schedule 6 application had been submitted with the required information and as of 21 July 2021.
195. A further revision of the Drainage Assessment was submitted to the Council on 27 July 2021 before the planning committee meeting in August 2021.
196. The assessment indicated at Appendix 1 that areas of hardstanding would be reduced and that the geology of the site underlain by boulder clay would generally have high rates of run off.
197. It was further indicated that the site was not at risk from fluvial flooding and that based on an area of 3378 metres squared and a 1:100 year event, the equivalent greenfield run off is equal to 5.15 l/s.
198. That said, the assessment also advised at section 2.1 that it is Rivers Agency's policy to accept a guideline figure of 10l/sec/ha which for this site, provides a greenfield runoff rate equal to 3.378l/s.
199. The Drainage Assessment provides calculation details of runoff assessments with reference made to pre-development runoff associated with rooftop and impermeable surfacing accounting for 2873 metres squared of impermeable surfacing and 465 metres squared of grass.
200. Post development runoffs are predicted to reduce with the development proposal reducing the hard standing on site to 2220 metres square, with 1118 metres squared of grass area provided.
201. Section 4 of the assessment provides details of how surface runoff will be managed. It advises that in terms of surface runoff management, any storm water on site will primarily be infiltrated where possible through grassland and landscaped areas with all remaining run off being adequately managed and discharged at the agreed rate into the adjacent water course.

202. Dfl Rivers in a response dated 6 August 2021 has confirmed that the revised Drainage Assessment has been considered and its logic accepted. No objection is offered.
203. A standard condition is however recommended requiring the submission of a detailed drainage network design prior to commencement of any approved development.
204. Based on the information submitted and the advice received from Dfl Rivers, it is considered that the applicant has now demonstrated that the proposed development will not cause present or exacerbate flood risk and that an acceptable drainage solution to agreed discharge rates can be provided and that the requirements of policy FLD 3 have been met in full.

Contaminated Land

205. Paragraph 3.6 of the SPSS emphasises that 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.
206. It continues at 6.321 to state when decision-taking important considerations will include: the types of waste to be deposited or treated and the proposed method of disposal; impacts on human health and the environment (including environmental pollution).
207. A phase 1 site investigation survey was submitted by Practical Waste Solutions in May 2017. The survey was undertaken to determine the likelihood of asbestos containing material contamination of the site.
208. The report concludes that the level of asbestos concentration in soil samples analyses demonstrated that there was no significant asbestos contained within the soil being less than the detection limit of the testing equipment.
209. The survey analysis also confirmed an unacceptable hydrocarbon level present in the soil at specified depths. A number of recommendations including further survey investigations, mapping and provision of cost effect remediation strategy are recommended.
210. NIEA – Land, Soil and Air Unit having considered the detail of the report have indicated that further information was required to enable them to provide a definitive comment.
211. That said, a condition that all contamination surveys are completed agreed and accepted by NIEA before works commence on site is recommended.

Consideration of Representations

212. Eight letters of objection had been received when the application was first presented to Committee in December 2020. A further two representations have been received from the same individual post December 2020. Consideration of the issues raised is set out below.

Not Compatible

213. An objection has been raised with regards the proposed used and conflict with the uses on other sites.
214. Other adjacent uses comprise a vehicle repair business, Jenkins auto paint and Carryduff upholstery. As demonstrated in the main body of the report, the proposed use is compatible and that there will be no detrimental impact on the proposed or existing uses.

Repeat Application.

215. Concern is express that the application was similar to a previous refusal on the site (LA05/2015/0726/F) and under section 46 of the Planning Act (NI) 2011 the Council could have declined to accept it as a repeat application.
216. Whilst it is accepted that the application is similar the differences including an amended red line, design changes and additional information are such that it is not considered to be a repeat application.

Traffic

217. An objection has been raised in relation to traffic issues both currently and how this will be intensified should the proposal be approved.
218. A transport assessment form accompanied the application. It demonstrated that the proposed use would generate 66% less vehicle trips compared to the existing retail use.
219. DfI Roads were consulted with the proposal and had no objection subject to conditions.

Noise /Nuisance /Disturbance.

220. Objections were raised that the use of adjacent lands would cause noise nuisance and disturbance to the residents of the proposed nursing home should it be approved.
221. A noise impact assessment was submitted which demonstrated that there would be no detrimental impact to residents of the proposed development in terms of the loss of residential amenity by way of noise nuisance or disturbance.

222. Triple glazing, acoustic ventilation and an acoustic barrier have been incorporated into the proposal to mitigate any potential impact from adjacent land uses.
223. Environmental Health were consulted with the proposal and had no objection subject to conditions.

Design and Integration of the proposal on edge of settlement.

224. Objections were raised that the proposal would fail to integrate into the surroundings at this location at the edge of the settlement.
225. The building is to be three story in height with a barrel shaped roof design. It is considered that this design along with the existing and proposed landscaping will allow the proposal to integrate into the surrounding and will not be detrimental to the character of the area.

Natural Heritage issues.

226. Objections were raised that the proposal would have an impact on natural heritage in the area.
227. NIEA Natural Heritage Division (NED) were content with amended drawings that were submitted and commented that an adequate buffer had been provided to the watercourse adjacent to the site.
228. Furthermore they advised that should the application be approved a condition should be attached to any decision notice to ensure that there is no lighting directed toward the watercourse.
229. A late representation made reference to ecology surveys being out of date. This is addressed in the main body of the report whereby updated information from an ecologist is provided to confirm that the situation on the ground is largely unchanged.

Inconsistency/Incompatible drawings

230. A representation made reference to the inconsistency and/or incompatible of the submitted drawings. Whilst no specific detail was provided, the Agent provided clarification in amendments and these were received on 06 September 2021 and the details are described at paragraph 21 of this report.

Neighbour Notification/Advertising

231. A representation later in the application process expressed the view that the application should have been re-advertised due to the passage of time. Amendments received in relation to the proposal have at intervals been neighbour notified to those individuals that have during the processing of the

application, expressed an interest. The Council is satisfied that adequate notification has been provided to neighbours and third parties.

Intensification and Road Safety

232. A representation received later in the application continues to express concern about intensification to a protected route. As demonstrated in the main body of the report, the proposed development involves the alteration of an existing access within the settlement limit.
233. There is no opportunity in this instance to access the site from an adjacent minor road. That said, detail submitted with the application demonstrates that the alterations include the provision of 4.5 x 124 metre sightlines and a 6 metre access.
234. DfI Roads are content that this will result in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points by virtue of there being an access in situ.

Conclusions

235. The application is presented with a recommendation to approve as it is considered that greater material weight should be attached to the fact that this portion of the individual employment zoning has changed to retail use and that it is unlikely for the reasons set out in the report to revert back to employment uses as currently defined in Part B – Industrial and Business Use of the Planning (Use Classes Order) Northern Ireland 2015.
236. Whilst the proposal will result in the loss of a small portion of land zoned for economic development use the planning history carries weight in the assessment in that it demonstrates that the land use classification of this part of the site has through previous permissions allowed for A1 retailing uses.
237. The special circumstances of this case as demonstrated in the report are considered to outweigh the preferred policy option of retaining the land for economic development use.
238. Significant weight is also attached to other material considerations in respect of the current site and buildings not being fit for modern employment use; the associated economic benefits in terms of job creation; a commitment to employ skilled people; generate income locally and create additional expenditure in the supply chain.
239. The proposed development is considered to comply with the SPPS and Policy PED 8 of PPS 4 in that its location at the edge of the northern most edge of the employment zoning and the edge of the settlement limit along with the proposed mitigation demonstrate that the development is not likely to impact

on the continued operation of adjacent businesses including those more distant from the site.

240. The proposed development complies with the SPPS and Policy NH2 of PPS 2 in that the detail submitted demonstrates that the proposed development is not likely to harm a European Protected Species.
241. The proposal complies with the SPPS and Policies AMP 2 and AMP 3 of PPS 3 the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic. Access cannot be taken from a minor road and the requirements for access onto a protected route within a settlement are met in full.
242. The proposal complies with the SPPS and PPS 15 in that detail submitted with the application demonstrates that surface run off associated with the development when compared with existing run-off is considered to be negligible and mitigation measures outlined in the drainage assessment which include the provision of porous pavements, further drains and source control measures to allow rain water and run off to infiltrate into permeable material below ground and provide storage are acceptable.

Recommendations

243. It is recommended that planning permission is approved.

Conditions

244. 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 access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing no. 12 bearing the Lisburn and Castlereagh Council date stamp [insert date] prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sightline shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays should 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.

- The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No .13 bearing the Planning Office date stamp [insert date] to provide for parking and servicing within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.
Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.
- The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user
- All hard and soft landscape works shall be carried out in accordance with the approved details as indicated on drawing no 10 date stamped by Lisburn and Castlereagh City Council 17 July 2018 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of the building development.
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.
- If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that / those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.
Reason: To ensure the continuity of amenity afforded by existing trees.
- The proposal is in close proximity to a busy road and commercial unit and the applicant should ensure there is sufficient sound insulation, including acoustic glazing and ventilation, to ensure compliance with 'BS8233:2014 - Sound insulation and noise reduction for buildings'. Internal ambient noise level should not exceed $L_{Aeq(16hr)}$ 35dB(A) daytime in habitable rooms (including bedrooms) and $L_{Aeq(8hr)}$ 30dB(A) night time in bedrooms. Therefore, within 3 months of completion of the development an acoustic verification report shall be submitted to the Council to demonstrate compliance with BS8233:2014.

Reason: To ensure compliance with BS8233: 2014

- A 1.8m high acoustic barrier shall be erected along the site's boundary as presented on approved drawing A1 Site Plan date stamped 17 August 2018 prior to the occupation of the building. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of 6 kg/m² and so retained thereafter.

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

- Following demolition and prior to any construction work the ground conditions on the site shall be subject to a detailed site investigation to establish the suitability of the development for the proposed end use. A site investigation shall be undertaken in sufficient detail to establish the previous uses of the land under consideration or land nearby or adjacent to it, and to identify potential sources of contamination. The above information should be used to produce a risk assessment addressing each potential source, pathway and receptor in turn and should indicate if any, what the risk of contamination is. The risk assessment shall be submitted to the Council 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

- Further to condition a detailed remediation scheme shall be submitted to the Council for approval to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

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 development, 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

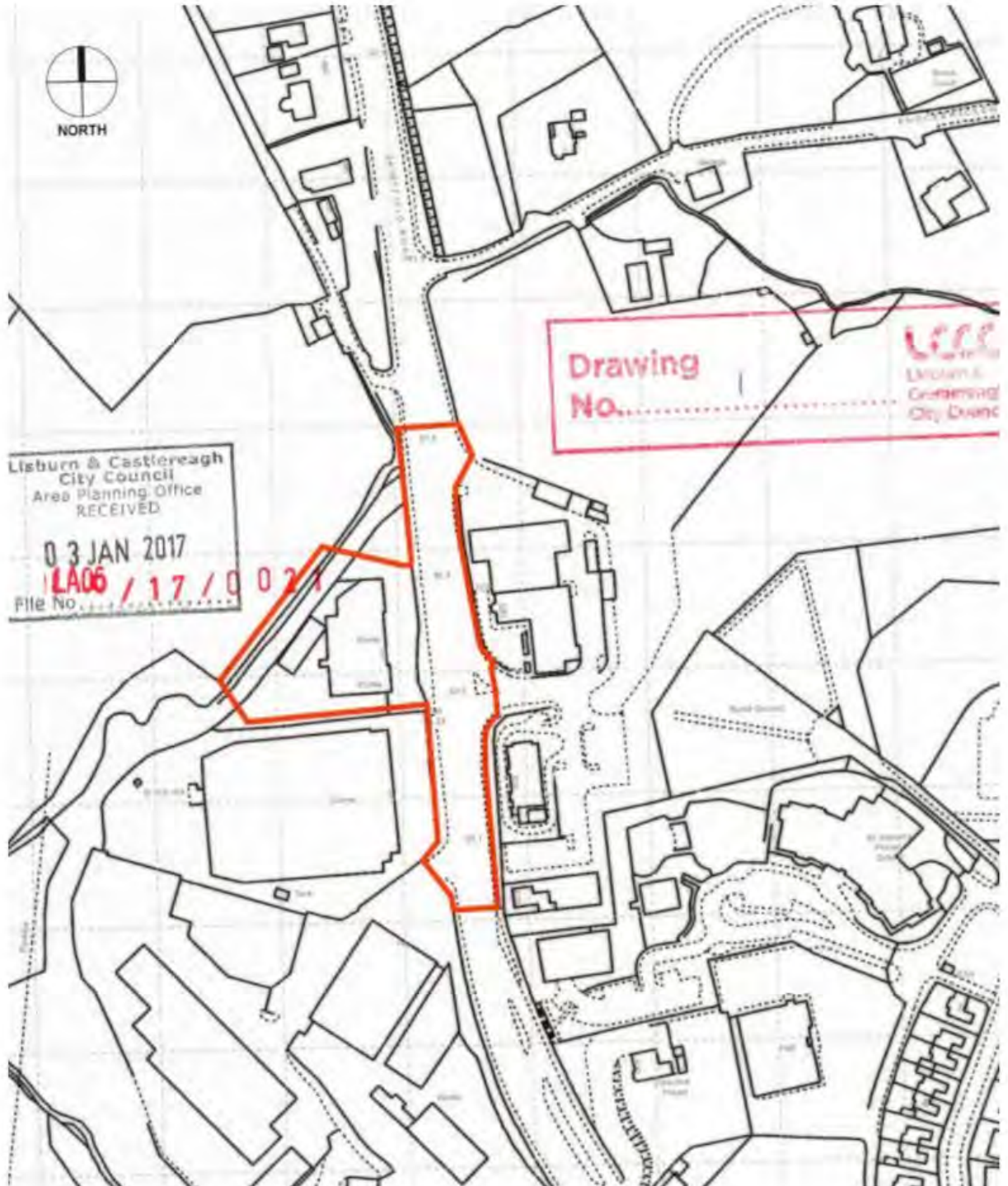
- The applicant shall have full regard to all relevant and current guidance and standards during the sampling, remediation and validation processes and shall incorporate such detail within any report submissions.

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

- All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed in accordance with the Northern Ireland's Environment Agency Documents entitled; "Installation, Decommissioning and Removal of Underground Storage Tanks: PPG27" & "Above Ground Oil Storage Tanks PPG2". Any impacted soil in the vicinity of the storage tanks and associated infrastructure should be excavated and the quality of the surrounding soils verified. This process should be supervised by a suitably qualified Environmental Engineer.

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

Site Location Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	05 September 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0496/F
Date of Application	30/06/2020
District Electoral Area	Castlereagh East
Proposal Description	Erection of a dwelling
Location	Adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh
Representations	One [in support]
Case Officer	Catherine Gray
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse as it is considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. It is also considered that the proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

4. In addition, the proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in an addition to a ribbon development along Knockbracken Road.
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and add to a ribbon of development therefore further eroding the rural character of the countryside.

Description of Site and Surroundings

Site

6. The site is located to the northern side of the Knockbracken Road. It occupies part of an area of land that is comprised of dense woodland.
7. The southern boundary is defined by a mature native species hedgerow that abuts the Knockbracken Road. The western boundary is also defined by a mature hedgerow. The northern boundary is currently undefined and runs through the dense woodland. And the eastern boundary is a low lying bank with some vegetation and trees along it.
8. Immediately adjacent and to the east of the application site is a dwelling at 66 Knockbracken Road that is one and a half storeys in height (appearance of a single storey from the front) with a single storey rear return and a single storey outbuilding to the east.

Surroundings

9. The site is located within the countryside and the surrounding area is comprised mainly of agricultural land.
10. The closest neighbouring property is directly adjacent the application site which are the applicants, and the next closest is the property 68a Knockbracken Road which is approximately 55 metres from the eastern boundary of the application site.

Proposed Development

11. This is a full application for the erection of a dwelling to meet the personal and domestic circumstance of the applicant. The following documents have also been submitted in support of the application:
- Supporting information/letters (received 29th June 2020);
 - Biodiversity checklist (received 1st Sept 2020); and
 - Biodiversity checklist and Preliminary Ecological Appraisal (received 27th October 2020).

Relevant Planning History

12. The planning history associated with the application site is set out in the table below:

Planning Reference	Site Address	Proposal Description	Decision
Y/2000/0788/F	66 Knockbracken Road, Castlereagh	Extension and improvements to dwelling	Permission Granted 12.06.2001
Y/2000/0221/F	66 Knockbracken Road, Lisnabreeny, Castlereagh	Extension and improvement to dwelling.	Permission Granted 05.06.2000
Y/1981/0187	Adj. 66 Knockbracken Road, Belfast	Provision of skid pan for driving instruction	Permission Refused

Consultations

13. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DAERA Water Management Unit	No objection
DAERA Natural Environment Division	No objection
DoC Historic Environment Division (Historic Monuments)	No objection
LCCC Environmental Health	No objection
DfI Roads	No objection

Representations

14. One representation has been received and is available to view on the Planning Portal via the following link:

<https://epicdocs.planningni.gov.uk/ShowCaseFile.aspx?quid=35468bff-fcf8-4e86-b950-e4e8ca517053>

15. In summary, the representation is in support of the application and advises of the applicant's medical status, that a new dwelling would allow close proximity to his family and asks that planning permission is granted .
16. The issues raised in this representation have been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

17. The relevant policy documents are:
- The Belfast Urban Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS)
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and the Built Heritage
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk

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

18. The relevant guidance is:

- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
- Development Control Advice Note 15 - Vehicular Access Standards

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 determination must be in accordance with the plan unless material considerations indicate otherwise.
20. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
21. As a consequence, the Belfast Urban Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
22. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.
23. The Belfast Urban Area Plan provides a statement of the rural planning policy for the Belfast Urban Area Greenbelt. Page 60 states that

the objectives of the plan with regard to the Green Belt is to

- *Control expansion of urban development into the surrounding open countryside*
- *To maintain the rural character of the countryside within the Green Belt and prevent its spoliation by ribbon development or scattered development;*
- *To prevent the towns and settlement around Belfast from merging with the Belfast Urban Area or with each other.*

24. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

25. The SPPS states that,

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.
26. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
27. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
28. 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.
29. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
30. Paragraph 4.11 of the SPPS outlines 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.
31. 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.

32. 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.

33. 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.

34. 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.

35. This application is for a dwelling in accordance with Policy CTY 6 of PPS 21 – Personal and Domestic Circumstances.

36. Paragraph 6.73 of the SPPS states that

A dwelling where there are personal and domestic circumstances: provision should be made for a dwelling to meet the long terms needs of a person where there are compelling and site specific reasons related to the person's personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case.

37. Paragraph 6.78 of the SPPS states 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.

Sustainable Development in the Countryside

38. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

39. Policy CTY 1 – states that

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.*

40. This is a proposal for the development of a dwelling based on special personal and domestic circumstances and is to be assessed against the requirements of policy CTY 6.

41. In addition to CTY 6, there are other CTY policies that are engaged as part of the assessment including CTY8, 13, 14 and 16, and they are also considered.

Personal and Domestic Circumstances

42. Policy CTY 6 – Personal and Domestic Circumstances states:

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

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

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

All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.

43. Regard is also had to the justification and amplification which states:

5.28 There may be cases where special personal or domestic circumstances require a new house in the countryside. Such cases will include instances where a young adult who requires a continuing and high level of care, but who could also benefit from a greater degree of independent living.

5.29 Applicants will be expected to provide sufficient information to allow a proper assessment of each specific case. Such information should include:

- a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional.*
- details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation.*
- an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused.*
- details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling and why such alternatives are not considered practical to meet the site specific need.*
- any other information considered relevant to the particular case.*

Ribbon Development

44. Policy CTY 8 – Ribbon Development states:

Planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the

existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

45. A building is defined in statute to include a structure or erection, and any part of a building as so defined.

46. Regard is also had to the justification and amplification that states:

5.32 Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.

5.33 For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

5.34 Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

47. Whilst not policy, and a guidance document, the SPPS states that regard must be had to the guidance in Building on Tradition in assessing the proposal. This notes:

*4.4.0 Introducing a new building to an existing cluster (CTY 2a) or ribbon **CTY 8** will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.*

*4.4.1 **CTY 8** Ribbon Development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses (or appropriate economic development project), within an otherwise substantial and continuous built up frontage. Where such opportunities arise, the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.*

48. The guidance also suggests:
- a. *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*
 - b. *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*
 - c. *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.*
 - d. *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.*
 - e. *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.*
49. It also notes at the following paragraphs that:
- 4.5.0 *There will also be some circumstance 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.*

Integration and Design of Buildings in the Countryside

50. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that
- planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.*
- The policy states that a new building will be unacceptable where:*
- (a) *it is a prominent feature in the landscape; or*
 - (b) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
 - (c) *it relies primarily on the use of new landscaping for integration; or*
 - (d) *ancillary works do not integrate with their surroundings; or*
 - (e) *the design of the building is inappropriate for the site and its locality; or*

- (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

Rural Character

51. Policy CTY 14 – Rural Character states

that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

52. The policy states that

A new building will be unacceptable where:

- (a) *it is unduly prominent in the landscape; or*
- (b) *it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) *it does not respect the traditional pattern of settlement exhibited in that area;*
or
- (d) *it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) *the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

53. With regards to Policy CTY14, Building on Tradition [page 131] states that

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

Development Relying on Non-Mains Sewerage

54. Policy CTY 16 - Development Relying on Non-Mains Sewerage states

that Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

55. The policy also states that:

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

56. With regards to Policy CTY16, 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.

Natural Heritage

57. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
58. Policy NH 2 – Species Protected by Law states

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:-

- *there are no alternative solutions; and*
- *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; and*
- *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.

59. 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:

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

60. 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 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, Movement and Parking

61. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.
62. Policy AMP 2 – Access to Public Roads states

that 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) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

Development Control Advice Note 15 – Vehicular Access Standards

63. 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.

Archaeology and the Built Heritage

64. PPS 6 – Archaeology and the Built Heritage sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.
65. Policy BH 2 - The Protection of Archaeological Remains of Local Importance and their Settings states

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

Planning and Flood Risk

66. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

67. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that

the planning authority will not permit development that would impede the

operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

68. Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that

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

- A residential development comprising of 10 or more dwelling units*
- A development site in excess of 1 hectare*
- A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.*

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

- The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

Such development will be permitted where it is demonstrated through the Drainage Assessment 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.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal plan, then Policy FLD 1 will take precedence.

69. Policy FLD 4 Artificial Modification of Watercourses states that:

The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*

- *Where it can be demonstrated 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.*

70. Policy FLD 5 Development in Proximity to Reservoirs states

"New development New development will only be permitted within the potential flood inundation area of a "controlled reservoir"¹⁴ as shown on the Strategic Flood Map, if:

the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient

- *assurance regarding reservoir safety, so as to enable the development to proceed;*
- *the application is accompanied by a Flood Risk Assessment which demonstrates:*
 1. *an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and*
 2. *that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures*

A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- *essential infrastructure;*
- *storage of hazardous substances;*
- *bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.*

Assessment

71. Within the context of the planning policy tests outlined above, the following assessment is made.

Personal and Domestic Circumstances

72. The evidence submitted with the original submission in support of the application and a further letter provided on 29 July 2020 states that the proposed dwelling is to accommodate the applicant's son, to provide for his particular needs and to allow for his care to be administered in close proximity to the family home.
73. Evidence from a medical professional states that due to a medical condition it is necessary for him to have immediate care and assistance.
74. The information details that the applicant [Mr Dobbins] has two sons, one of which currently lives with him in a single storey dwelling adjacent to the proposed site. The application is for another son who requires a level of care and that this care is currently provided for by both the father and son from their current residence at 66 Knockbracken Road.
75. The information details that the applicant's son currently lives in a ground floor apartment and that there are no dedicated facilities to cater for his growing needs. It states he is in a wheel chair and that he often requires assistance to get from his bed into his living area, and assistance from bed to bathroom to living room. It also details that he has severe difficulties preparing food as the small kitchen area is not designed to accommodate wheelchair access to the worktop and cooking areas.
76. Reference is made to the son wearing an emergency assistance bracelet and that on several occasions other family members have had to travel during the night to assist lifting him off the floor and back into his chair or bed.
77. The information details that it is their intention to provide him with accommodation with dedicated facilities to reduce the risk of injury due to falls caused by unnecessary movement, and a wet room type washing area and wheelchair accessible cooking facilities to have a decent quality of life and safer living environment.
78. The information also states that if permission were granted for this accommodation adjacent to the family home it would greatly reduce the travel time to come to assistance should something go wrong.
79. It is also stated that the son who resides with his father is in full time employment and is often required to work away from home for extended periods, leaving the father to provide care. When this occurs, and the father is called upon at night he struggles to drive due to his age.

80. The information provided also details that the father has mobility issues and general health issues and that it would be extremely beneficial that his son can assist his father with his daily living and general wellbeing.
81. Medical details indicate that the condition which the applicants son suffers from renders it essential for him to have constant care and attention and would require a dwelling designed and constructed to optimise his quality of life.
82. The medical evidence also details that the brother and father, are and will be his main carers. It also states that
'without this quality of life will be totally reduced or non-existent. In the interest of the Dobbin family wellbeing the proposal for a new dwelling is a necessary response to the current situation'.
83. The view is expressed that should a proposal for such not be forthcoming there is no doubt genuine hardship and stress on the Dobbin family could have dire consequences.
84. The information from a medical professional also details that they fully support the Dobbins family application to move into a bungalow suitably adopted to facilitate the management of his disability needs. It states that
'ideally the bungalow should be close to the family home to facilitate ongoing care provided by his immediate family'.
85. Whilst the medical condition of the applicant's son is not disputed and the need for more suitable and wheel chair friendly accommodation is recognised, based on a review of the information/evidence submitted it is considered that the applicant has not provided satisfactory evidence to demonstrate that there are compelling and site specific reason for a new dwelling at this location nor has it been demonstrated that this is a necessary response to the particular circumstances of the case and that genuine hardship would be cause if planning permission was refused.
86. No information has been provided in relation the current living arrangements of the applicant's dependent son other than reference him currently living in a ground floor apartment. No information is provided in relation to the layout of the apartment he currently lives in and whether the kitchen and bathroom could be adapted to provide for greater accessibility.
87. It is not clear from the evidence provided, what the travel distances are from the applicant's home at 66 Knockbracken Road to the accommodation the dependant person is living in. It is not clear if there if any other properties in closer proximity to the applicant's own residence have been considered and discounted. No evidence is provided to demonstrate that genuine hardship would be caused if planning permission were refused.
88. Whilst reference is made to the dependent son wearing an emergency assistance bracelet and that on several occasions family members have had to

travel during the night to provide much needed assistance, no evidence is provided as to which family members have provided this assistance nor has information been provided in relation to the frequency of such incidents to justify a new dwelling as a necessary response.

89. For the reasons outline above, the test associated with criteria (a) is not considered to be met.
90. With regard to criteria (b) of Policy CTY 6, no information was submitted with the original submission to demonstrate what consideration had been given to alternatives such as an extension or annex attached to the existing dwelling, the conversion or re-use of another building within the curtilage of the property, or the use of a temporary mobile home for a limited period are considered.
91. Whilst the supporting information from a medical professional recognises the benefits to the applicant's son living in a bungalow suitably adapted to facilitate the management of his needs explain why other alternative solutions such as an extension or annex to the existing dwelling, the conversion or reuse of another building within the curtilage or the use of a temporary mobile home would not meet the needs of the son.
92. In August 2020 the agent was provided with an opportunity to make available a supporting statement detailing what alternative solutions have been considered to meet the particular needs of the case. To date no additional information has been submitted.
93. From site inspection it is evident that the applicants existing dwelling is a bungalow situated on a reasonable sized plot of land. There would appear to be sufficient scope within the existing curtilage to provide a suitable extension to meet the particular needs of the case.
94. There is also an outbuilding within the curtilage of the applicant's property - of permanent construction that might be capable of conversion if the layout of the existing building does not lend itself to being extended.
95. For the reasons outline above, and in the absence of any explanation of why an alternative can be offered it is considered that the requirements of criteria (b) of Policy CTY 6 are not met.

Ribbon Development

96. The application site is located adjacent to and west of an existing ribbon of development along the Knockbracken Road. The existing ribbon of development consists of property numbers 66, 68A, 68 and 70 Knockbracken Road.
97. The application site is a roadside site adjacent to number 66 and for this reason, the proposal would be contrary to Policy CTY 8 of PPS 21 in that it would add to and extend an existing ribbon of development along the

Knockbracken Road.

Integration and Design of Buildings in the Countryside

98. Turning then to policy CTY13, the proposed dwelling is single storey with an attached one and a half storey double garage. The garage is attached to the main dwelling via a proposed car port.
99. Overall the proposal has a total length of 31.5 metres. The main body of the dwelling has a frontage of 13 metres. There is a single storey front porch and a side projection in the form of a sun room. It has a maximum height of 6.5m above the finished floor level.
100. The attached car port and garage is set back slightly from the main dwelling. The proposed garage has a frontage of 8.5m and a proposed height of 6.3 metres above the finished floor level. An external staircase is also proposed to access the upper floor within the garage which is annotated as a carer rest/space.
101. The proposed dwelling has a floor area of approximately 190 square metres with two bedrooms shown. Whilst no details are shown it is presumed that the space is designed to provide adequate space for wheelchair turning.
102. The proposed garage has a total floor space of approximately 158.2 square metres which includes an upper floor room that is denoted on the plans as a carers rest/den with access only from an external staircase which could be utilised as separate living accommodation. No internal access is noted on the plans. Overall the total floor space of the proposal is approximately 347 square metres and which has approximately twice the floor area of the dwelling.
103. The design is simple in nature with an appropriate solid to void ratio, the chimneys are on the ridge and the windows are vertical in emphasis. The scale and massing is broken up with part being set back and projections for different element of the proposal.
104. The proposed upper floor to the garage building also has a proposed juliet balcony to the rear elevation. This would not cause any overlooking into any neighbours private amenity space.
105. The proposed external material finishes include concrete interlocking roof tiles in blue/grey, render finish to the walls, whinstone cladding to the front porch, the car port and external staircase and triple glazed upvc window frames. These are considered to be acceptable for the site and its location.
106. In terms of criteria (a), although the proposal is a roadside location, it is considered that the proposal would not be a prominent feature in the landscape. It would have a backdrop of dense woodland with a rolling landscape behind it. Given the proposals positioning and the levels in relation

- to the surrounding land along with the surrounding development, it is considered that the proposal would not be prominent.
107. In terms of criteria (b), the proposal has long established natural boundaries and woodland surrounding it to provide a suitable degree of enclosure for the building to integrate into the landscape. New planting is also proposed to the front boundary which will aid with integration.
 108. The proposal would have limited long distance views and only short distance views on passing the site, which is set back from the road slightly and would read with the existing surrounding development.
 109. In terms of criteria (c), the proposal would not rely primarily on the use of new landscaping for integration.
 110. The front hedgerow along the southern boundary would need to be removed in order to accommodate a safe access and the visibility splays. New planting is proposed in the form of replacement trees to the west of the dwelling and along the driveway. A new hedgerow is also proposed (hawthorn/beechn/hazel/holly) along the driveway and to the rear of the visibility splays.
 111. In terms of criteria (d), any ancillary works such as the access and gardens the development should integrate into the surroundings. A proposed driveway would run alongside the rear of the visibility splays as close to the new boundary line as possible.
 112. In terms of criteria (e), the design (discussed above) is considered to be acceptable for the site and its locality and complies with the guidance Building on Tradition as the mass and form of the building integrates into the landscape and the design is has simple vernacular details and finishes that are appropriate to this location.
 113. In terms of criteria (f), the existing and proposed levels have been considered and are considered to be acceptable for the site and its location. The proposal would blend into the landform and not have a detrimental effect on the landscape.
 114. Criteria (g) is not applicable as the application does not relate to a farm dwelling.
 115. For the reasons outlined above, it is considered that the proposal complies with policy CTY 13 and that a building could be sited and designed so as to be visually integrated into the surrounding landscape.

Rural Character

116. In terms of policy CTY 14, and for the reasons outlined above, the proposal would not be unduly prominent in the landscape.
117. In terms of criteria (b), the proposal would result in a sub-urban style build-up of development when viewed with existing buildings along Knockbracken Road
118. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area which is typically detached single storey dwellings with pitched roof and garage.
119. In terms of criteria (d), and as detailed above the application site is located adjacent to and west of an existing ribbon of development along the Knockbracken Road.
120. The existing ribbon of development consists of property numbers 66, 68A, 68 and 70 Knockbracken Road. The application site is a roadside site adjacent to number 66 and for this reason, the proposal would be contrary to Policy CTY 8 of PPS 21 in that it would add to an existing ribbon of development along the Knockbracken Road
121. In terms of criteria (e), detail associated with drawing 02 shows an access [with an unusual hump shaped section to the road] running along the front of the site parallel with the Knockbracken Road. It is considered on balance that the nature and form of the ancillary works would not damage rural character.
122. For the reasons outlined, the proposal fails to comply with criteria (d) of Policy CTY 14 and that the development if permitted would cause a detrimental change to and further erode the rural character of the area.

Development Relying on Non-Mains Sewerage

123. In terms of Policy CTY 16, the P1C form states that the proposed method of sewerage disposal is by septic tank.
124. The site layout plan, drawing number 02D date stamped received 24th Nov 2021, details a proposed packaged sewage treatment plant with 98.5 purity discharge.
125. Environmental Health and Water Management Unit have both been consulted on the proposal and have raised no objections to the proposal.
126. For the reasons outlined, it is accepted that the applicant has demonstrated that the development will not create or add to a pollution.

Access, Movement and Parking

127. The P1 Form indicates that the proposal involves the creation of a new access to the public road, in this case the Knockbracken Road.
128. The site layout plan drawing number 02D date stamped received 24th Nov 2021, details the proposed positioning of the access point along with the proposed visibility splays.
129. There is provision of the parking and manoeuvring of three vehicles within the site alongside the proposed garage.
130. DfI Roads have been consulted and have no objection to the proposal and provided standard conditions and informatives.
131. Taking the above into account, and having regard to the advice of DfI Roads it is accepted that the requirements of policy AMP 2 of PPS 3 Access, Movement and Parking are met and that the access arrangements can be provided in accordance with published standards in DCAN 15.

Natural Heritage

132. No ecology information was submitted with the original submission for consideration. On 1st September 2020 a biodiversity checklist was submitted for consideration and it was completed by the agent (G.T. Design). Each question in the checklist was completed with a 'no' answer.
133. From site inspection it can be seen that the application site is located within a plantation woodland along with the front boundary being a mature hedgerow that is proposed to be removed.
134. From inspection, it was considered that the information completed in the biodiversity checklist (received 1st Sept 2020) was incorrect and the agent was then asked to provide an updated biodiversity checklist completed by a qualified ecologist and any further surveys that may result from it.
135. On 27 October 2020 the agent submitted a revised Biodiversity Checklist and Preliminary Ecological Assessment (completed by ATEC NI) for consideration. A summary of the ecologist's findings can be found in page 23 and 24 of the PEA.
136. The application site is not within or adjacent to any designated areas such as ASSI's etc. and there are no watercourses or streams within or adjacent to the site.
137. The application site is however located within a 20 year old broadleaf plantation woodland bounded by mixed native species hedgerows. These hedgerows qualify as NI priority habitat and include some juvenile trees.
138. To facilitate the proposed development an area of woodland would be required to be removed and a length of priority habitat hedgerow to allow for visibility

splays.

139. New planting is proposed in the form of replacement trees to the west of the dwelling and along the driveway. A new hedgerow is also proposed (hawthorn/beechn/hazel/holly) along the driveway and to the rear of the visibility splays.
140. Natural Environment Division have been consulted throughout the processing of the application. A number of revised site layout plans have been submitted to deal with issues raised by NED and includes a development exclusion zone.
141. In their latest consultation response of 16 March 2022 they advise that they have considered the impacts of the proposal on designated site and other natural heritage interests and, on the basis of the information provided, is content with the proposal subject to conditions.
142. NED have advised that they are content with a length of the existing hedgerow being removed, provided that it is adequately mitigated for. They also note that the PEA recommends installation of at least four bat boxes within the development.
143. NED have stated that they would encourage the applicant to ensure that any external lighting on site is directed away from trees and boundary vegetation so as to minimise any potential disturbance to protected wildlife. And also that any necessary tree and/or hedgerow removal should be undertaken outside the bird nesting season (1st March and 31st August inclusive).
144. Taking the above into account, it is accepted that the proposal would not result in demonstrable harm being caused to any features of natural heritage importance and as such the requirements of PPS 2 are considered to be met subject to conditions.

Archaeology and the Built Heritage

145. The application site is located within a buffer zone surrounding an archaeological site and monument – DOW 009:019 (an enclosure).
146. Historic Environment Division (Historic Monuments) have been consulted and advise that they have assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
147. Based on a review of the information provided and the advice received it is accepted that the proposed development will not have an adverse impact on archaeological features.

Planning and Flood Risk

148. From site inspection it can be seen that there are no watercourses within or adjacent the application site. Rivers Agency flood maps detail that the proposal

is not sited within a flood plain or near a watercourse.

149. The submission of a drainage assessment is not required for this proposal and it is considered that the proposal would not cause or exacerbate flooding consistent with PPS 15.

Consideration of Representations

150. One representation has been received in support of the proposal. It advises on the applicant's medical status, that a new dwelling would allow close proximity to his family and asks that the planning application be given approval.
151. The issues raised in the representation have been considered as part of the assessment of this application. Whilst living in close proximity to family is a material consideration significant weight cannot be added as the option of alternatives such as extending the existing dwelling is not explained to justify treating this proposal as an exception to the strict planning controls that apply in the open countryside.

Conclusions

152. For the reasons outlined above, it is considered that the proposal is contrary to the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
153. The proposal is also considered to be contrary to the SPPS and Policy CTY 6 of PPS 21 in that
- the applicant has not provided satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
 - it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of the case.
154. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in an addition and extension to a ribbon development along Knockbracken Road.
155. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development therefore further eroding the rural character of the countryside.

Recommendations

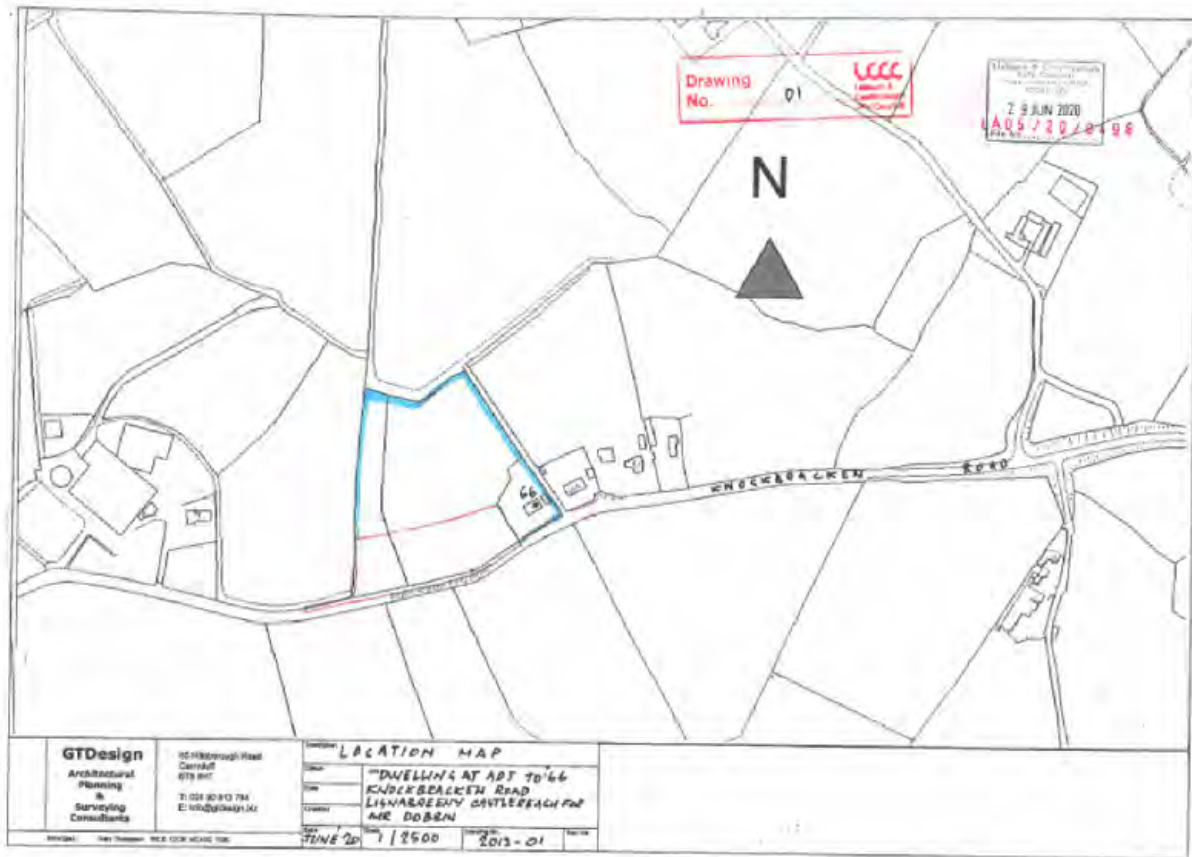
156. It is recommended that planning permission is refused.

Refusal Reasons

157. The following refusal reasons are recommended:

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
- The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Knockbracken Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development therefore further eroding the rural character of the countryside

Site Location Plan – LA05/2020/0496/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	05 September 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0047/F
Date of Application	13 January 2022
District Electoral Area	Castlereagh East
Proposal Description	Shed for agricultural machinery, feed and materials
Location	11 Tower Lane, Hillsborough Road, Moneyreagh, BT23 6AY
Representations	None
Case Officer	Sinead McCloskey
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse as the proposal is considered to be contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. It is also considered that proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - it has not been demonstrated that the proposed development is on an established and active agricultural holding;
 - it has not been demonstrated that the proposal is necessary for the efficient use of the agricultural holding;

- insufficient information has been provided to confirm that there are no suitable existing buildings on the holding or enterprise that can be used; and
- the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.

Description of Site and Surroundings

Site

4. The site is located approximately 90 metres to the west of a dwelling at 11 Tower Lane, Moneyreagh and is comprised of a small portion of a larger agricultural field.
5. There is no obvious access to the site other than from the private driveway serving the dwelling at 11 Tower Lane. The ground levels within the larger field fall from the dwelling towards the site in a westerly direction and the proposed building is located close to the western boundary of the field. This boundary consists of 6-9 metres sparse trees and hedging. The remaining boundaries of the site are undefined.

Surroundings

6. The site is located within the open countryside and the immediate surrounding area to the south, west and east is rural in nature characterised by mainly farm land.
7. There is evidence of a build-up of non-agricultural employment uses on Tower Lane close to the site with industrial premises and a small business park located close to the entrance of 11 Tower Lane.
8. The land to the north and on the opposite side of the Hillsborough is the small settlement of Moneyreagh.

Proposed Development

9. This is a full application for a shed for agricultural machinery, feed and materials.

Relevant Planning History

10. The planning history associated with the application site is set out in the table below:

Reference Number	Description	Location	Decision
Y/1993/0393	Change of use from store to workshop and extension to existing premises to provide store	11 Tower Lane, Hillsborough Road, Moneyreagh	Approved 16.02.1994
LA05/2016/0833/F	Shed for housing agricultural machinery, feed and materials	11 Tower Lane, Hillsborough Road, Moneyreagh,	Approved 12.12.2016

Consultations

11. The following consultations were carried out:

Consultee	Response
LCCC Environmental Health	No objection
DfI Roads	No objection
Department of Agricultural, Environmental and Rural Affairs	Advice on the status of farm holding offered
Department of Agricultural, Environmental and Rural Affairs – Water Management Unit	No objection
Department of Agricultural, Environmental and Rural Affairs – Natural Environment Division	No objection
Shared Environmental Services	No objection
DFI Rivers	No objection

Representations

12. No representations have been received in respect of this proposal.

Planning Policy Context

Relevant Policy and Guidance Documents

13. The relevant policy documents are:
 - The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
 - Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside
14. The relevant guidance is:
 - Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

15. 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.
16. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
17. As a consequence, the Belfast Urban Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
18. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.

19. Page 60 of the BUAP states that the objectives of the plan with regard to the Green Belt is to
- *Control expansion of urban development into the surrounding open countryside*
 - *To maintain the rural character of the countryside within the Green Belt and prevent its spoliation by ribbon development or scattered development;*
 - *To prevent the towns and settlement around Belfast from merging with the Belfast Urban Area or with each other.*
20. The policy in BUAP was to restrict the number of dwellings based on similar to prevailing regional policy for Green Belts contained in a Planning Strategy for Rural Northern Ireland. Ribbon development was one of the exceptions to the strict policy controls that applied in Green Belts.
21. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

22. The SPPS states that
- until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.*
23. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
24. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

25. 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.

26. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

27. Paragraph 4.11 of the SPPS outlines 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. Paragraph 6.78 of the SPPS states 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.

Sustainable Development in the Countryside

34. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

35. Policy CTY 1 states that

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.*

Planning permission will also be granted in the countryside for:

- a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;
- the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
- the provision of social and affordable housing in accordance with Policy CTY 5;
- a residential caravan or mobile home in accordance with Policy CTY 9;
- the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
- an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
- Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4; •
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI; •
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

36. This is a proposal for the development of an agricultural shed and it falls to be assessed against the requirements of policy CTY 12.

37. In addition to CTY 12, there are other CTY policies that are engaged as part of the assessment including CTY13 and 14, and they are also considered.

38. Policy CTY 12 – Agricultural and Forestry Development states:

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) *it is necessary for the efficient use of the agricultural holding or forestry enterprise;*
- (b) *in terms of character and scale it is appropriate to its location;*
- (c) *it visually integrates into the local landscape and additional landscaping is provided as necessary;*
- (d) *it will not have an adverse impact on the natural or built heritage; and*
- (e) *it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- *there are no suitable existing buildings on the holding or enterprise that can be used;*
- *the design and materials to be used are sympathetic to the locality and adjacent buildings; and*
- *the proposal is sited beside existing farm or forestry buildings.*

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons.*

39. Regard is also had to the justification and amplification that states:

5.50 As agriculture and forestry continue to change and develop, it is important that the planning process continues to support the operational needs of these enterprises.

5.51 Under the Planning (General Development) Order (Northern Ireland) 1993, known as the "GDO", certain development relating to agriculture and forestry is permitted development i.e. a planning application is not required as permission is deemed to be granted. Where a proposal is not permitted development and express permission is required, planning permission will be granted for agricultural and forestry buildings/works subject to the criteria stated, as well as other planning criteria and policy requirements.

5.52 Where permission is sought for a new building, the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist.

5.53 New buildings can form an integral part of the landscape if developed in sympathy with their surroundings, so as to blend unobtrusively into the landscape. The Department of Agriculture and Rural Development has played an important role with a number of schemes relating to the design of farm buildings. Their publication "Farm Buildings in the Countryside" gives practical guidance on the importance of integrating modern farm buildings into the landscape.

5.54 A proposal located away from existing agricultural or forestry buildings will only be acceptable where it is shown to be essential for the efficient functioning of the holding or enterprise. In such cases the applicant will be required to provide sufficient information to demonstrate that this is the case. Where such a proposal is justified, the building will still be required to visually integrate into the

landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable.

5.55 All permissions granted under this policy will be subject to a condition limiting the use of the building to either agricultural or forestry use as appropriate.

5.56 For the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.

40. Paragraph 5.56 of the justification and amplification to policy CTY 10 advises that a farm business ID number along with other evidence is required to prove active and established farming over the required period.

Building on Tradition:

41. Whilst not policy, and a guidance document, the SPPS states
that regard must be had to the guidance in assessing the proposal. This notes:
42. 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.
43. It notes with regards to visual integration that the following points be considered:
- Work with the contours (not against them)
 - Look for sheltered locations beside woodland
 - Make use of natural hollows
 - Avoid full frontal locations where bad weather can damage buildings
 - Avoid north facing sloping sites (difficult to achieve good passive solar gains)
 - Look for sites with at least two boundaries in situ and preferably three
 - Look for sites that face south (easy to achieve good passive solar gains).
44. It also includes design principles that have been considered as part of the assessment:
- Get the size and scale right relative to what is existing.
 - Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.
 - Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.
 - Retain existing hedgerows, boundaries and mature vegetation.
 - Acknowledge building lines and informal set backs.
 - Maximise rural landscape treatments such as gravelled lanes and driveways,

grass verges and local native species for new planting.

45. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that

planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The policy directs that a new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or*
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

46. Policy CTY 14 – Rural Character states

that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

47. The policy states that

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

Natural Heritage

48. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.

49. Policy NH 1 – European and Ramsar Sites states

that Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or*
- *a listed or proposed Ramsar Site.*

50. The policy also states that

where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- *there are no alternative solutions; and*
- *the proposed development is required for imperative reasons of overriding public interest; and*
- *compensatory measures are agreed and fully secured.*

51. 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:

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

47. 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 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.

PPS 3 - Access, Movement and Parking

47. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.

52. Policy AMP 2 – Access to Public Roads states

that 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) *such access will not prejudice road safety or significantly inconvenience the flow of traffic; and*
- b) *the proposal does not conflict with Policy AMP 3 Access to Protected Routes.*

Development Control Advice Note 15 – Vehicular Access Standards

53. 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.

Planning and Flood Risk

54. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the

policy.

55. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that

the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

56. Policy FLD 3 Development and Surface Water (Puvial) Flood Risk Outside Flood Plains states that

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

- A residential development comprising of 10 or more dwelling units*
- A development site in excess of 1 hectare*
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.*

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

- The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

Such development will be permitted where it is demonstrated through the Drainage Assessment 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.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal plan, then Policy FLD 1 will take precedence.

57. Policy FLD 4 Artificial Modification of Watercourses states that:

The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- *Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*
- *Where it can be demonstrated 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.*

58. Policy FLD 5 Development in Proximity to Reservoirs states

New development New development will only be permitted within the potential flood inundation area of a "controlled reservoir"¹⁴ as shown on the Strategic Flood Map, if:

the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient

- *assurance regarding reservoir safety, so as to enable the development to proceed;*
- *the application is accompanied by a Flood Risk Assessment which demonstrates:*
 1. *an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and*
 2. *that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures*

A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- *essential infrastructure;*
- *storage of hazardous substances;*
- *bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.*

Assessment

59. An assessment of the planning policy tests outlined above are set out below.

Agricultural and Forestry Development

60. A P1C Form had not been submitted with the application but was subsequently received when requested at the validation stage of the application process. Mr Somerville of 11 Tower Lane, Moneyreagh is the farmer and that he has a farm business ID which has been established for more than 6 years. The P1C form also states that no claims are made to DAERA for subsidies in respect of the operation of the holding.
61. A DAERA map has been submitted dated 2014 and it is noted that the site for the building is within the farm, and on land partially identified as an 'Ineligible Feature'.
62. DAERA Countryside Management Inspectorate Branch have confirmed that the applicants farm business has been in existence for more than 6 years; it was allocated on 11/05/2005; it is a category 1 farm business; it hasn't claimed payments in each of the last 6 years; no claims have been made and that the site is not on land currently being claimed.
63. Supporting information was later received with the application. This included:
- Correspondence in respect of the use of an existing farm shed;
 - DAERA Field Map;
 - Appeal Decision 2018/A0164;
 - Invoices relating to agricultural activity;
 - photographs of the existing farm shed;
 - Site selection matrix and photographs; and
 - An extract of Part 7 of The Planning (General Permitted Development) order (Northern Ireland) 2015 in support of the justification.
64. The headline policy test in relation to agricultural or forestry development is that the development must be located **on** [my emphasis] an active and established agricultural or forestry holding.
65. DAERA has confirmed that the farm business has been in existence for more than 6 years and as such, the first part of the headline policy test is met.
66. With regard to the second part of this headline test, DAERA advise that no single farm payments have been claimed. In light of this advice, officers are required to make an assessment of supporting information provided by the applicant team.

67. A letter from the agent received on the 12 May 2022 provided 60 invoices dated 2017 – 2021. The view is expressed that these documents demonstrate that the farm remained active during this period.
68. It is claimed that the invoices relate to work expected to be carried out in maintaining the land. In good agricultural condition.
69. The following invoices have been provided:

2017

- 2/8/17 – WAC McCandless Eng Ltd – unknown details

2018

- 28/5/18 – J Spratt to Roy Sommerville for work carried out to 312B CAT parts and Labour
- 27/9/18 – McKelvey Bros farm supplies to Roy Somerville for wire and fencing
- 5/11/18 – John Clarke Agricultural Contracts invoice to A Sommerville - no address for hedge cutting
- 4/12/18 – John Campbell Hill Farm to R and J Somerville 11 Tower Lane for the sale of 6 male calves

2019

- 26/8/19 – Moore Horticulture invoice – says Moneyreagh farm in handwriting but no name and no address for some sort of attachment.
- 4/12/19 – R & J Lyness Ltd for Calf Starter Pencil to R & J Somerville at Tower Lane
- 4/1/19 – McKelvey Bros farm supplies to R&J Somerville, Tower Lane for something referencing cattle (handwritten)
- 28/10/19 – from Scott Walshe to Roy Sommerville for bailing silage – no address
- 19/12/19 11 Tower Lane to John Campbell for 105 bales silage
- 10/12/19 John Clarke Agricultural Contracts invoice to J&R Sommerville Tower Lane - for hedge cutting
- 9/1/19 – invoice from 11 Tower Lane to Mr J Spratt for sale of hay at 11 Tower lane
- 26/2/2019 – DAREA letter to Mr Robert Somerville of 11 Tower Lane with the results of 6 calves TB testing.
- 5/2/2019 – Jubilee Veterinary Clinic to Robert Somerville of 11 Tower Lane re the appointment for TB testing
- 16/7/19 – Autoline invoice for Roy and Joan Somerville 11 Tower Lane for agricultural vehicle and farm insurance

- 8/7/19 – from Scott Walshe to Roy Somerville for mowing silage, stacking bales etc – no address
- 20/2/19 – Dunlop Agencies for cash – no customer details for a battery
- 8/2/19 – U Hire to Roy Somerville at 11 Tower lane a wood chipper.

2020

- 30/9/20 – Cooke Bros Engineering Ltd – seals for CAT digger to RW Sommerville 11 Tower lane
- 9/9/20 – MULMUF (exhausts for industry and off road equipment) invoice for Roy Sommerville
- 3/9/20 – Finning NI CAT specialist – seal for Cat digger to Roy Sommerville, Moneyreagh
- 9/9/20 – MULMUF (exhausts for industry and off road equipment) invoice for RJ Sonnerville – no address for clamp, silencer, exhaust putty and an outlet
- 10/8/20 Power Air (compressed air equipment to RW Summerville, 11 Tower Lane for a piston
- 28/10/19 – from Scott Walshe to RW Somerville for hayledge work on the farm– stated Moneyreagh Farm
- 6/2/2020 - Carryduff Tyre Centre – puncture repair, gaiter digger casing disposal to cash – no name or address – hand written note says John Deer tractor
- 2/11/20 - Dunlop Agencies Ltd – battery to cash – no name no address
- 30/11/20 – Moore Horticulture Equipment – cash sale no name no address – for rope
- 7/2/20 – Dunlop Agencies – batter (handwritten for digger) – no name no address to cash
- 20 x Carryduff building Supplies invoices to 7 Tower Lane (Somervilles address, nor DARD address) but does state 'farm account' for Roy Sommerville for various items such as plastic stop cock, brass elbow plate, blue tarpaulin, grey shelf bracket, brushes and brush shafts, roofing bolts, wing nuts, aggregate, dimpled grey flags, k post, clean stone, pipe clip, swivel bend, grease cartridge, two stroke, chain saw oil
- 28/2/19 - Sommerville Shopfitting Ltd to sommerville Farm Account for red diesel

2021

- 19/1/21 Unnamed invoice to Roy Summerville - Kiln dried birch – no address
- 7/9/21 Neville Duggan Plant, agricultural, Cars and 4-x4 – 2 hydraulic hoses to Roy Somervilles – No address

- 19/7/21 – JB Browns hardware to Roy Sommerville Moneyreagh – knapsack sprayer and knapsack twin nozzle
- 16/2/21 invoice for cash, no name or address cathcard power Equipment for a blower shredder
- 19/4/21 – Consumable products Ltd cash sale no name no address for fungi wash concentrate
- 27/1/2021 - 7/9/21 Neville Duggan Plant, agricultural, Cars and 4-x4 – invoice to Roy Sommerville no address (handwritten note states farm a/c) for engine oil and filter, air filter, fan belt for tractor
- 23/4/21 - Carryduff building Supplies invoices to 7 Tower Lane (Somervilles address, nor DARD address) but does state 'farm account' for Roy Sommerville for screened topsoil
- 29/4/21 – Old manor Mill cash sale no address no name
- 30/3/21 - Carryduff building Supplies invoices to 7 Tower Lane (Somervilles address, nor DARD address) but does state 'farm account' for Roy Sommerville for bioactive weed killer
- 11/11/21 - JB Browns hardware to (illegible)

2022

Nothing submitted.

70. It is acknowledged that the decision that issued in relation to planning application LA05/2016/0833/F accepted that there was an active and established business in December 2016. The assessment at that time also noted that the business consisted of two fields and that sufficient evidence had been provided for the previous 6 years 2010 – 2016 to enable such confirmation to be held. It is also noted that the response from DAREA at that time was based on a single year's single farm payment [SFP].
71. Within the context of this 2016 application, a substantial shed was approved to allow for agricultural machinery, feed and materials to be stored under cover. The building was sited to group with the farm house as there was no other group of buildings on the farm. It has been constructed and photographs are supplied to indicate it is being used in association with the operation of the holding.
72. As explained above, the policy requires the business to be active and in the absence of this being recognised through claims/subsidies, the onus is on the applicant to demonstrate there is sufficient agricultural activity to justify it being necessary for the efficient operation of the holding.
73. No farm accounts are supplied in support of the application. Whilst it is acknowledged that there have been a number of invoices submitted, discounting those which are generic and could be linked to any business or do not have a name or address to linking them to the operation of the holding,

there is insufficient evidence to indicate any farming activity in 2017. The single invoice isn't linked to the farmer.

74. In late 2018, the only farming activity evidenced was the purchase of six calves in December 2018. In 2019 there were a number of invoices linking to the operation of the holding and what could be described as agricultural activity mainly for keeping the land in good agricultural condition.
75. In 2020 there were a lot of invoices however almost were for digger parts/maintenance or were discounted as they could not be linked to the operation of the holding. The single invoice which did seem more agricultural in nature 28/10/19 – from Scott Walshe to RW Somerville for haylage work on the farm.
76. In 2021 again it is difficult to link the invoices to the operation of the holding and for 2022 there were no invoices submitted.
77. Overall and on balance having weighed the evidence, it is considered that only limited agricultural activity has been demonstrated for 3 or possibly 4 of the requisite 6 years.
78. Previous planning appeal decisions such as 2014/A0227, provide an indication of the level of evidence required to prove that a farm business is active and established. The Commissioner in this appeal states'

Agricultural activity must span a 6 year period even though such activity may not be continuous or consistent. In this case, the evidence provided is not robust for the reasons stated and as outlined above, it does not cover the required period. It is for the Appellant to demonstrate compliance with the policy.

79. The justification and amplification to PPS 12 advises that the determining criteria for an active an established business will be that set out under Policy CTY 10.
80. Whilst it is accepted that the proposed development is located within an established agricultural holding as a farm business ID is presented and accepted by DAERA as being in place for the required 6 years, insufficient information is provided to demonstrate farm activity for the same period.
81. For the reasons outlined above, it is considered that on the basis of the information/evidence provided that the farm business is not active **and** [my emphasis] established for the requisite period of 6 years.
82. Turning to the balance of the policy test associated with Policy CTY12 (a) – (e) an assessment is set out in the paragraphs below for completeness.
83. In terms of **criteria (a)**, evidence has been submitted to support the need for this shed stating that it is needed for the overall efficiency of the agricultural

holding and that it would facilitate future growth of the farm business and enable the provision of improved storage facilities ensuring materials, machinery and feed are kept in a secure location.

84. No further information is provided in support to justify that the building is required for the efficient operation of the holding or relating to the future growth of the farm business was provided. It is also noted that the farm still only comprises two fields and is relatively small to require two separate buildings. No other land appears to be taken in con acre.
85. Internal photographs of the existing shed have been provided showing the following:

A sit on lawnmower, a John Deer Tractor and a trailer, a CAT digger and a Landrover as well as some day to day tools.
86. Outside of the shed the agent has pictures of some digger attachments, a palette of bricks and some steel beams as well as two unauthorised storage containers.
87. The proposed shed is stated to be for future growth of the farm business and to allow for the provision of improved storage facilities ensuring materials, machinery and feed are kept in a secure location.
88. The supporting evidence continues by stating that agricultural materials and feed such as straw bales and fertilizer need to be kept in a dry storage area, and that the proposed shed will allow for these materials and supplies to be bought and stored in bulk which reduces the overall cost and improves the efficiency of the farm business.
89. The only evidence of animals being kept on the holding related to the purchase of six calves in one business year. It is not explained why feedstock is required to be stored in a new building for this limited scale of activity.
90. It is further stated that the secure and dry storage of agricultural machinery will ensure they remain operational for longer and will reduce repair and maintenance costs associated with maintaining a farm business.
91. It is not explained why the existing farm building cannot be extended for the storage of additional machinery should the applicant no longer wish to contract out works for keeping the land in good agricultural condition. It is also not normal to have buildings for keeping machinery in at two separate locations particularly when the holding is small. There is no separate out farm.
92. From the evidence provided and with the exception of digger buckets there is little or no evidence to detail that there is the need for additional storage at this holding over and above the shed previously approved.

93. It is therefore considered that insufficient evidence has been submitted to demonstrate that a building to store machinery, feed and materials at the proposed location is necessary for the efficient use of the agricultural holding, notwithstanding the view expressed above that based on the evidence the farm is not active and established. Criteria (a) is also not met for the reasons explained above.
94. In terms of **criteria (b)**, the proposal is located within the rural area and farm buildings are relatively common in this part of the countryside.
95. The proposed shed is described as an agricultural shed. It is linear in form and it measures 19.5 metres x 10.4 metres and is 9 metres in height. The exterior finishes are agricultural grade non-drip galvanized profiled sheets on both the walls and roof, and a five bar galvanized gate.
96. This form and finishes are considered to be acceptable for a farm shed and the character and scale of the proposal would fit with and be appropriate to its location.
97. That said the building is not grouped with others on the holding and no justification is provided as to why a building is required at a remote location.
98. It is stated that the existing shed is at maximum capacity and has no space for the storage of any additional agricultural materials, feed or machinery. It is also declared that temporary storage containers are now sited adjacent to this building to provide additional capacity.
99. It is further stated that agricultural materials and machinery are located outside in the open due to the lack of internal storage space, and that these that are unhoused are exposed to the elements which results in the early depreciation of the equipment.
100. As stated above, it is thought that the existing approved large agricultural shed on the farm is of an appropriate size to meet the requirements of a small farm holding such as this, and there is no need for another building.
101. For the reasons outlined above, the proposal does not meet this part of the policy test in that it has not been demonstrated that there are no suitable existing buildings on the holding that can be used or extended.
102. Whilst the design and materials proposed for the shed, as detailed above, are considered to be sympathetic to the locality the proposal is however not sited beside existing farm or forestry buildings, being almost 90 metres away from the nearest building.
103. It therefore fails to comply with the policy on this point. Notwithstanding the view expressed above that based on the evidence the farm is not active and established.

104. The policy does make provision for an alternative site away from the existing farm or forestry buildings, in **exceptional circumstances**, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons.
105. It has not been demonstrated that the proposal is essential for the efficient functioning of the business or that there are demonstrable health and safety reasons for the proposal at this location.
106. A site selection matrix was provided, reviewing four other potential sites for the shed to be located. For differing reasons, none of these were deemed an acceptable located for the shed by the applicant citing reasons varying from loss of productive agricultural land, topography of the site, lack of integration and negative impacts on residential properties.
107. Whilst these other sites have been deemed unacceptable, there are other areas closer to the existing buildings on the farm to position a new shed, which have not been discounted.
108. It is also considered that the level of activity would not merit a building of this size being constructed on the holding. The matrix does not address the operational needs of the business and why the remote location is necessary. It has only limited weight as a material consideration.
109. In terms of **criteria (c)**, the site itself is relatively flat and the proposal is positioned at the lower end of an agricultural field. The existing landscaping adjacent to the western elevation would be retained and supplemented where necessary.
110. This would provide an adequate backdrop to the proposal. Public views of the proposal would be limited. It is considered that the proposal would visually integrate into the local landscape. Notwithstanding the view expressed above that based on the evidence the farm is not active and established.
111. In terms of **criteria (d)**, the proposal is not within a buffer zone of any built heritage. Existing landscape boundaries are being retained and there are no conditions on site that present any concerns with its impact on natural heritage. It is considered that the proposal would not have an adverse impact on the natural or built heritage. Notwithstanding the view expressed above that based on the evidence the farm is not active and established.
112. In terms of **criteria (e)**, the proposal is for the storage of machinery, feed and materials. The nearest neighbouring residential dwelling to the proposal is approximately 90 metres away.
113. Environmental Health have been consulted and have no objections to the proposal. It is considered that the proposal would not result in detrimental impact on the amenity of residential dwellings outside the holding. Notwithstanding the view expressed above that based on the evidence the farm

is not active and established.

114. Based on the information submitted it is considered that the proposal does not comply with policy CTY 12 of PPS 21. And also therefore policy CTY 1 of PPS 21.

Integration and Design of Buildings in the Countryside

115. Turning then to policy CTY13, in terms of criteria (a), it is considered that the proposal would not be a prominent feature in the landscape and would be set back from and at a slightly lower level than the nearby roads.
116. In terms of criteria (b), the existing boundary treatments and surrounding vegetation would provide a suitable degree of enclosure for the proposal to integrate. Some additional planting would be required to assist with the integration.
117. In terms of criteria (c), the proposal would not rely primarily on the use of new landscaping for integration given the retention of existing boundary treatments.
118. In terms of criteria (d), any ancillary works would be minimal and therefore should integrate into their surroundings as there is no new access and laneway required for the proposal, and no larger area of hard standing is necessary.
119. In terms of criteria (e), the design as stipulated above is considered to be appropriate for the site and its locality.
120. In terms of criteria (f), it is considered that the proposal would blend into the locality and have an existing backdrop of trees to the rear and rolling topography around it.
121. Criteria (g) is not applicable as the proposal does not relate to a dwelling on a farm.
122. For the reasons outlined above, it is considered that the proposal complies with policy CTY 13.

Rural Character

123. Turning to policy CTY 14, In terms of criteria (a), and as detailed under CTY 13 it is considered that the proposal would not be unduly prominent in the landscape due to its set back from the public road and lower level.
124. In terms of criteria (b), it would not result in a sub-urban style build-up of development when viewed with existing and approved buildings due to limited views.
125. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area.

126. In terms of criteria (d), the proposal would not create a ribbon of development as it is not located along a frontage.
127. In terms of criteria (e), it is considered that the impact of ancillary works would not damage rural character as detailed under CTY13.
128. The proposal is therefore complies with all the criteria in Policy CTY 14.

Access, Movement and Parking

129. PPS 3 sets out policies to ensure that any new development does not create a traffic hazard.
130. The proposal involves the use of an existing unaltered access to a public road. DfI Roads have been consulted and have no objection to this development proposal with informatives provided.
131. On the basis of the information submitted and consultation with DfI Roads it is considered that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic. It is considered that the proposal complies with PPS 3 and DCAN 15.

Natural Heritage

132. PPS 2 Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
133. The application site is not within or adjacent to any designated areas such as ASSI's etc. There are no existing structures or buildings within the site and it consists of grassland.
134. In this case no unnecessary vegetation or trees are being removed and as such, no protected habitat would be negatively affected by the proposal.
135. The proposal should not have a negative impact on any natural heritage. It is considered that the proposal complies with PPS 2.

Planning and Flood Risk

136. Following consultation with DFI Rivers, it was stated that are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.
137. It was also stated that the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain but it is marginally affected by surface water flooding as indicated on the Surface Water Flood Map. No objections to the proposal were raised from a flooding perspective.
138. The submission of a drainage assessment is not required for this proposal.

139. It is therefore considered that the proposal would not cause any concerns with regards to flooding and it is considered that it complies with PPS 15.

Conclusions

140. All material considerations have been assessed, no representations have been made raising any concerns and all consultation responses have been taken on board.
141. It is considered that the proposal does not comply with planning policy and refusal as the application is considered to be contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
142. In addition, the proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- it has not been demonstrated that the proposed development is on an established and active agricultural holding
 - it has not been demonstrated that the proposal is necessary for the efficient use of the agricultural holding
 - insufficient information has been provided to confirm that there are no suitable existing buildings on the holding or enterprise that can be used
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.

Recommendations

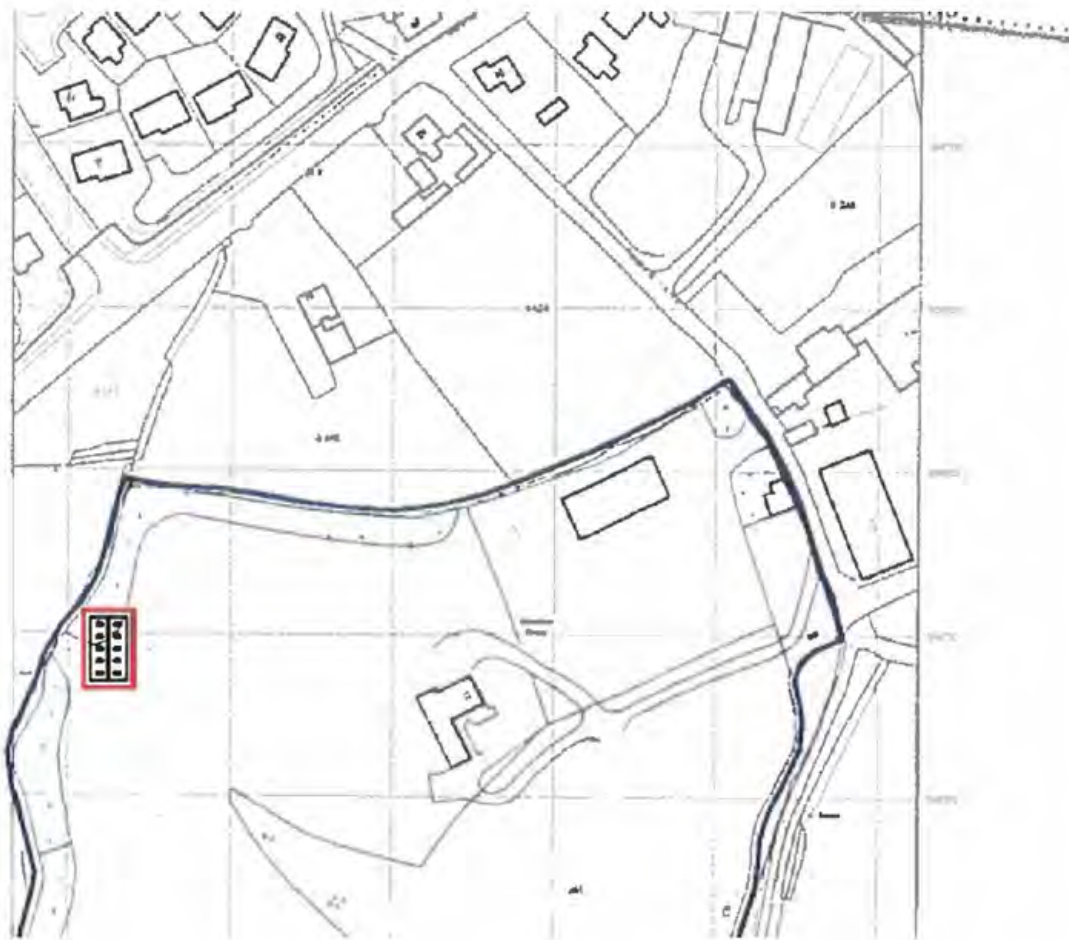
143. It is recommended that planning permission is refused.

Refusal Reasons

144. The following refusal reasons are recommended:
- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- it has not been demonstrated that the proposed development is on an established and active agricultural holding
- it has not been demonstrated that the proposal is necessary for the efficient use of the agricultural holding
- insufficient information has been provided to confirm that there are no suitable existing buildings on the holding or enterprise that can be used
- the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.

Site Location Plan – LA05/2022/0047/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	5 September 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0133/F
Date of Application	2 February 2022
District Electoral Area	Castlereagh East
Proposal Description	Car port with decking over and a 900mm balustrade (retrospective)
Location	8 Robbs Road, Dundonald, BT16 2NA
Representations	One
Case Officer	Jonathan Marley
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse as it is considered to be contrary to the Strategic Planning Policy Statement (SPPS) and Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the design of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
3. In addition it is considered that the development is contrary to the SPPS and Policy EXT 1 criterion (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal would unduly impact on the privacy and residential amenity of neighbouring residents through overlooking.

Description of Site and Surroundings

Site

4. The site is comprised of the buildings and curtilage of a two storey semi-detached dwelling. The dwelling is red brick on the ground floor with a cream render finish to the first floor.
5. The front of the dwelling faces south east onto a small lawn/shrub area and the existing driveway (which runs to the side of the north east facing gable of the dwelling).
6. There is an attached, flat roofed, wooden car port to the side of the dwelling (north east facing gable), which covers part of the existing driveway.
7. There is a wooden balustrade approximately one metre in height, at the first floor level forming an enclosure.
8. On the day of the site visit there were a number of pieces of garden furniture sitting on the roof of the carport indicating that it was being used as an outdoor deck. The only means of access to the area was via an existing bedroom window.
9. The remainder of the curtilage is mainly comprised of hardstanding with small timber sheds. The boundaries are made up of either close boarded timber fencing or a brick wall.

Surroundings

10. The surrounding areas is primarily residential in character and mainly comprised of semi-detached dwellings of different residential styles.
11. On the opposite side of the road (east of the site) is a residential development (Baileys Mews) which is a mix of large red brick three storey apartment blocks and red brick dwellings (detached, terrace and semi).

Proposed Development

12. This is a retrospective application for a car port with decking over and a 900mm balustrade.

Relevant Planning History

13. The planning history associated with the application site is set out in the table below:

Reference Number	Description	Location	Decision
LA05/2015/0426/F	2 storey extension to rear of dwelling.	8 Robbs Road, Dundonald	Permission granted.

Consultations

14. The following consultations were carried out:

Consultee	Response
Environmental Health	No objection
Historic Environment Division	No objection
NI Electricity	No objection

Representations

15. One representation has been received from the occupier of 10 Robbs Road and is available to view on the Planning Portal via the following link:

<https://epicdocs.planningni.gov.uk/ShowCaseFile.aspx?quid=ef881d3c-6436-4d69-8b60-75ef4c04e557>

16. In summary, the following issues are raised have been considered as part of the assessment of this application:
- Overlooking
 - Loss of privacy
 - Loss of marketability/impact on value of property

Planning Policy Context

Relevant Policy and Guidance Documents

17. The relevant policy documents are:
 - The Belfast Urban Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS)
 - Planning Policy Statement 3 - PPS 3 - Access Movement and Parking and PPS 3 - (Clarification) Access Movement and Parking.
 - PPS 6 Planning Archaeology and the Built Environment.
 - Addendum to Planning Policy Statement 7 (PPS) – Residential Extensions and Alterations

18. The relevant guidance is:
 - Creating Places – parking page - 149
 - Living Places - appropriate scale - page 28

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 determination must be in accordance with the plan unless material considerations indicate otherwise.
20. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
21. As a consequence, the Belfast Urban Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
22. In both the statutory development plan and the draft BMAP, the application site is identified within a well-established residential area. The site is not within any other specifically zoned areas.

Regional Policy Context

23. The Strategic Planning Policy Statement (SPPS) states that,

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

24. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
25. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS. There is no conflict between the retained policy and the SPPS.
26. 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.
27. 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.
28. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
29. Paragraph 4.11 of the SPPS outlines 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.
30. 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.
31. 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.
32. 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.
33. 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.

Access, Movement and Parking

34. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.
35. Policy AMP 2 – Access to Public Roads states

that 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) *such access will not prejudice road safety or significantly inconvenience the flow of traffic; and*
- b) *the proposal does not conflict with Policy AMP 3 Access to Protected Routes.*

Planning Archaeology and the Built Environment.

36. PPS 6 – Planning Archaeology and the Built Heritage sets out the requirements for development which may impact upon Archaeological site and Monuments (BH 1 to BH 4), World Heritage Sites (Policy BH 5), Historic Parks, Gardens and Demense (Policy BH 6), Listed Buildings (Policy BH 7 to BH 11), Conservation Areas (Policy BH 12 to BH14), Industrial Heritage and Non Listed Vernacular Buildings (BH 15).
37. Relevant policy BH2 states that for the Protection of Archaeological Remains of Local Importance and their Settings Development states that:

Proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

Residential Extensions and Alterations

38. Policy EXT 1 of Residential Extensions and Alterations states

Planning Permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) *The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;*
- (b) *The proposal does not unduly affect the privacy or amenity of neighbouring residents;*
- (c) *The proposal will not cause the unacceptable loss of, or damage to, tree or other landscape features which contribute significantly to local environmental quality; and*
- (d) *Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.*

Context and Design

39. Paragraph A4 states

An extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually. Such works should not be designed in isolation solely to fit in a required amount of accommodation.

40. Paragraph A6 states that

an extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. All such works should have proportion and balance, fitting in with the shape of the existing property. The height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property,

External Finishes

41. Paragraph A23 states that

The external finish of a proposal should aim to complement the type of materials, colour and finish of both the existing building and those of neighbouring properties, particularly where certain materials strongly predominate. Using similar or complementary materials to those of the existing property is more likely to produce a successful extension or alteration.

Walls and Fences

42. Paragraph A23 illustrates that

Walls and fences, particularly in front gardens, can also have a significant effect on the appearance of the property and streetscape. When erected beside driveways or on corner sites they can have an impact on sightlines and traffic

safety. Both the visual and road safety aspects of a wall or fence will be assessed when proposals are being considered. Materials should always complement the character of the property and the neighbourhood. Expanses of close-board fencing bordering public areas are visually unacceptable.

Privacy

43. Paragraph A28 states relating to privacy:

Except in the most isolated rural location, few households can claim not to be overlooked to some degree. The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment. It is a particularly important consideration where an extension or alteration is proposed adjacent to existing properties. Balconies, roof terraces, decking, dormer windows, windows in side elevations and conservatories all have the potential to cause overlooking problems, due to their position and orientation, particularly from upper windows.

44. Paragraph A30 states that

overlooking of gardens may be unacceptable where it would result in an intrusive, direct and uninterrupted view from a main room, to the most private area of the garden, which is often the main sitting out area adjacent to the property, of your neighbours' house. As a general rule of thumb this area is the first 3-4 metres of a rear garden, closest to the residential property.

Creating Places

45. The standards required for in curtilage parking spaces are set out at page 149 of the Creating Places document.

Living Places

46. Living Places is a general Design Guide for the urban area. At pages 26-28 guidance addressing contextual design and the "right fit" appropriate scale and reinforcing a sense of place is set out.

Planning and Flood Risk

47. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the

policy.

48. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that

the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

49. Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that

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

- *A residential development comprising of 10 or more dwelling units*
- *A development site in excess of 1 hectare*
- *A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.*

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

- *The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- *Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

Such development will be permitted where it is demonstrated through the Drainage Assessment 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.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal plan, then Policy FLD 1 will take precedence.

50. Policy FLD 4 Artificial Modification of Watercourses states that:

The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- *Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*
- *Where it can be demonstrated 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.*

51. Policy FLD 5 - Development in Proximity to Reservoirs states:

New development New development will only be permitted within the potential flood inundation area of a "controlled reservoir"¹⁴ as shown on the Strategic Flood Map, if:

the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient

- *assurance regarding reservoir safety, so as to enable the development to proceed;*
- *the application is accompanied by a Flood Risk Assessment which demonstrates:*
 1. *an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and*
 2. *that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures*

A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- *essential infrastructure;*
- *storage of hazardous substances;*
- *bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.*

Assessment

52. An assessment of the planning policy tests outlined above are set out below.

Residential Extensions and Alterations

53. The application is retrospective and works have already been carried out. The application is for a flat roofed car port which is attached to the ground by timber posts. The flat roof is made up of wooden decking lengths.
54. On top of the flat roofed decking on each of the three sides not attached to the gable of the dwelling is a horizontal wooden 900 mm high balustrade which enclose the flat roof decking at first floor level.
55. It is considered that the proposal fails to meet the requirements of criteria (a) of the policy in that the scale, massing, design and materials of the deck and car port are not sympathetic to the main building or indeed appropriate to the context.
56. The timber structure dominates the building. It is longer than the original dwelling and with the balustrades on top of the roof, it is over half the height of the existing dwelling.
57. The inappropriate scale and massing and use of a single material (timber) in the construction means the structure appears incongruous in the streetscape.
58. It is also noted that two dwellings within the local area at number 26 and 44 have mono pitched roofs on their side car port and garage. Their roofs cannot be utilised as usable space. They are of a more appropriate scale and are visually less intrusive on the host building.
59. The flat roof design of the application structure allows the roof to be accessed from the bedroom window on the gable wall. This in turn results in the creation of an elevated outdoor space which presents an unacceptable level of overlooking into the private rear amenity space of the dwelling at 10 Robbs Road.
60. For the reasons outlined, the works, as built, are also unacceptable in terms of criteria (b) of the PPS 7 Addendum – Residential Extensions and Alterations.
61. The works as carried out are deemed acceptable in terms of criteria (c) and (d) of the policy. There has been no loss of any important local landscape features and sufficient space remains within the site for recreational and domestic purposes, including parking cars.

62. In terms of the guidance within Living Places, the works, as constructed, are unacceptable in terms them being of an inappropriate scale, massing, design and materials, when viewed against the context of the site itself and the wider area.
63. The applicant did offer to add additional raised screening along the side of the structure, (the section which overlooks number 10), in an effort to limit the impact on his neighbours.
64. The applicant also indicated he was willing to paint the timber to match the colour of the upper floor of the dwelling in an effort to make it blend in better.
65. The applicant indicated that he did not want to alter the flat roof or remove the balustrades from the structure as it had always been his intention to utilise the flat roof as an amenity space.
66. Whilst this may provide some mitigation the car port and decking would still appear incongruous in the street and not appropriate to the character of the area. It would also create an undesirable precedent in the area and is not acceptable.

Planning Archaeology and the Built Environment.

67. The site was noted on records, as being within the zone of influence of an archaeological site/monument and an area of archaeological potential.
68. Consultation with Historic Environment Division [HED] confirmed that the proposed scale of the works, and the lack of disruption to the existing ground means that the proposal does not give rise to concern regarding archaeological features.

Planning and Flood Risk

69. In terms of Planning and Flood risk, it was also noted that the site is within a surface flood zone.
70. However, given the scale of the works and the lack of disruption to the existing site, it was not considered necessary to consult with DfI Rivers. The works would not require a drainage assessment.

Access Movement and Parking

71. The proposal does not involve the intensification of the existing access. The existing access does not lead onto a Protected Route.
72. The works do not impact on the existing access or in curtilage parking provisions and adequate space for the parking of two cars is maintained.

73. For these reasons the proposed development is not considered to be contrary to PPS 3 or indeed parking guidance contained within Creating Places.

Consideration of Representations

74. Consideration of the issues raised by way of representation are set out below.

Overlooking

75. The rear garden can now be fully overlooked from the balcony/roof of the car port. This is contrary to policy and reflected in the assessment above. Trying to mitigate the impact of overlooking with additional screening will still give rise to an impact on general character.

Lack of Privacy

76. The privacy of the neighbouring property will be impacted due to direct views from the balcony/roof of the car port, onto the rear elevation of the neighbouring dwelling. This objection is sustained for the reasons detailed in the assessment above.

Loss of marketability/impact on value of property

77. Whilst the impact on property value is not a material consideration afforded much weight the amenity of the neighbouring dwelling is adversely impacted by the perception of overlooking and the design of the deck, allows for the applicant to access the roof of the structure, which in turn results in significant overlooking and loss of privacy to the neighbouring dwelling.

Conclusions

78. For the reasons outlined in the report above, the proposal is considered to be contrary to the Strategic Planning Policy Statement (SPPS) and Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the design of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
79. In addition it is considered that the development is contrary to the SPPS and Policy EXT 1 criterion (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal would unduly impact on the privacy and residential amenity of neighbouring residents through overlooking.

Recommendations

80. It is recommended that planning permission is refused.

Refusal Reasons/Conditions

81. The following refusal reasons/conditions are recommended:

- The development is contrary to the SPPS and Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the design of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
- The development is contrary to the SPPS and Policy EXT 1 criterion (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal would unduly impact on the privacy and residential amenity of neighbouring residents through overlooking.

Site Location Plan – LA05/2022/0133/F





Planning Committee

05 September 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 2 - Statutory Performance Indicators – July 2022

Background and Key Issues:

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 summarising the monthly position for each indicator for the month of July 2022.

2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not Official Statistics and should not be publically quoted as such.
3. Members will note that the performance against the statutory target for local applications for July 2022 was 33.2 weeks with performance year to date noted to be 26.1 weeks.
4. It was previously identified that there is a backlog of applications for single dwellings in the countryside. Following a refinement to the reporting templates for this type of application they are now being progressed and this is reflected in the performance for local applications.
5. It should be further noted that more decisions have been issued than received this month. The Planning Unit remains focused on improving performance in relation to local applications.
6. Performance in relation to major applications is 83.4 weeks. As explained previously, there has been no opportunity to perform against the statutory target for major applications as a number of proposals brought forward in previous months are subject to Section 76 planning agreements.
7. Processing major applications remains a priority for the Planning Unit.
8. A comparison report outlining performance against key planning activities for the business year 2021/22 is presented to the Committee for noting by way of separate report.

Recommendation:

It is recommended that the Committee notes the information.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

No

If no, please provide explanation/rationale

This is a report outlining progress against statutory targets and EQIA is not required.

If yes, what was the outcome:

Option 1

Screen out
without mitigation

N/A

Option 2

Screen out with
mitigation

N/A

Option 3

Screen in for
a full EQIA

N/A

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been
given to Rural Needs?

No

Has a Rural Needs Impact
Assessment (RNIA) template been
completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

This is a report outlining progress against statutory targets and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 2 – Statutory Performance Indicators – July 2022

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Statutory targets monthly update - July 2022 (unvalidated management information)

Lisburn and Castlereagh

	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	0	1	83.4	0.0%	74	78	17.8	47.4%	23	27	15.1	88.9%
May	0	-	0.0	0.0%	73	69	23.8	34.8%	26	25	32.2	72.0%
June	1	-	0.0	0.0%	76	74	29.4	36.5%	15	30	36.5	73.3%
July	0	-	0.0	0.0%	50	63	33.2	25.4%	27	23	21.2	91.3%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	1	1	83.4	0.0%	273	284	26.1	36.6%	91	105	25.0	81.0%

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.



Planning Committee

05 September 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 3 – Northern Ireland Annual Statistics – Annual Statistical Bulletin (April 2021 – March 2022)

Background and Key Issues:

Background

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in Northern Ireland and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.
2. On 07 July 2022, the Department for Infrastructure published the Northern Ireland Statistics Annual Statistic Bulletin (April 2021 – March 2022).
<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2021-march-2022>
3. This bulletin provides an overall view of planning activity across Northern Ireland including a summary on the performance of Council's measured against the two statutory targets for major and local planning applications.
4. The bulletin notes that planning activity and processing performance in 2021/22 was impacted by the restrictions put in place due to the coronavirus pandemic.

Key Issues

1. There were 13,600 planning applications received during 2021/22; a increase of 6 % from the previous financial year [12,833 applications] across all the Council areas. This comprised 13,454 local, 145 major and one regionally significant application.
2. The volume of applications received is noted to have decreased in Lisburn and Castlereagh by 15% compared with volumes received last year [151 applications less].
3. The number of planning decisions issued during 2021/22 across Northern Ireland was 12,914, an increase of 23% on the previous year [10,483 applications]. A total of 846 decisions issued within LCCC, which was broadly in line with the number issued the previous year.
4. The number of applications received in LCCC exceeded the number of decisions issued in during 2021/22 [60]. It is important to note that the margin of difference within LCCC was minimal and that no significant backlog was created.
5. In 2021/2022 it took on average 17.2 weeks to process local applications to decision or withdrawal across all Councils. This was 0.6 weeks longer than the previous financial year.
6. Lisburn & Castlereagh City Council was one of eight Councils that did not meet the fifteen week target for processing local applications. That said, the average processing times for local applications within LCCC was 16.2 weeks which was an improvement of 7.6 weeks on the previous year. This was also one week shorter than the Council wide average.
7. A total of 145 major planning applications were received in NI during 2021/22, an increase of over one sixth compared with last year. The average processing time for major applications was 49.8 weeks across all Councils. Whilst this represents a substantial improvement when compared to the average processing time in 2020/21 [61.4 weeks], it is reported to be considerably higher than the 30 week target. Eight Major applications were received in LCCC during the reporting period and performance in respect of major applications within LCCC was 106.8 weeks.
8. It is important to note that the major category of applications represents a very small percentage of the total applications processed in this Council. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally.

Recommendation:

It is recommended that the Committee note the information provided in relation to the:

- Analysis of 2021/2022 Bulletin relative to LCCC;
- Northern Ireland Statistics Annual Statistic Bulletin (April 2021 – March 2022); and
- Infograph summary of key statistics relative to LCCC.

Finance and Resource Implications:

None

Screening:

Equality and Good Relations

Not Applicable

Environmental Impact Assessment

Not Applicable

Rural Impact Assessment

Not Applicable

SUBJECT TO PLANNING APPROVAL:

Not Applicable

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

Appendix 3(a) – Performance measured against the Annual Statistics Bulletin - April 2021 to March 2022

Appendix 3(b) – Northern Ireland Planning Statistics – Annual Statistical Bulletin (April 2021 – March 2022)

Appendix 3(c) – Infograph summary of key statistics

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	05 September 2022
Responsible Officer	Conor Hughes
Date of Report	19 August 2022
Subject	Performance measured against the Annual Statistics Bulletin - April 2021 to March 2022
Attachments	Yes

Purpose of the Report

1. The purpose of this report is to provide members with an update and analysis of the data collated for the Lisburn and Castlereagh City Council Area in the Annual Statistical Bulletin (the Bulletin) produced by the Department for Infrastructure (DfI) and published on 07 July 2022 for the period April 2021 to March 2022. The document is attached at **Appendix 3(b)**.
2. A summary of the information is set out in tables and charts. It is attached at **Appendix 3(c)** for ease of reference and provides comparison in performance against the agreed indicators for the years 2020/21 and 2021/22.

Background

3. The Bulletin provides an overall view of planning activity across Northern Ireland and detail of Council performance in respect of the statutory targets for major and local development applications as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.
4. Members are reminded that the statutory targets for Development Management are as follows:
 - Major development applications will be processed within an average of 30 weeks.
 - Local development applications will be processed within an average of 15 weeks.

Overall Planning Activity

- 5. The Bulletin indicates that across Northern Ireland, the number of planning application received [13,600] increased by 6% on the previous financial year [12,833].
- 6. Within the Lisburn & Castlereagh City Council, a total of 1047 applications were received (8 of which fell within the major category of development). This was 149 applications more than the number received in the previous year.

Applications received 2021/22 broken down by Quarter



- 7. When broken down by types of development the majority of outline (O) and full (F) applications were for residential development (including alterations and extensions to existing dwellings).

Development Type	Received (O or F)
Residential	740 [668]
Commercial	38 [31]
Industrial	10 [7]
Mixed Use	21 [7]

Development Type	Received (O or F)
Civic	61 [51]
Change of Use	34 [36]
Agricultural	22 [9]
Other	121 [97]

*[] denotes last year 2020/21.

Applications Decided

8. In the 2021/22 business year, 846 planning decisions were issued. This was 8 less than the previous year. The approval rate for this business year was 93.5%
9. The report acknowledges that in addition to processing planning applications, the Council dealt with other planning related work.
10. During 2021/22, this Council progressed 44 [34] non-material change applications, 57 [41] discharge of condition requests, 60 [37] formal Pre-Application Discussion requests and 8 [7] Pre-Application Notices. This is a total of 169 other application types.
11. An increased interest in application processes was also noted with increased numbers of pieces of correspondence. There was also a rise in the number of planning appeals received and processed over this period.

Approval Rates

12. The Bulletin indicates that the overall Northern Ireland approval rate for all planning applications for 2021/2022 was 94.9%, a slight decrease compared with the 2020/21 figure of 95.7%.
13. Approval rates varied across councils during the 2021/22 business year. Nine Councils reported a decrease in approval rate when compared with last year.

Approval rates are dependent on many factors and care should be taken in making any comparisons.

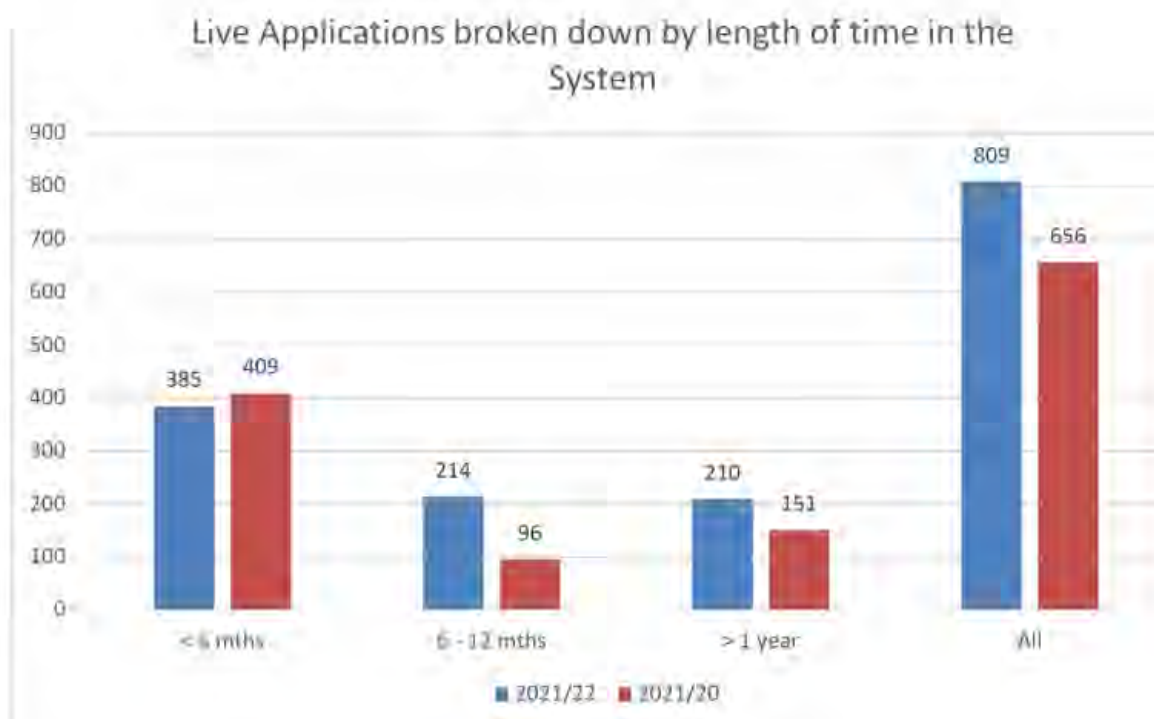
14. Lisburn & Castlereagh City Council reported a very marginal decrease from 94.1% to 93.5%. The trend over the 4 quarters is reflected in the chart below.



Live Applications

15. At the end of March 2022, there were 8236 live applications in the planning system as a whole which represents slight decrease compared with the number and the end of March 2020 [8221].
16. Any increase in the live count is due to fewer applications being processed, i.e. decided or withdrawn, compared with applications received over a given period.
17. Over one-fifth of all live applications in the planning system at the end of March 2021 were over one year old (22.5%), an increase from the proportion reported for the end of March 2021 (19.5%). Comparing the end of March 2022 with the same point a year earlier, the proportion of live cases in the system for over a year increased across eight councils.

18. The total number of live applications within LCCC at the end of March 2022 was 809. Last year, the figure as of the end of March 2021 was 656. The breakdown of live applications by length of time in the system is reflected in the chart below.



19. Across the Council network, there were 1825 live applications more than 12 months in the system. This is an average of 165 applications per Council Area. The actual number of cases for the Lisburn & Castlereagh City Council was 210 which is recognised to be above the average.
20. The number of legacy applications more than one year old grew by 59 in LCCC. This was as a consequence of the publication and subsequent withdrawal of the Department for Infrastructure's Planning Advice Note on the Implementation of Strategic Planning Policy on Development in the Countryside.
21. This Planning Advice Note was quoted in a large number of Judicial Review challenges received that required the Council to pause issuing decisions for single dwellings in the Countryside until more was known about the outcome of these challenges.

22. These decisions are now moving out of the planning system and this is reflected in the Q1 statistics for 2022/23 business year.

Major Development Planning Applications

23. From 1 May 2020, the requirement to hold a public event as part of the pre-application community consultation was temporarily removed for five months in response to the coronavirus pandemic. This was subsequently extended until 31 March 2022.
24. The Bulletin acknowledged that developments falling within the major category of application have important economic, social and environmental implications. The number of major applications received across Northern Ireland during 2021/22 was 145 which was an increase of over one-sixth from the previous year [123].
25. While this represents a substantial improvement when compared to the average processing time in 2020/21 [61.4 weeks], it is still considerably higher than the 30 week target.
26. LCCC received 8 major applications (which was 4 more than last year) and processed a total of 8 major applications to decision.
27. Average processing times for major applications across the Council network was noted in the Bulletin to be 49.8 weeks an increase of 8.6 weeks compared with the 61.4 week reported for the 2020/21 business year. Only one Council is reported to have met the statutory target of 30 weeks in 2020/21 business year.
28. Average processing times for processing major applications in LCCC year end was 106.8 weeks compared with 79.7 weeks last year. Approval rates for major applications within LCCC registered in the Annual report at 100% which was higher than the Northern Ireland average of 95.9%.
29. The major category of applications represent only a small percentage (approximately 2%) of the total applications processed in this Council. The challenge in achieving good performance consistently can depend on a number

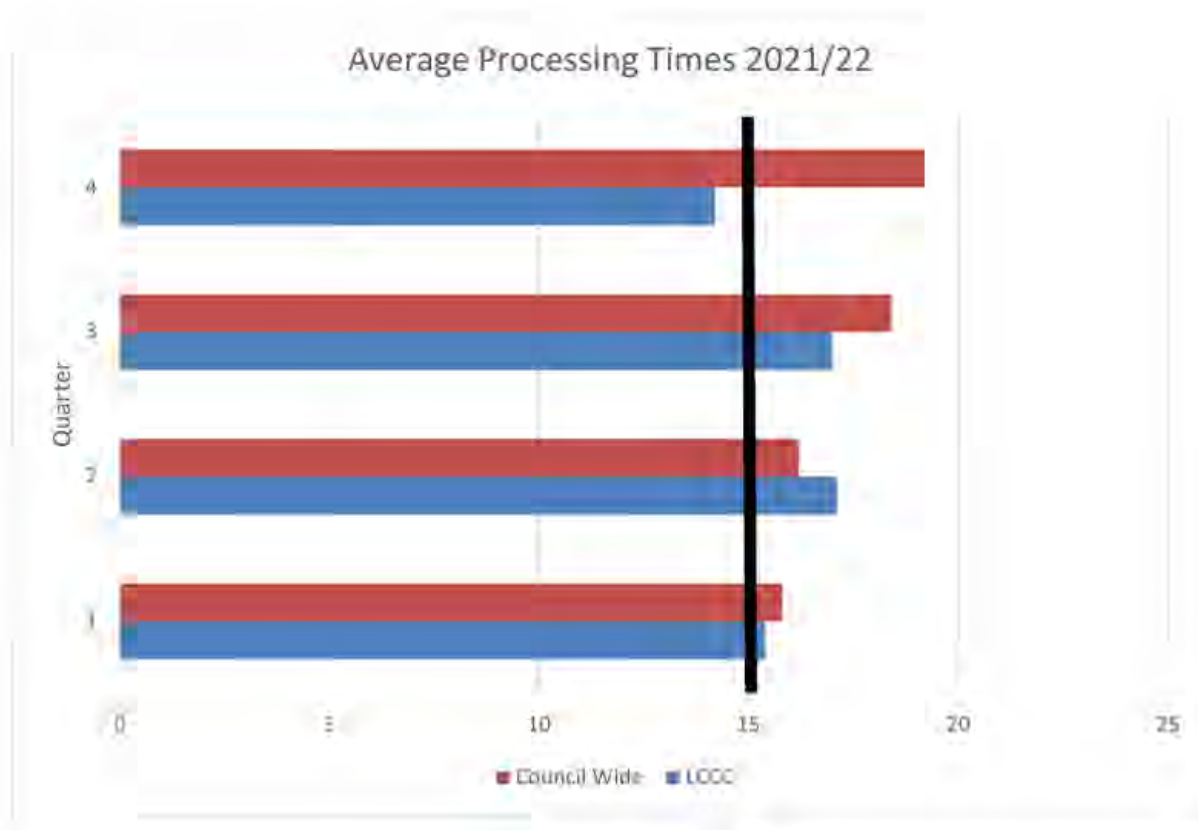
of unrelated factors for example, to the consultation process for a major piece of road infrastructure in one application, can mask good performance generally.

30. However the importance that the contribution that applications of a large scale make to the local economy of Lisburn & Castlereagh is recognised and the Council continue to manage these cases proactively and processed expeditiously where possible.
31. It is recognised in a recent NIAO Audit Report that funding of the Northern Ireland planning system needs to be reformed and put on a more sustainable model. How performance is measured in the future is part of a wider improvement agenda and officers from this Council are participating in an ongoing review which is being co-ordinated by the Department of Infrastructure.
32. Good performance, relative to other councils, remains a challenge, given the complexity of a number of major applications received in the past two years. The Council has been actively managing this in attempting to take at least one application to Council each month.
33. A number of legacy major applications moving out of the planning system has pushed out performance to approximately 106 weeks however in spite of this officers are continually focused on moving major applications particularly where there is a demonstrable economic growth opportunity. The oldest application decided during this period was a 2017 application for a large residential development.
34. There are currently 21 in the system and we are committed to bringing forward all major applications as expeditiously as possible. The planning committee are briefed monthly on performance and we attempt to bring forward a minimum of one major application per month.

Local Development Planning Applications

35. Local applications are typically residential and minor commercial applications. The number of local applications received across Northern Ireland during 2021/22 was 13,454 (an increase of 5.9 %) from the 12, 709 received during 2020/21.

- 36. The number of local planning applications decided in 2021/22 was 12,787 an increase of 23.5% when compared with the 2020/21 figure (10,357).
- 37. LCCC received 1047 local applications which was 149 applications more than the number received the previous year (898). A total of 846 decisions issued in respect of local applications during the reporting period which was 8 less than the number issued last year.
- 38. Average processing times across the Council network was noted in the Annual Bulletin to be 17.2 weeks representing a 0.6 week decrease compared with 2020/21 [17.8 weeks]. The shortest average processing time for local applications was 9.6 weeks.
- 39. Average processing times for processing local applications in LCCC year end was 16.2 weeks, an improvement of 7.6 weeks when compared with the 23.8 week processing time captured for the previous business year. This was also one week shorter than the Council wide 17.2 week average.



40. During this period, the Planning Unit brought 154 [145] applications to the weekly delegated list for Member consideration. Of those 44 [44] applications were 'Called In' to the Committee for determination.
41. A total of 82 [76] applications to the Planning Committee for determination which is approximately 7 applications per meeting.
42. Approval rates for local applications within LCCC registered in the Annual report as 93.4%, which was 1.5% lower than the Council wide rate of 94.9%.

Recommendation

43. It is recommended that Members note the information provided in the report in relation to performance against the statutory target in the Council area when considered in the context of the performance of the planning function in Northern Ireland in the year 2021/22.



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NORTHERN IRELAND PLANNING STATISTICS

Annual Statistical Bulletin 2021/22

April 2021 to March 2022: Final Figures



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National Statistics status

National Statistics status means that the statistics meet the highest standards of trustworthiness, quality and public value as set out in the [Code of Practice for Statistics](#). It is the Department for Infrastructure's responsibility to maintain compliance with these standards.

The Northern Ireland Planning Statistics were designated as National Statistics in December 2020, following a full assessment of compliance with the [Code of Practice for Statistics](#).

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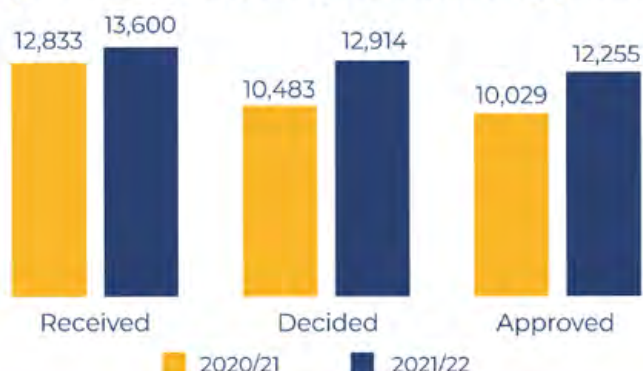
Key points

- **Planning activity and processing performance during the last two years were impacted by the restrictions put in place due to the coronavirus pandemic. Also, during January and February of 2022 the Northern Ireland Planning Portal was inaccessible for a period of time. These factors should be borne in mind and caution taken when interpreting these figures and when making comparisons with other time periods.**
- During 2021/22, 13,600 planning applications were received in Northern Ireland (NI); a 6% increase from the previous financial year. This comprised 13,454 local, 145 major and one regionally significant application.
- A total of 12,914 planning applications were decided during 2021/22; an increase of 23% from the previous financial year. Decisions were issued on 12,787 local and 127 major applications during 2021/22.
- The average processing time for local applications brought to a decision or withdrawal during 2021/22 was 17.2 weeks across all councils. This exceeds the 15 week target and represents a decrease of 0.6 weeks from the previous financial year. Two of the 11 councils met the 15 week target in 2021/22.
- The average processing time for major applications brought to a decision or withdrawal during 2021/22 was 49.8 weeks across all councils. This represents a decrease of 11.6 weeks compared with the previous financial year and exceeds the 30 week target by almost 20 weeks. One of the 11 councils met the 30 week target in 2021/22.
- Across councils 70.4% of enforcement cases were concluded within 39 weeks during 2021/22. This represents an increase from the rate reported in 2020/21 (69.9%) and meets the statutory target of 70%. Individually, eight of the 11 councils met the target in 2021/22.

Impact of the coronavirus (COVID-19) pandemic: Planning activity and processing performance during 2020/21 and 2021/22 were impacted by the restrictions put in place due to the coronavirus pandemic. This should be borne in mind when interpreting these figures.

Overall planning applications

Applications received, decided & approved



Comparing 2021/22 with 2020/21:

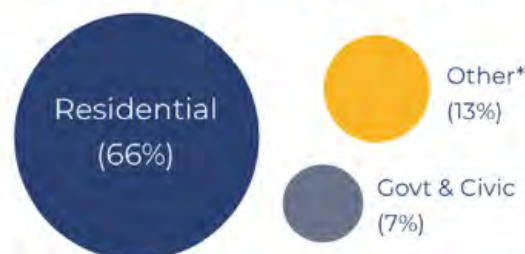


Applications received 2021/22

A total of 13,600 planning applications were received during 2021/22:



3 largest development types



*Other includes work to facilitate disabled persons, signs/advertisements & listed buildings

Planning statutory targets 2021/22

Average processing times (weeks) - major



Councils within major target



Average processing times (weeks) - local



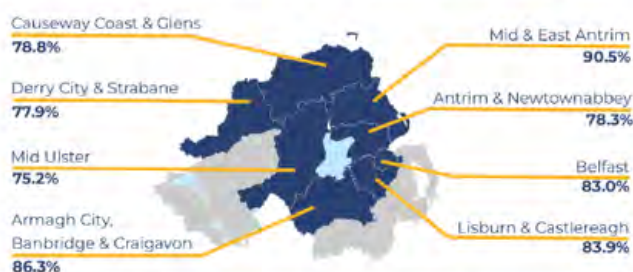
Councils within local target



% of enforcement cases concluded within 39 weeks



Councils within enforcement target



Northern Ireland Planning Statistics: Annual Statistical Bulletin 2021/22

Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure for 2021/22. Note that from 8 May 2016, ministerial responsibility for planning transferred from the former Department of the Environment to the Department for Infrastructure (the 'Department') following departmental re-organisation.

Whilst the bulletin and [accompanying tables](#) report data for 2021/22, the detailed tables also include comparable data from previous periods. Commentary will be mainly focused on changes since 2020/21, as well as changes within 2021/22. Please note that figures for 2021/22 are now final and will not be subject to further scheduled revisions.

Background

The [Planning Act \(Northern Ireland\) 2011](#) (the '2011 Act') sets out the legislative framework for development management in NI and provides that, from 1 April 2015, councils largely have responsibility for this planning function.

Planning applications for development categorised as being either major development or local development are largely determined by the councils. Responsibility for planning applications for regionally significant development rests with the Department. In addition, the Department retains responsibility for legacy 'Article 31' applications (i.e. Article 31 of the [Planning \(Northern Ireland\) Order 1991](#)).

Furthermore, the Department has the power to 'call in' both major and local development applications from councils, where it so directs, and determine them. Responsibility for planning legislation, and for formulating and co-ordinating policy for securing the orderly and consistent development of land, remains with the Department.

Consequently, the responsibility for development management is shared between the 11 councils and the Department (the 12 planning authorities).

The Department continues to have responsibility for the provision and publication of statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the NI headline results split by district council (and the Department where relevant). These data will also provide councils with information on their performance in order to meet their own reporting obligations under the [Local Government Act \(Northern Ireland\) 2014](#).

Note that whilst pre-transfer activity volumes can be mapped historically to the new organisational areas from which the demands arise, it would not be valid to do the same with performance data as the newly established district councils did not exist, nor do they neatly overlap with the old area planning office jurisdictions.

The first year of data under the new organisational areas was 2015/16. Therefore 2015/16 is regarded as the base year for reporting of performance-related data at council level with comparative trend data building from that point onwards. Whilst historic comparisons of performance at NI level can still be made, it is important to be aware that there were a number of significant changes to the planning system which will have had an impact. Where relevant these have been highlighted throughout the report.

Statistics included in this report

This bulletin provides an overall view of planning activity across NI. It provides summary statistical information on council progress across the three statutory targets for major development applications, local development applications and enforcement cases as laid out in the [Local Government \(Performance Indicators and Standards\) Order \(Northern Ireland\) 2015](#). It also provides information relating to Departmental performance against a quantitative corporate business plan target.

All of the information underlying the charts and graphs featured in this bulletin are included in [accompanying data tables](#) (see [Appendix 1 for additional definitions](#) used in these tables). This summary bulletin provides an overview and high level commentary with more detail and further analysis available [in the data tables](#). Where relevant, some of the more detailed findings may be referred to in the commentary.

Revisions and changes since Quarter 1 2015/16

(i) Major versus local classification - following the publication of the first quarter provisional bulletin in November 2015, a number of planning application classification issues were identified which required further investigation. This led to a number of revisions to the first quarter 2015/16 provisional figures which are reflected in later quarterly bulletins. The validation exercise additionally highlighted some inconsistencies in major and local development classification between 2015/16 and 2014/15 when the new classification hierarchy was first administratively implemented. It was decided, therefore, that 2015/16, when the classification hierarchy was given full legal effect, would be the base year for future comparisons of major and local development activity. As such, back-comparisons at council level for these application types are not possible.

(ii) Discharge of conditions - whilst forming part of a council's workload, these are not planning applications per se and hence should be excluded from the assessment of target processing performance. This led to some further revisions from the previously released first quarter 2015/16 results. However, whilst there were some small changes to activity volumes, their exclusion did not materially affect average processing times across the vast majority of councils. See [User Guidance](#) for further detail on excluded planning activity. Table 9.1, in the [accompanying data tables](#), provides volumes and processing times for all such 'non-application' workload.

(iii) Legacy versus new council activity – in order to provide additional context around council performance, two additional analyses have been included in the data tables. [Table 8.1](#) shows the volume of legacy work which each council inherited on 1 April 2015 and to what extent it has since been reducing, while [Table 8.2](#) splits out processing performance for major and local development into legacy versus council applications. These tables will be retained until the legacy applications become a negligible part of overall council workload.

Future releases

The next quarterly release is due in September 2022. This will contain provisional planning data up to 30 June 2022 and will commence the quarterly reporting cycle for 2022/23. The next annual report covering 2022/23 is planned for release in July 2023. See [GOV.UK Release Calendar](#) and [upcoming statistical releases](#) on the Department's website for future publication dates.

National Statistics designation

Between November 2019 and March 2020, the Northern Ireland Planning Statistics underwent an assessment by the Office for Statistics Regulation. A [report](#) detailing the findings of this assessment was published in May 2020.

The assessment report identified four requirements which, once met, enabled the Northern Ireland Planning Statistics to be designated as new National Statistics. Analysis, Statistics and Research Branch (ASRB) published [an action plan](#), detailing how and by when these requirements were met. This action plan includes a forward work plan which outlines scheduled work and further developments over the coming years, this is updated quarterly.

In [December 2020](#), the UK Statistics Authority Regulatory Committee confirmed National Statistics designation for the Northern Ireland Planning Statistics. This designation means that the statistics meet the highest standards of trustworthiness, quality and public value as set out in the [Code of Practice for Statistics](#).

New Northern Ireland regional planning IT system

The Department and 10 councils continue to work collaboratively on the configuration of a new Regional Planning IT System with an external provider. Configuration is due to be completed in July 2022 and it is anticipated that the new system will be implemented in autumn 2022. Relevant updates on the development of this new system and any potential impacts on statistical reporting will be included within future NI Planning Statistics publications. However, at this stage of the project it is still too early to include any further information on potential impacts to NI Planning Statistics.

Alongside this, Mid Ulster council chose to move forward independently and develop their own system which went live on 22 June 2022. ASRB continue to work alongside the council to try to ensure that this new system will meet the existing requirements of the NI Planning Statistics. Again, it is too early to include any further information on potential impacts to NI Planning Statistics but any relevant updates will be included within future publications.

Planning Monitoring Framework

The [Northern Ireland Planning Monitoring Framework 2020/21](#) was published at the beginning of December 2021. The next update of the framework, with data for 2021/22, is planned for publication in winter 2022.

Impact of the coronavirus (COVID-19) pandemic

This bulletin and the accompanying [data tables](#) present data for the period 1 April 2021 to 31 March 2022.

Restrictions due to the coronavirus pandemic commenced on 12 March 2020 with the start of the delay phase, before lockdown was applied on 23 March 2020. Although lockdown was gradually eased from May 2020, varying levels of restrictions continued to be in place up to 15 February 2022.

Planning activity and processing performance has been impacted by these restrictions, with the number of planning applications received in 2020/21 exceeding the levels recorded for any year since the transfer of planning powers.

The volume of planning applications received and processed (i.e. decided or withdrawn), and enforcement cases opened, closed and concluded, were lowest during the first quarter of 2020/21, before increasing in subsequent quarters. Overall, the number of applications received in 2020/21 exceeded the total recorded for the previous year. However, despite increases in the latter three quarters, the number of applications processed and level of enforcement activity for the year as a whole were at much lower levels when compared with 2019/20.

Whilst the overall activity has been higher in 2021/22 when compared to 2020/21, there has been a notable reduction during the last three quarters of 2021/22 in the number of planning applications received and enforcement cases opened. In the most recent quarter part of this may be attributed to the planning system being unavailable to staff for periods of time during January and February 2022. Therefore, caution should continue to be taken when interpreting figures and when making comparisons with other time periods.

Although restrictions in place for the pandemic have now ceased future Northern Ireland Planning Statistics reports will continue to consider the impact of the coronavirus pandemic on planning activity.

The data for this report were collected while some staff in planning authorities had restricted access to their offices. Whilst this may present some challenge, there are no concerns that the quality of data presented in this report have been adversely affected.



Chapter 1: Overall Northern Ireland planning activity

Chapter 1: Overall NI planning activity

The volume of planning applications received and processed (i.e. decided or withdrawn), were highest during the first quarter of the year, before decreasing in subsequent quarters, with the exception of a small increase in applications received between quarters three and four. Overall, the number of applications received and processed exceeded the totals recorded for 2020/21, a year which was impacted considerably by coronavirus related restrictions. While the number of enforcement cases opened in 2021/22 was lower than 2020/21, the volume of cases closed and concluded was higher than the previous year.

The pandemic continued to have an impact on planning activity and processing performance in 2021/22 which is evident from the information presented in this report and the regular feedback received from planning authorities. In addition the planning portal was inaccessible to planning staff for periods during January and February 2022 which is likely to have impacted processing capabilities. **Caution should be taken when interpreting these figures and when making comparisons with other time periods.**

Applications received

During 2021/22, 13,600 planning applications were received in Northern Ireland (NI) by councils and the Department; an increase of 6.0% from the previous financial year (12,833). (Figure 1.1). Refer to Table 1.1.

Fig 1.1 NI planning applications, annually, 2002/03 to 2021/22



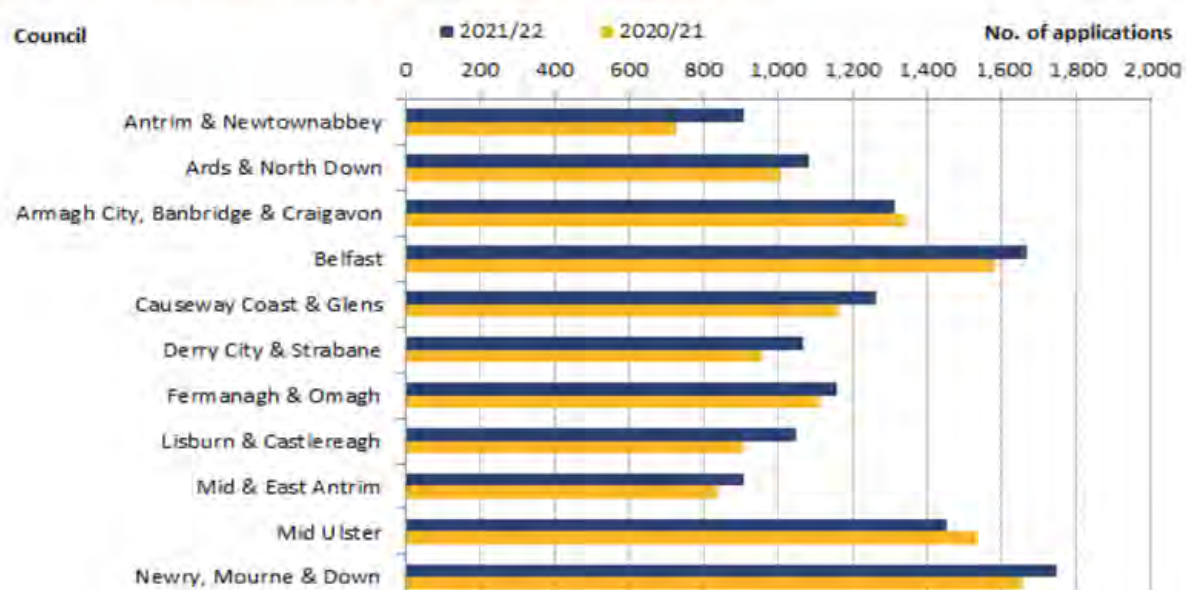
Just over three-quarters of the planning applications received 2021/22 were for full planning permission (75.3%); a small decrease from the proportion reported for 2020/21 (75.9%).

During 2021/22, the number of planning applications received varied across councils, ranging from 1,744 in Newry, Mourne and Down (accounting for 12.8% of all applications received across NI) to 906 in Mid and East Antrim (6.7% of all applications received).

Reflecting the overall increase in the number of applications received in 2021/22 compared with 2020/21 (6.0%), nine of the 11 councils reported an increase over the year. The largest increase, in percentage terms, was in Antrim and Newtownabbey (24.2%). Over the same period, the volume of planning applications received decreased in Mid Ulster (-5.3%) and Armagh City, Banbridge and Craigavon (-2.2%) ([Figure 1.2](#)).

[Refer to Tables 1.1, 1.2, 5.6.](#)

Fig 1.2 Applications received by council, 2020/21 & 2021/22



Applications decided

The number of planning **decisions issued** during 2021/22 was **12,914**; an increase of 23.2% from 2020/21 (10,483) ([Figure 1.1](#)).

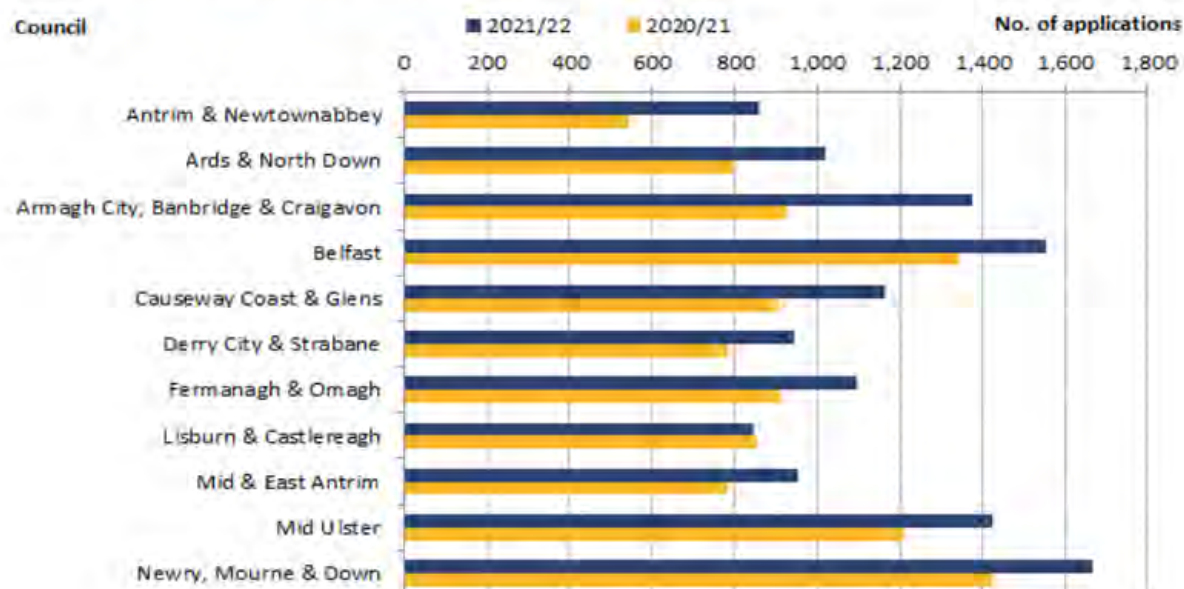
Over three quarters of planning decisions in 2021/22 (76.9%) were for full planning permission; similar to the proportion recorded for the previous financial year (76.6%).

Across councils the number of decisions issued during 2021/22 ranged from 1,666 in Newry, Mourne and Down (accounting for 12.9% of all decisions across NI) to 846 in Lisburn and Castlereagh (6.6% of all decisions).

During Q1 2021/22, the number of applications decided was 3,461; this was the highest number decided for any quarter since Q1 2016/17. During the following three quarters of 2021/22, there were consecutive decreases in the number of applications decided, with the 2,950 decided in Q4 2021/22. [Refer to Table 1.1.](#)

Reflecting the overall increase in the number of applications decided in 2021/22 compared with 2020/21 (23.2%), 10 of the 11 councils reported an increase in the number of applications decided in 2021/22, with the percentage increase greatest in Antrim and Newtownabbey (58.4%). The number of decisions issued decreased over the year in Lisburn and Castlereagh (-0.9%) ([Figure 1.3](#)).

Fig 1.3 Applications decided by council, 2020/21 and 2021/22



The number of applications received exceeded the number of decisions issued in nine out of the 11 councils during 2021/22.

Over the course of the year, **623** applications were **withdrawn**; an increase of 23.6% from the number withdrawn in 2020/21 (504).

Overall, the number of applications processed (i.e. decided or withdrawn) in 2021/22 was 13,537; an increase of 23.2% from the previous year (10,987).

[Refer to Tables 1.1, 1.2, 5.6.](#)

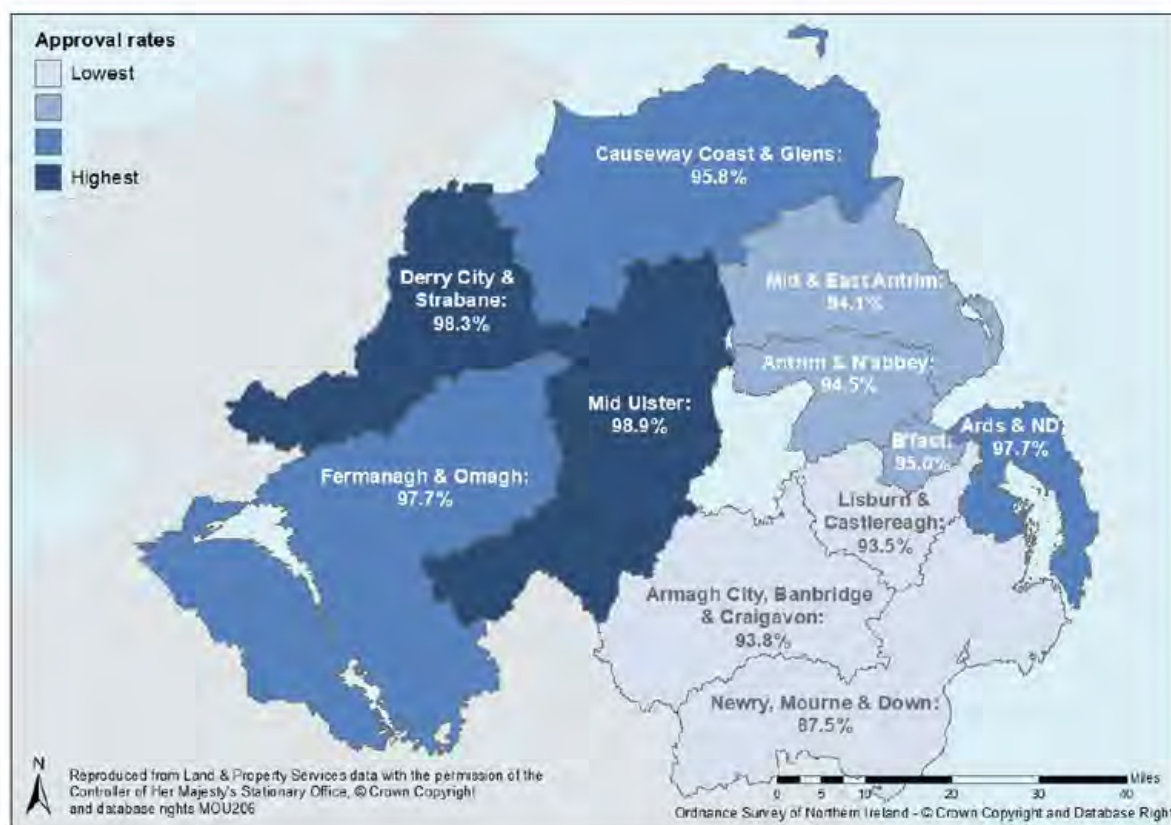
In addition to processing applications, planning authorities deal with a range of other planning related work. For example, during 2021/22 they processed to decision or withdrawal: 1,113 certificates of lawfulness; 989 discharge of conditions; 476 non-material changes; and 309 tree preservation orders. A further breakdown of these figures is provided in [Table 9.1](#).

Approval rates

The **overall Northern Ireland approval rate** for all planning applications was **94.9%** in 2021/22; a decrease from the rate reported for 2020/21 (95.7%), which was the highest approval rate reported for any year since the series began in 2002/03. [Refer to Table 1.1.](#)

Approval rates varied across councils during 2021/22, from 98.9% in Mid Ulster to 87.5% in Newry, Mourne and Down (Figure 1.4). These rates are dependent on many factors and care should be taken in making any comparisons.

Fig 1.4 Approval rates by council, 2021/22



Nine councils reported a decrease in approval rate in 2021/22 when compared with 2020/21, with the largest decrease occurring in Newry, Mourne and Down (down from 91.2% to 87.5%). Approval rates increased over this period in the remaining two councils, with Ards and North Down (up from 96.9% to 97.7%) and Causeway Coast and Glens (up from 94.9% to 95.8%). [Refer to Table 1.2.](#)

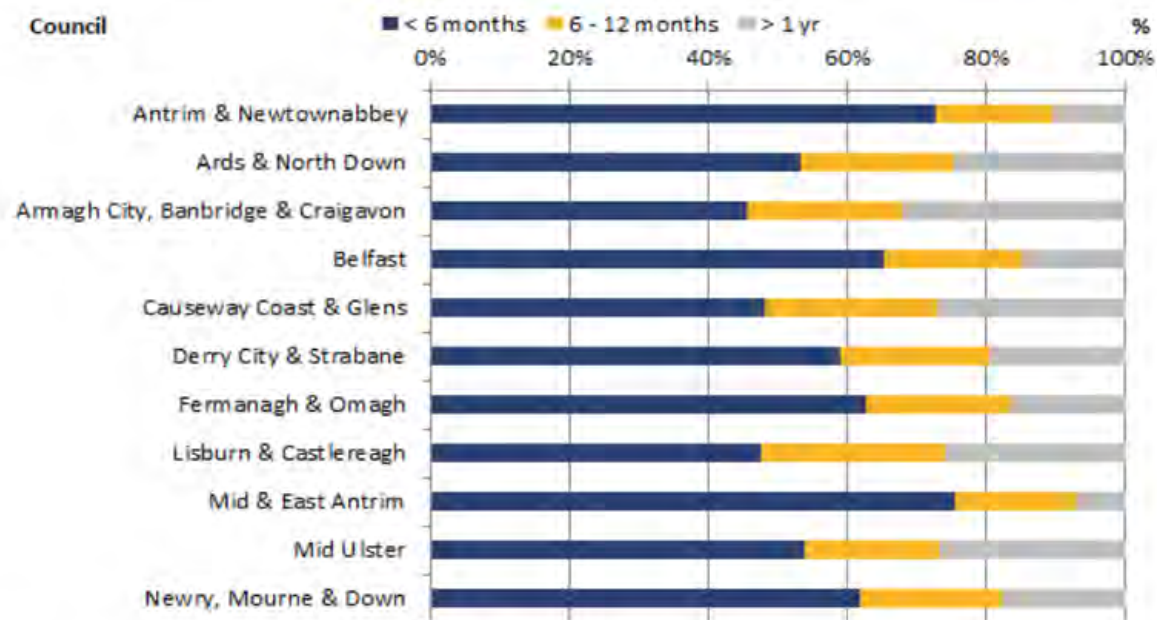
Live applications

There were 8,236 live applications in the planning system across NI at the end of March 2022; similar to the number of live applications at the end of March 2021 (8,221), and the highest end-of-year live count since March 2012. Any increase in the live count is due to fewer applications being processed, i.e. decided or withdrawn, compared with applications received over a given period.

Over one-fifth of all live applications in the planning system at the end of March 2022 were over one year old (22.5%); an increase from the proportion reported for the end of March 2021 (19.5%). [Refer to Table 1.3.](#)

The proportion of live applications over one year old at the end of March 2022 varied across councils, ranging from 32.2% in Armagh City, Banbridge and Craigavon to 7.2% in Mid and East Antrim ([Figure 1.5](#)).

Fig 1.5 Live applications by council & time in the planning system at end of March 2022



Comparing the end of March 2022 with the same point a year earlier, the proportion of live cases in the system for over a year increased across eight councils, with the increase greatest in Armagh City, Banbridge and Craigavon (up from 25.1% to 32.2%). The remaining three councils reported a decrease in the proportion of live cases over the year with the decrease greatest in Ards and North Down (down from 29.3% to 24.7%).

[Refer to Table 1.4.](#)



Chapter 2: Departmental activity

Chapter 2: Departmental activity

Departmental planning activity

In 2021/22 the Department received ten applications; one regionally significant development (RSD), six called-in and three other applications. This compares with 5 received during 2020/21. The Department issued decisions on 10 applications during 2021/22; two called-in and eight other applications. This matches the number of decisions issued by the Department (10) during the previous year. In addition, one application was withdrawn during the most recent year, compared with three during 2020/21. The one application withdrawn in 2021/22 was a called-in application.

At the end of March 2022 there were 33 live Departmental applications: **four** ongoing RSD applications; **five retained** applications; **15 called-in** applications; and **9 other** applications. The majority of these applications (23 out of 33) were in the planning system for over a year at the end of March 2022 ([Figure 2.1](#)). [Refer to Tables 2.1, 2.2.](#)

Fig 2.1 Live Departmental applications by development type & time in system at end of March 2022



Departmental target

RSD applications are similar to former Article 31 applications in that they will be determined by the Department. These developments have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from a local development plan.



It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.

Of the four RSD applications live in the planning system at the end of March 2022, one had already been progressed to ministerial recommendation prior to 2021/22. Another was progressed to ministerial recommendation in Q2 2021/22 but the 30 week period for recommendation / withdrawal had been exceeded. Of the remaining two awaiting ministerial recommendation, the 30 week period has been exceeded for one, and the other which was received during Q3 2021/22 will be progressed in future months..

Progress on these applications, and any new RSD applications received, will continue to be assessed in future reports.



Chapter 3: Major development planning applications

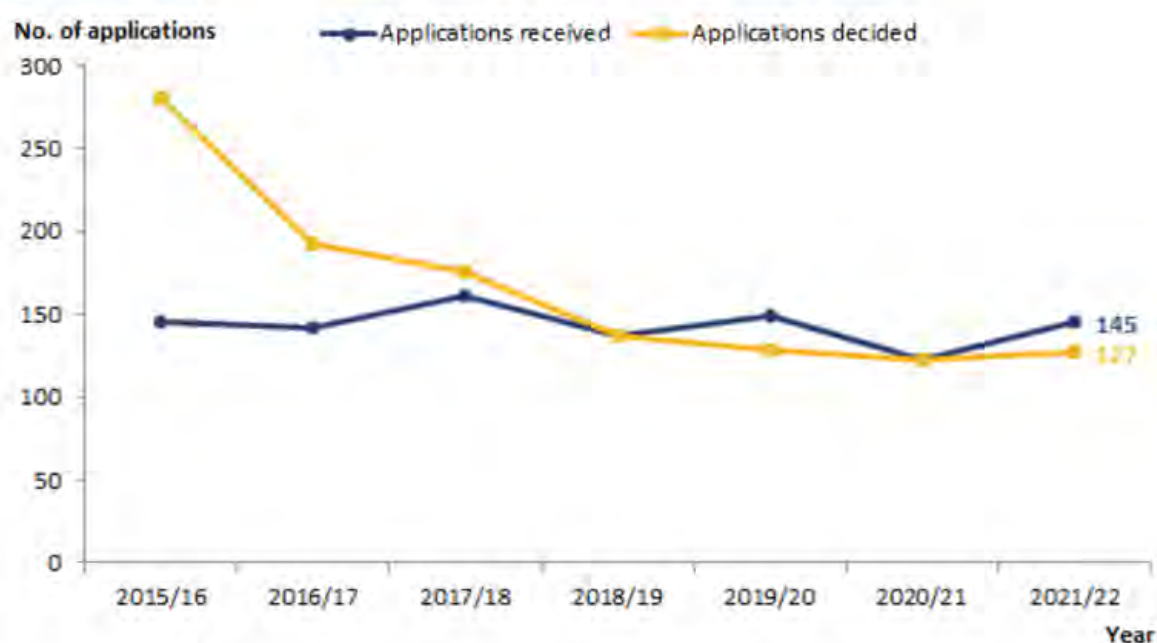
Chapter 3: Major development planning applications

Major Developments have important economic, social and environmental implications. The majority of major applications are multiple housing, commercial, and government and civic types of development.

Major applications received

A total of **145 major** planning applications were **received** in NI during 2021/22; an increase of over one-sixth from 2020/21 (up 17.9%, from 123) ([Figure 3.1](#)).

Fig 3.1 Major development applications, annually, 2015/16 to 2021/22



From 1 July 2015, pre-application community consultation became a pre-requisite to a major application. All major applications now go through a minimum 12 week consultation process before being accepted. The impact of this requirement should be borne in mind when considering the longer term trend in major applications received, particularly when considering quarterly data. As [Figure 3.1](#) shows, the impact of this requirement is less evident for annual data. The number of major applications received has been relatively stable since the time series began in 2015/16, ranging from 123 in 2020/21 to 161 in 2017/18.

From 1 May 2020, the requirement to hold a public event as part of the pre-application community consultation was temporarily removed for five months in response to the coronavirus pandemic. This was subsequently extended until 31 March 2022¹.

The number of major applications received across the councils in 2021/22 ranged from 38 in Belfast to six in Ards and North Down. Six councils recorded increases in the number of

¹ For more information, see the [Departmental website](#).

major applications received in 2021/22 compared with 2020/21, with Belfast recording the largest increase in number (up eight, from 30 to 38). Two councils recorded no change over the year and the remaining three councils reported decreases in the number of major applications received over the year, with the greatest decrease recorded in Newry, Mourne and Down (down four, from 12 to eight).

Major applications decided

During 2021/22, **127 major** planning applications were **decided**; an increase of 3.3% from the previous year (123) ([Figure 3.1](#)).

There were four major applications **withdrawn** during 2021/22, compared to 7 in 2020/21.

At council level, the number of major applications decided in 2021/22 ranged from 27 in Belfast to four in Fermanagh and Omagh. Five of the 11 councils issued more decisions on major applications in 2021/22 compared with 2020/21.

Of the 127 major applications decided upon in NI during 2021/22, 122 were approved, meaning the overall Northern Ireland approval rate was 96.1%. All eleven councils issued decisions on major applications during the most recent year; in seven of those, 100% of the major applications decided upon were approved. [Refer to Tables 3.1, 3.2.](#)

Major planning applications statutory target



It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.

[Figure 3.2](#) presents annual average processing times for major applications. The **average processing time** for **major** applications brought to a decision or withdrawal during **2021/22** was **49.8 weeks** across all councils. While this represents a substantial improvement when compared to the average processing time in 2020/21 (61.4 weeks), it is still considerably higher than the 30 week target.

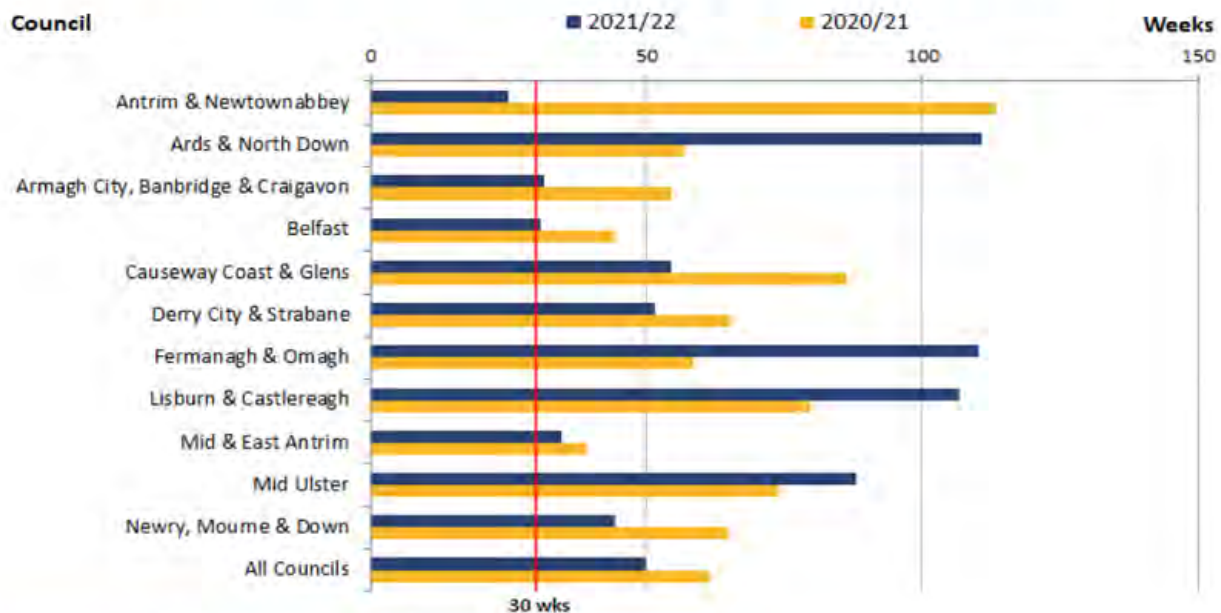
Whilst [Figure 3.2](#) below has been provided for completeness, the majority of councils (6 of the 11) processed fewer than 10 major applications to decision or withdrawal during 2021/22. [Refer to Table 3.2 for further information.](#)

With this in mind, one council, Antrim and Newtownabbey, was within the 30 week target in 2021/22 (with an average of 25.1 weeks across eight applications). The second and third lowest average processing times were recorded for Belfast (with an average of 31.0 weeks across 27 applications), and Armagh City, Banbridge and Craigavon (with an average of 31.6 weeks across 13 applications). [Refer to Table 3.2.](#)

Seven of the 11 councils reported a decrease in average processing times for major applications in 2021/22 compared with 2020/21 with the decrease greatest in Antrim and Newtownabbey (down from an average of 113.4 weeks to 25.1 weeks). The remaining four councils reported an increase in average processing times for major applications over the

year, with Ards and North Down reporting the greatest increase (up from an average 57.0 weeks to 110.8 weeks).

Fig 3.2 Major development average processing times by council, 2020/21 & 2021/22



[Refer to Table 3.2 for further information.](#)

Three of the 125 major applications processed by councils in 2021/22 were legacy cases (i.e. those received before 1 April 2015). There were 11 live major legacy applications in the planning system at the end of March 2022. A breakdown of these figures by legacy cases (those applications received prior to transition of planning powers) and council received cases is provided in [Table 8.2](#).



Chapter 4: Local development planning applications

Chapter 4: Local development planning applications

Local Development planning applications are mostly residential and minor commercial applications and are largely determined by the councils. The number of **local** applications received in NI during 2021/22 was **13,454**; an increase of 5.9% on the 12,709 received during 2020/21 ([Figure 4.1](#)).

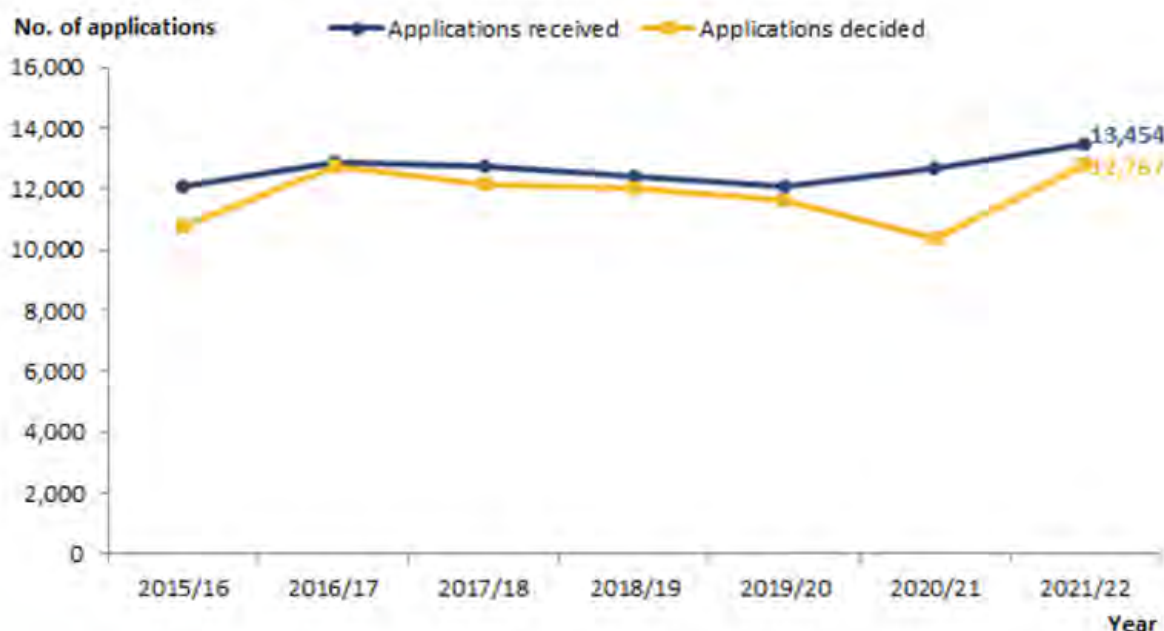
Local applications received

During Q1 2021/22, the number of local applications received was 3,928, the highest quarterly total since transfer. The number of local applications received in the next two quarters declined from this peak to 3,116 in Q3 2021/22. There was a slight increase in Q4 2021/22 to 3,128. [Refer to Table 4.1](#).

Across councils the number of local applications received during 2021/22 ranged from 1,736 in Newry, Mourne and Down to 895 in Antrim and Newtownabbey.

Nine councils reported an increase in the number of local applications received in 2021/22 compared with the previous year. The increase was greatest in Antrim and Newtownabbey, where the number of local applications received was up by nearly one quarter (24.0%). Over the same period two councils reported a decrease with the largest decrease reported in Mid Ulster (-5.4%).

Fig 4.1 Local development applications, annually, 2015/16 to 2021/22



Local applications decided

The number of **local** applications **decided** in 2021/22 was **12,787**; an increase of 23.5% from 2020/21 (10,357), which was lowest number recorded for any year since the transfer of

planning powers. Refer to [Figure 4.1](#). In each year since the transfer of planning powers the number of local applications received has exceeded the number decided. This difference was considerable in 2015/16, in large part due to the gap between the number received and decided during the first quarter of 2015/16, immediately following transfer. In 2016/17 the gap narrowed considerably, before widening again in subsequent years. The gap was greatest in 2020/21, with 2,352 more applications received than decided, suggesting that the coronavirus pandemic and resulting restrictions impacted the ability of planning authorities to issue decisions on local applications. In 2021/22 that gap narrowed, with 667 more applications received than decided ([Figure 4.1](#)).

During 2021/22 the number of local planning decisions issued across councils ranged from 1,660 in Newry, Mourne and Down to 838 in Lisburn and Castlereagh.

Ten of the 11 councils reported an increase in the number of local applications decided in 2021/22 compared with the previous year, with the increase greatest in percentage terms in Antrim and Newtownabbey (58.4%). The number of decisions issued on local applications decreased over this period in Lisburn and Castlereagh (-0.7%).

In 2021/22, **619** local applications were **withdrawn**; an increase of 24.5% from the number withdrawn in 2020/21 (497). Across councils the number of local applications withdrawn in 2021/22 ranged from 82 in Belfast to 16 in Mid and East Antrim.

The **overall Northern Ireland approval rate** for local applications was **94.9%** in 2021/22; a decrease from 95.7% in 2020/21.

[Refer to Tables 4.1, 4.2.](#)

Local planning applications statutory target



It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

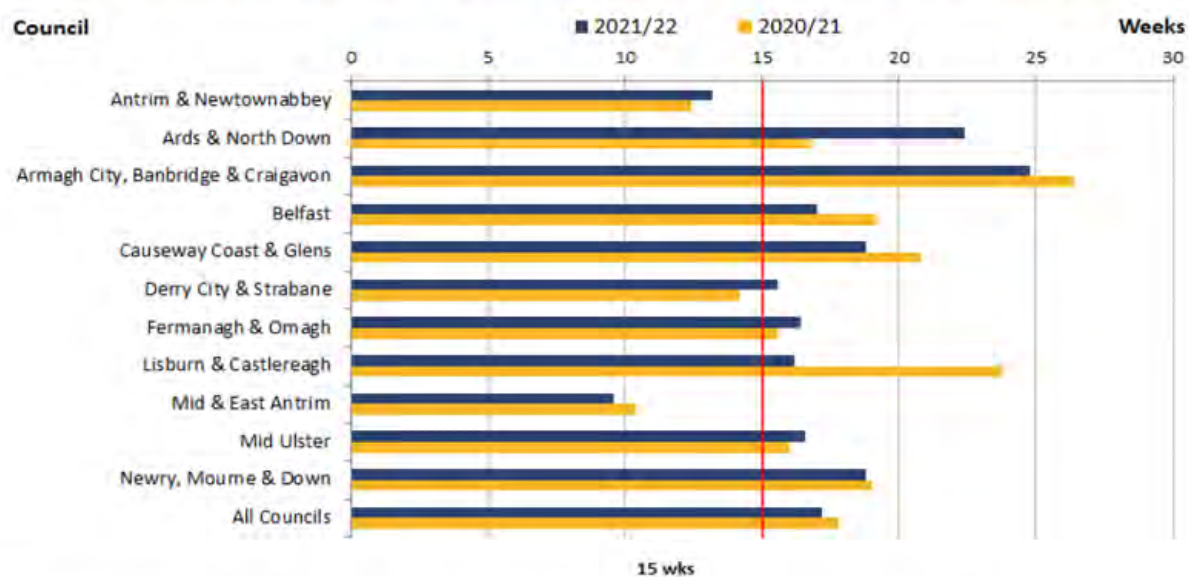
The average processing time for local applications brought to a decision or withdrawal during 2021/22 was 17.2 weeks, exceeding the statutory target of 15 weeks. This represents a decrease of 0.6 weeks compared with 2020/21 (17.8 weeks).

Two of the 11 councils met the 15 week target in 2021/22: Mid and East Antrim (9.6 weeks); and Antrim and Newtownabbey (13.2 weeks).

The average processing time for local applications improved in six councils during 2021/22, compared with 2020/21, with the decrease greatest in Lisburn and Castlereagh (down 7.6 weeks, from 23.8 to 16.2 weeks). Over the same period, average processing times for local applications increased in the remaining five councils, with the increase greatest in Ards and North Down (up 5.6 weeks, from 16.8 to 22.4 weeks) ([Figure 4.2](#)).

[Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, 2020/21 and 2021/22



Only one of the 13,401 local applications processed by councils in 2021/22 was a legacy case (i.e. those received before 1 April 2015). There were 24 live local legacy applications in the planning system at the end of March 2022. A breakdown of these figures by legacy cases (those applications received prior to transition of planning powers) and council received cases is provided in [Table 8.2](#).



Chapter 5: Development type

Chapter 5: Development type

Generally the majority of planning applications received are for residential development. During 2021/22, **residential** applications accounted for nearly **two-thirds (66.2%)** of all planning applications received in NI; a decrease on the proportion for 2020/21 (68.1%).

Residential applications accounted for the majority of applications received in each council during 2021/22; ranging from nearly three-quarters (73.2%) in Mid Ulster to just over half (52.3%) in Derry City and Strabane.

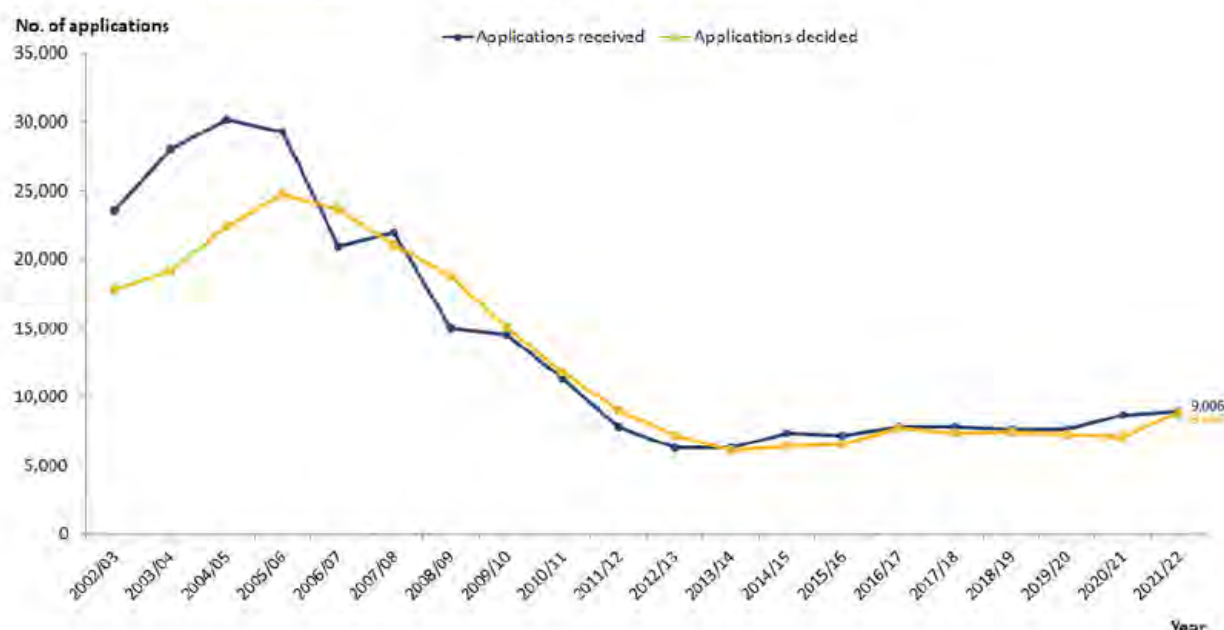
Consistent with previous years, a higher proportion of applications received in Derry City and Strabane (26.3%) and Belfast (22.8%) were categorised as 'other'² in 2021/22, compared with the other councils. See [Appendix 1 – Definitions](#) for a description of the types of applications included in this category.

At NI level the overall number of planning applications received increased by 6.0% between 2020/21 and 2021/22. There was also an increase in each development type, ranging from a 23.7% increase in agricultural applications (from 186 to 230) to a 2.4% increase in mixed use applications (from 379 to 388). [Refer to Tables 5.1, 5.2.](#)

Residential applications received

The overall number of **residential** planning applications **received** in NI during 2021/22 was **9,006**; an increase of 3.1% from 2020/21 (8,734) and the highest annual total recorded since 2010/11). [See Figure 5.1.](#)

Fig 5.1 NI Residential applications, annually, 2002/03 to 2021/22



² See [Appendix 1 – Definitions](#) for a description of the types of applications included in this category

In Q1 2021/22, the number of residential applications received was 2,739, the highest number reported for any quarter since Q2 2010/11. During the following three quarters of 2021/22 there were consecutive decreases in the number of residential applications received, with 2,014 received in Q4 2021/22. [Refer to Table 5.3.](#)

Residential applications decided

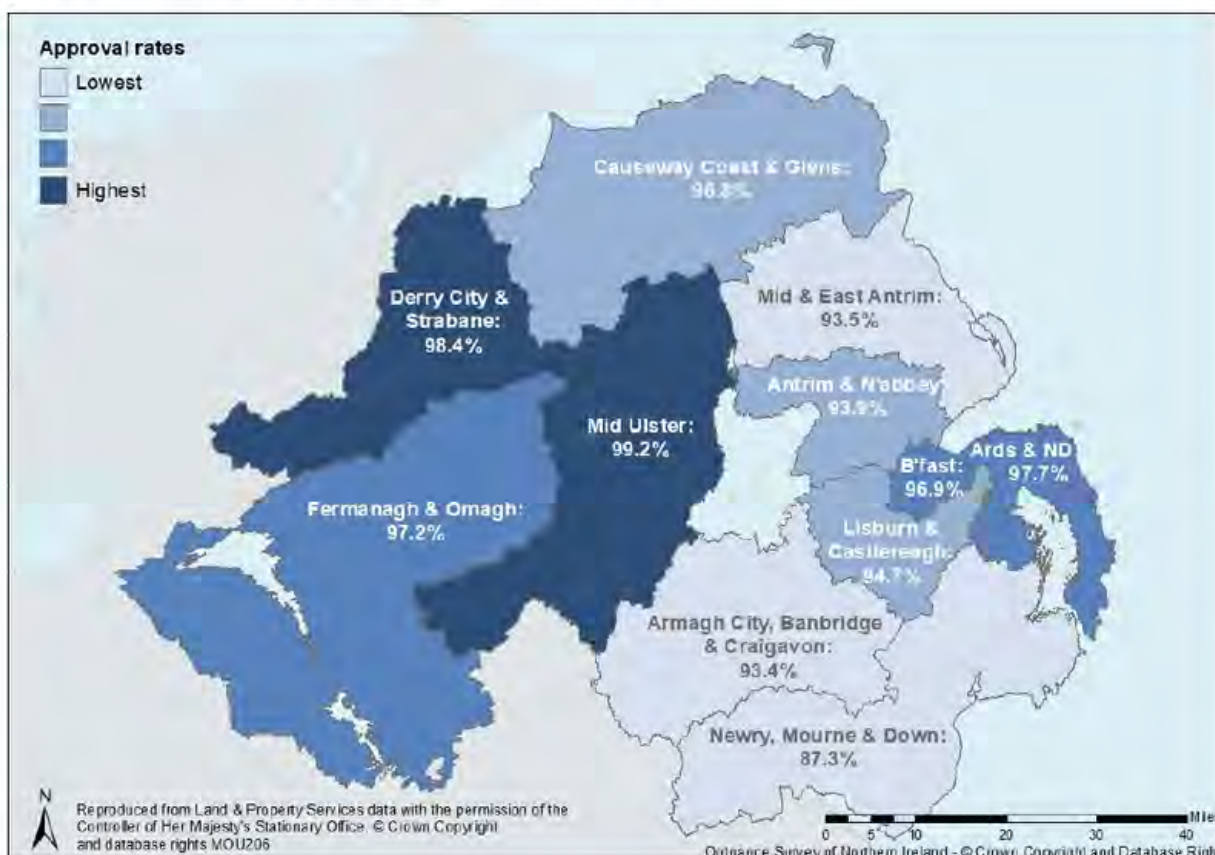
There were **8,846 residential** planning applications **decided** during 2021/22; an increase of a quarter (25.0%) over the year from 7,074. [See Figure 5.1.](#)

In Q1 2021/22, decisions were issued on 2,403 residential planning applications, the highest number reported for any quarter since Q1 2011/12. Consecutive decreases in the number of residential applications decided were recorded during the following three quarters in 2021/22, with 1,929 decided in Q4 2021/22. [Refer to Table 5.3.](#)

The **Northern Ireland approval rate** for residential planning applications was **95.0%** in 2021/22; a decrease from the rate reported for 2020/21 (95.9%), which was the highest residential approval rate reported for any year since the series began in 2002/03.

Approval rates for residential planning applications varied across councils in 2021/22, ranging from 99.2% in Mid Ulster to 87.3% in Newry, Mourne and Down ([Figure 5.2](#)).

Fig 5.2 Residential approval rates by council, 2021/22



In 2021/22 approval rates for residential planning applications decreased in seven councils when compared with 2020/21, with the largest decrease occurring in Newry, Mourne and Down (down from 92.0% to 87.3%). Four councils reported an increase in residential approval rates over the same period with the greatest of these reported in Causeway Coast and Glens (up from 93.9% to 96.8%).

During 2021/22, 389 residential applications were withdrawn across NI; an increase from the number reported for the previous year (307).

[Refer to Tables 5.3 and 5.4.](#)

Residential applications – urban, rural and open countryside

Across urban areas (settlements greater than or equal to 5,000 population), the number of residential applications received in 2021/22 was 2,978; an increase of 3.1% from 2020/21 (2,888).

In rural areas, within settlements of less than 5,000 population, there was an increase in the number of residential applications received in 2021/22 (1,095) compared with 2020/21 (up 7.0%, from 1,023).

In the open countryside (outside population settlements), the number of residential applications received in 2021/22 (4,933) also increased over the year (up 2.3%; from 4,823).

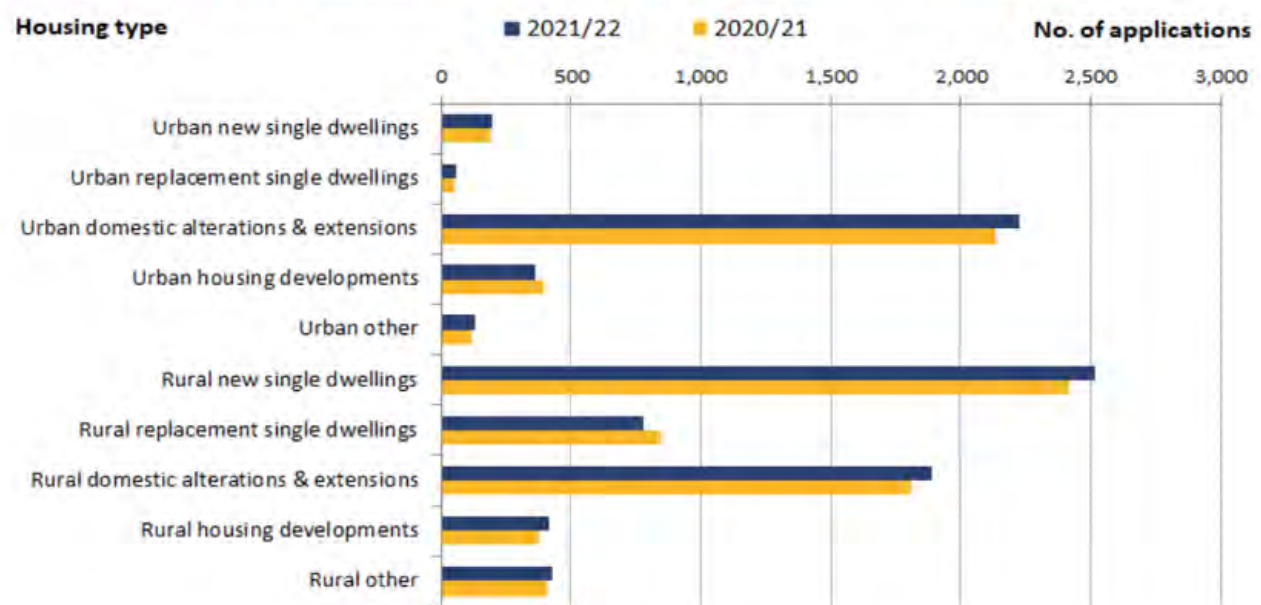
Residential applications – urban and rural

[Figure 5.3](#) shows the number of residential applications received in 2020/21 and 2021/22, broken down by urban and rural housing type. Urban is based on areas with settlements greater than 5,000 population while rural is a combination of settlements below 5,000 population and the open countryside.

New single dwellings in rural areas (2,515) and alterations/extensions in urban areas (2,224) continue to be the most common types of residential application, together accounting for over half (52.6%) of all residential applications received during the 2021/22.

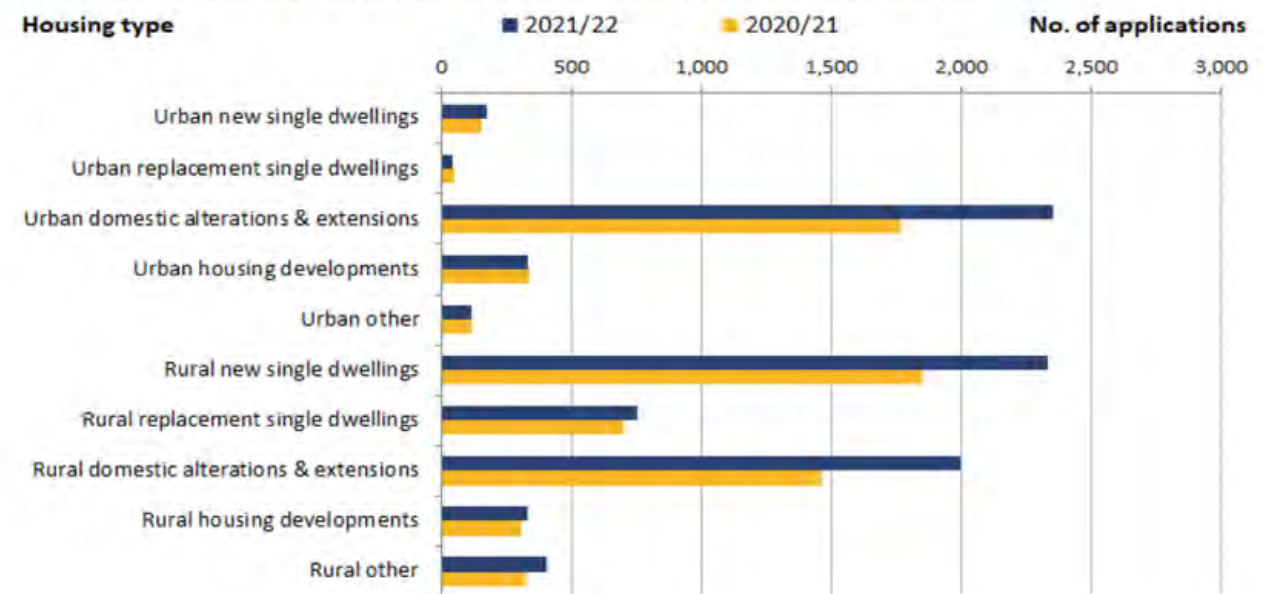
The overall increase over the year in the number of residential applications received (3.1%) was a result of small increases in the number of applications received across the majority of housing types, see [Figure 5.3](#).

Fig 5.3 NI Residential applications received by urban/rural, 2020/21 and 2021/22



The overall increase in the number of residential applications decided between 2020/21 and 2021/22 (25.0%), was driven in large part by increases in the number of decisions issued on domestic alterations and extensions in urban areas (up 33.0%; from 1,770 to 2,354) and in rural areas (up 36.0%; from 1,467 to 1,995); and rural new single dwellings (up 26.2%; from 1,851 to 2,336). Refer to Table 5.5 and Figure 5.4.

Fig 5.4 NI Residential applications decided by urban/rural, 2020/21 and 2021/22





Chapter 6: Compliance and enforcement activity

Chapter 6: Compliance and enforcement activity

Enforcement cases

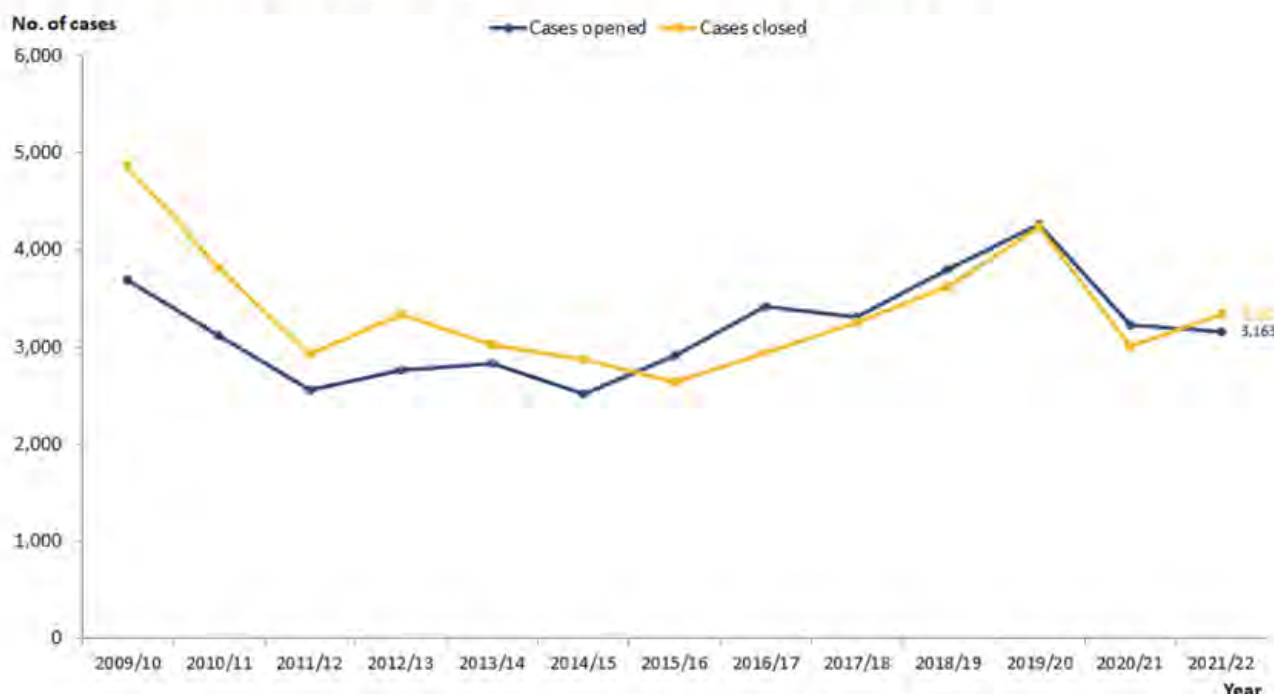
The number of **enforcement cases opened** in NI during 2021/22 was **3,163**; down 2.0% from the number opened in 2020/21 (3,229), and the lowest annual total reported since 2015/16 ([Figure 6.1](#)).

During Q1 2020/21, 969 enforcement cases were opened. Consecutive decreases were recorded during the following three quarters with 703 cases opened in Q4 2021/22. [Refer to Table 6.1](#).

Across the councils, the number of enforcement cases opened in 2021/22 ranged from 408 in both Belfast and Newry, Mourne and Down, to 146 in Fermanagh and Omagh. Six councils reported decreases in the number of cases opened in 2021/22 compared with the previous year. This decrease was greatest in Antrim and Newtownabbey, where the number of cases opened fell by more than one-quarter (-25.2%) over the year (from 405 to 303). The number of cases opened increased in five councils over this period, with the largest increase recorded in Ards and North Down (up 26.4%, from 295 to 373).

The number of **enforcement cases closed** during 2021/22 was **3,332**; up by 10.6% from the same period a year earlier (3,014) ([Figure 6.1](#)).

Fig 6.1 Enforcement cases opened & closed, annually, 2009/10 to 2021/22



The number of cases closed in 2021/22 varied across councils, ranging from 511 in Newry, Mourne and Down to 114 in Mid Ulster. Seven of the 11 councils reported an increase in the number of enforcement cases closed in 2021/22 compared with the previous year. This increase was greatest in Ards and North Down, where the number of cases closed increased

from 174 to 420. Four councils reported a decrease in the number of cases closed with the greatest of these in percentage terms in Mid Ulster, down 29.2% (from 161 to 114). The most common reasons for enforcement cases closing in 2021/22 were that no breach had actually occurred (36.0%) or that the case had been remedied or resolved (22.1%). Together these accounted for nearly three-fifths (1,935; 58.1%) of the 3,332 cases closed during the year.

A total of **3,398 enforcement cases** were **concluded**³ during the 2021/22; up by 12.2% from the number reported for 2020/21 (3,029). Across councils, the number of cases concluded during 2021/22 ranged from 544 in Newry, Mourne and Down to 105 in Mid Ulster. Six councils recorded increases in the number of enforcement cases concluded in 2021/22 compared with the previous year, with the greatest increase occurring in Ards and North Down, up from 150 to 417. Five councils reported a decline in the number of enforcement cases concluded over the same period with the largest percentage decrease reported in Mid Ulster (down 43.2%; from 185 to 105). [Refer to Tables 6.1, 6.2.](#)

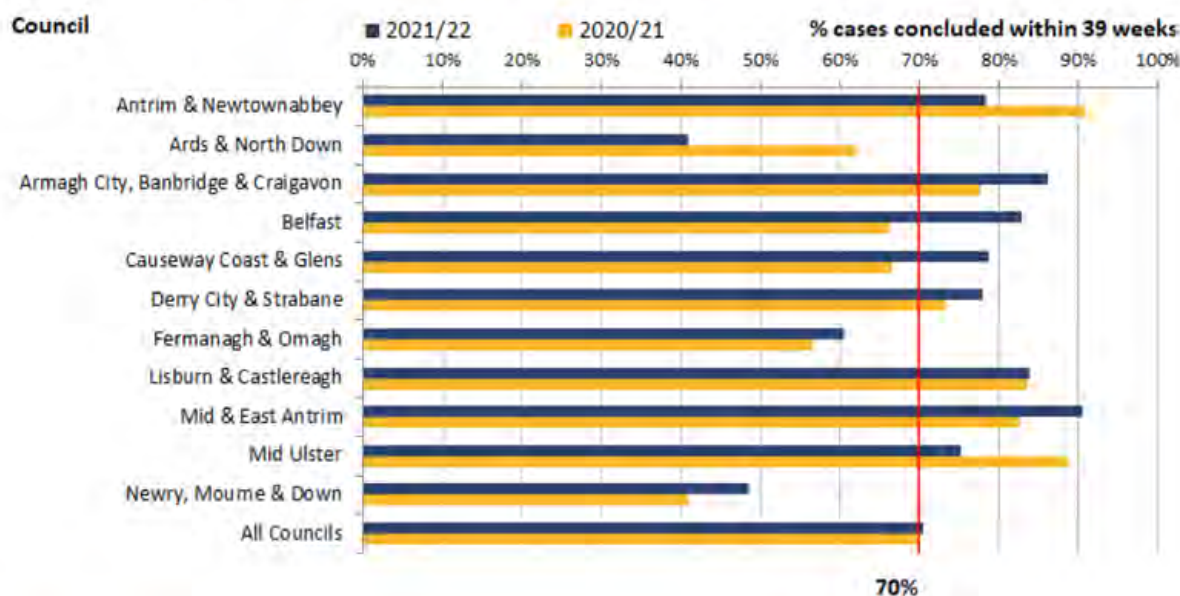
Enforcement cases statutory target



It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

Across all councils, **70.4%** of enforcement cases were concluded within 39 weeks during 2021/22, meeting the statutory target of 70%. This represents an increase from the rate reported for the 2020/21 (69.9%).

Fig 6.2 Percentage of cases concluded within 39 weeks by council, 2020/21 and 2021/22



[Refer to Table 6.2.](#)

³ Refer to [User Guidance – Enforcement activity](#) for definitions of closed and concluded enforcement cases.

During 2021/22 eight of the 11 councils met the statutory target: Mid and East Antrim (90.5% of enforcement cases concluded within 39 weeks); Armagh City, Banbridge and Craigavon (86.3%); Lisburn and Castlereagh (83.9%); Belfast (83.0%); Causeway Coast and Glens (78.8%); Antrim and Newtownabbey (78.3%); Derry City and Strabane (77.9%); and Mid Ulster (75.2%). ([Figure 6.2](#)).

The number of **live enforcement cases** at the end of March 2022 was **3,658**, down 4.5% from 2020/21 (3,830), which was the highest end-of-year total since live enforcement cases were first recorded in 2012/13.

The number of live enforcement cases at the end of Q1 2021/22 was 3,934. The number declined in each of the following three quarters, with the live number reducing to 3,658 at the end of March 2022.

The number of **cases over two years old** stood at **1,215** at the end of March 2022, accounting for 33.2% of all live cases. This compared with 29.7% of live cases at the end of March 2021.

[Refer to Tables and 6.1 and 6.4.](#)

Across councils, Newry, Mourne and Down had the highest number of live cases at the end of March 2022 (712), with almost one-half (46.1%) of these in the system for over two years.

Mid and East Antrim had the smallest number of live cases (94) at the end of March 2022, with 21.3% of these in the system for over two years.

The number of live enforcement cases decreased in six of the 11 councils between the end of March 2021 and the end of March 2022. The decrease was greatest in Antrim and Newtownabbey, where the number of live cases decreased by 41.2% over the year (from 262 to 154).

The overall decrease in the enforcement live count recorded across the year was offset by increases reported in the remaining five councils, with the greatest of these in percentage terms reported in Mid Ulster (up 20.7%; from 242 to 292).

[Refer to Table 6.5.](#)

Compliance activity

There were 37 prosecutions initiated during 2021/22; up 12.1% from the number recorded for 2020/21 (33). Seven councils initiated prosecutions during 2021/22, with Causeway Coast and Glens initiating the majority (20).

During 2021/22, there were 21 convictions across NI; up by over three-fifths (61.5%) from the previous year (13). Five councils recorded convictions during this period, with Causeway Coast and Glens recording the most (eight).

[Refer to Tables 6.1 and 6.3.](#)



Chapter 7: Renewable energy activity

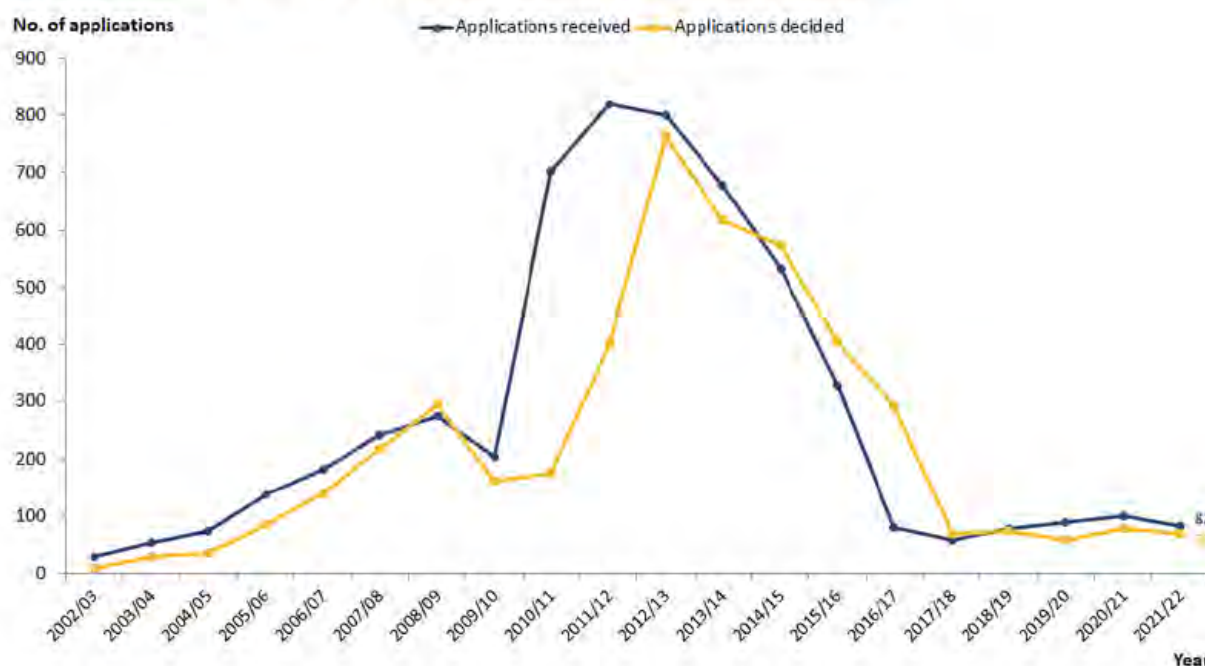
Chapter 7: Renewable energy (RE) activity

Renewable energy applications received

The number of renewable energy applications received in 2021/22 was 82; a decrease from 100 in 2020/21.

The number of renewable energy applications received annually peaked in 2011/12 at 820. It is likely that the high levels at this time were driven by the NI Executive’s targets for electricity consumption from renewable sources, with a target of 20% to be achieved by 2015, and 40% by 2020. The sharp decline in recent years (a 90.0% decrease between 2011/12 (820) and 2021/22 (82)) may be partly due to a reduction in government funding available, as well as a lack of capacity on the power grid to allow for new connections ([Figure 7.1](#)).

Fig 7.1 Renewable Energy applications, annually, 2002/03 to 2021/22



Renewable energy applications decided

The number of renewable energy applications decided during 2021/22 was 70; down from 78 reported for 2020/21 ([Figure 7.1](#)). Thirteen renewable energy applications were withdrawn during 2021/22. [Refer to Table 7.1](#).

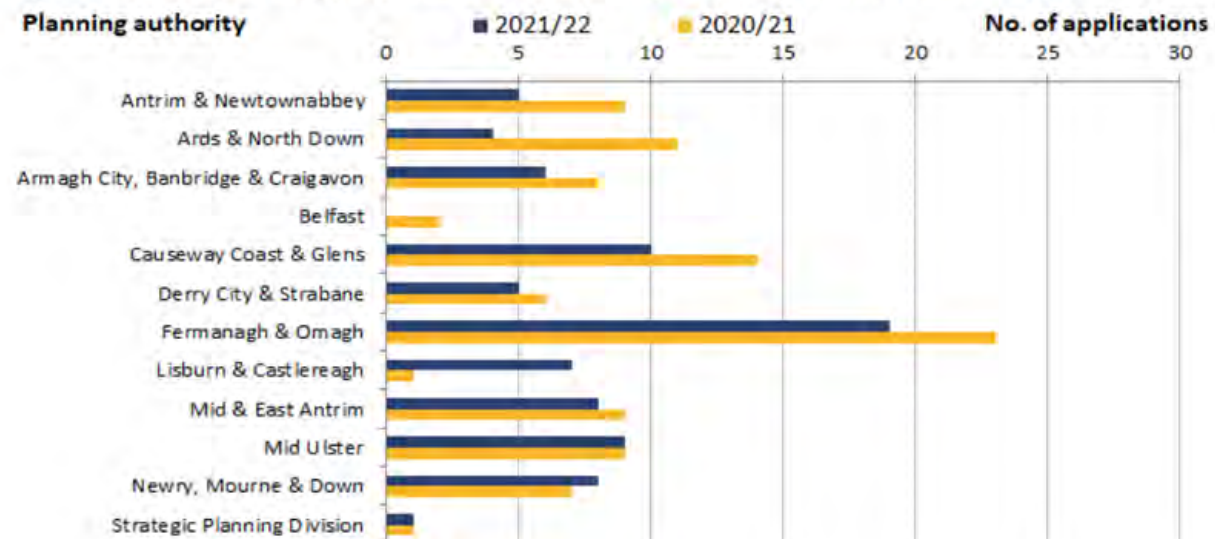
The average processing time for the 83 renewable energy applications brought to a decision or withdrawal during 2021/22 was 43.8 weeks across NI; with processing times decreasing over the year from 47.5 weeks reported for 2020/21.

Single wind turbines continue to be the most common renewable energy application, accounting for 68 out of 82 applications received during 2021/22. In addition, 56 of the 70

renewable energy decisions issued during 2021/22 were for single wind turbines. [Refer to Table 7.2.](#)

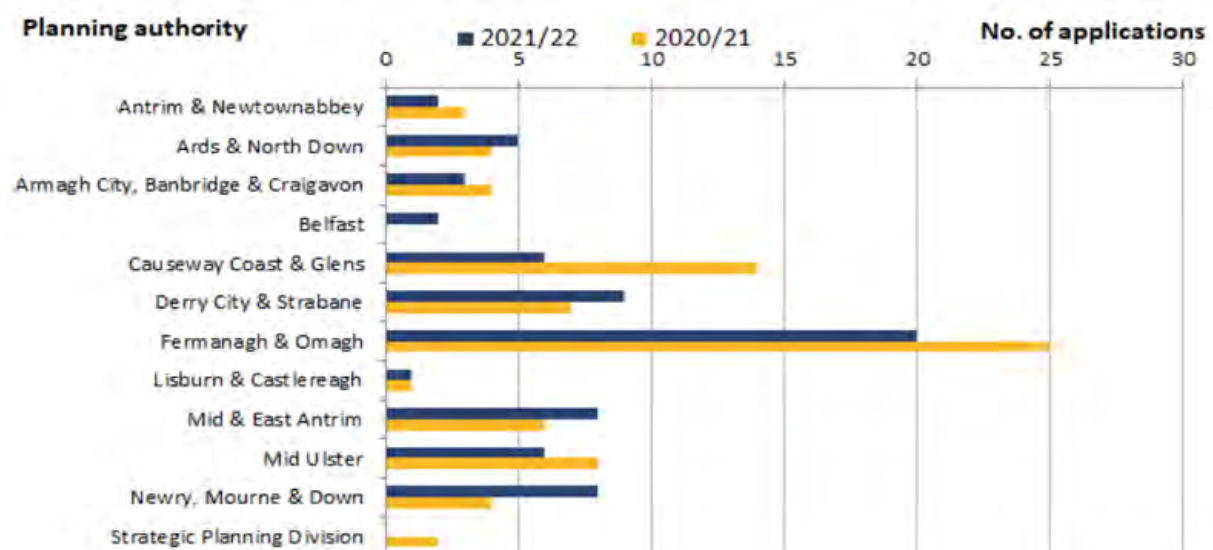
[Figure 7.2](#) shows the distribution of renewable energy applications received across the different planning authorities, with Fermanagh and Omagh receiving the most in both years (23 in 2020/21 and 19 in 2021/22). Eight planning authorities received a decreased amount of applications in 2021/22 compared with the previous year; this decrease was greatest in Ards and North Down (down from 11 to four).

Fig 7.2 Renewable Energy applications received by authority, 2020/21 and 2021/22



[Figure 7.3](#) shows the distribution of decisions issued on renewable energy applications across the different planning authorities, with Fermanagh and Omagh also deciding the most in both years (25 in 2020/21 and 20 in 2021/22). Causeway Coast and Glens recorded the biggest decrease in terms of the numbers decided in 2021/22 (down from 14 to six) compared with the previous year, and was one of six authorities to record a decrease.

Fig 7.3 Renewable Energy applications decided by authority, 2020/21 and 2021/22

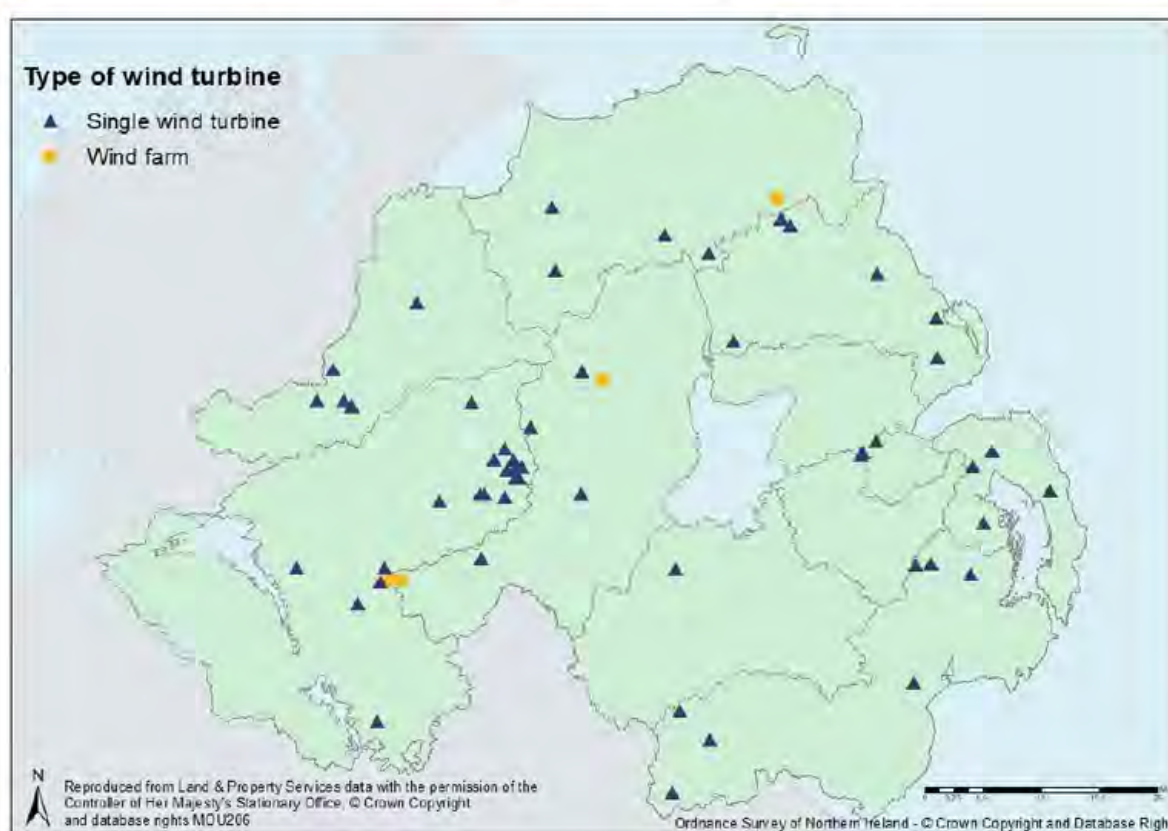


At the end of March 2022, there were **124 live renewable energy applications** in the planning system across NI; nearly three-quarters of these (74.2%, 92 of 124) were for single wind turbines. Of these 124 live applications, half (50.0%) were in the planning system for over a year; an increase from the proportion reported for the end of March 2021 (36.5%).

The **NI approval rate** for renewable energy applications was **92.9%** in 2021/22, with 65 out of the 70 decisions issued during this period being approved.

[Figure 7.4](#) displays the locations of wind energy applications approved during 2021/22. A total of 54 single wind turbines and four wind farms were approved during this period. Please note, some approved wind energy applications are in close proximity to each other and may not be individually identifiable on the map.

Fig 7.4 Location of approved wind energy applications by council, 2021/22



[Refer to Tables 7.2, 7.3 and 7.4.](#)

User Guidance

Notes on data source and quality

The records of all planning applications from 1 April 2021 to 31 March 2022 were transferred in April 2022 from a live database. This included all live planning applications in the Northern Ireland Planning Portal. The data were validated by Analysis, Statistics and Research Branch (ASRB) which involved quality checks and inspection of the coding of classifications in the Planning Portal. Local councils and the Department were provided with their own headline planning statistics as part of the quality assurance process. On completion of ASRB and planning authority validation, a final extract was taken in May 2022. Quarterly data for 2021/22 are now finalised and will not be subject to further scheduled revision.

Quality assurance of administrative data sources

In 2015 the UK Statistics Authority published a regulatory standard for the quality assurance of administrative data (QAAD). This standard is supported with an [Administrative Data Quality Assurance Toolkit](#) which provides useful guidance to assure the quality of administrative data used in the production of statistics. ASRB have carried out a QAAD assessment on the Northern Ireland Planning Portal application – the administrative data source that is used to produce the Northern Ireland Planning Statistics. [This report](#) will be reviewed and updated as necessary on a biannual basis, with the most recent update published in December 2021.

Background quality report

In order to provide users with further information on how the statistics in the NI Planning Statistics report have been compiled and detail on the quality of the data used, a [background quality report has been published](#). This report will be reviewed and updated as necessary on a biannual basis, with the most recent update published in December 2021.

Regionally significant / major / local development applications after 1 April 2014

A new classification hierarchy of development for planning applications came into effect on 1 April 2014, on an administrative basis, with the introduction of the following new categories – regionally significant, major and local development. The hierarchy was subsequently placed on a statutory basis in line with the transfer of planning functions to the new district councils on 1 April 2015. It should be noted that there are some differences between the initial administrative hierarchy classifications in place from 1 April 2014 and the final classifications set out in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015 \(S.R.2015 No.71\)](#). Data and analysis based on this new hierarchy is available from 1 April 2015.

Regionally significant developments (RSD) are similar to former Article 31 applications in that they will be determined by the Department. These developments have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from a local development plan. Applications for these development proposals will be submitted to and determined by the Department. However, the thresholds for RSD may mean that applications which may have previously been dealt with by the Department will now be classified as major development and thus determined by the relevant council. Like major applications, RSD proposals will be subject to pre-application consultation with the community. Note that from 1 May 2020, the requirement to hold a public event as part of the pre-application community consultation was temporarily removed for five months in response to the coronavirus pandemic. This was extended until [31 March 2022](#).

Major developments have important economic, social and environmental implications. The majority of applications for major developments will be dealt with by councils and will be subject to pre-application consultation with the community. Note that from 1 May 2020, the requirement to hold a public event as part of the pre-application community consultation was temporarily removed for five months in response to the coronavirus pandemic. This was extended until 31 March 2022.

Local developments will comprise of all other developments (other than permitted development) that do not fall within the classes described for major or for regionally significant developments. They comprise of the vast majority of residential and minor commercial applications to be received and determined by a council.

Departmental activity

[Refers to Chapter 2 of report](#)

Retained Section 26 (former Article 31) applications are major applications being processed by the Department as Article 31 (under the Planning (NI) Order 1991) where a decision had not issued before 1 April 2015. These are now determined under Section 26 of the Planning Act (NI) 2011.

Retained Section 29 (former non Article 31) applications are those being dealt with by the Department's Strategic Planning Division and were retained for determination as if the Department had called them in under Section 29 of the Planning Act (NI) 2015.

Called-in applications are those initially made to councils where the Minister/Department directs that these should fall to the Department for determination.

It should be noted that in Chapter 2 of this report, processing times for called-in applications are calculated from the date the application was called-in by the Department. This method is only used in Chapter 2 of the report in order to show Departmental processing performance. All other processing times reported in the publication are based on the date the application is made valid.

Departmental target

From Q1 2019/20 the Departmental target for Regionally Significant planning applications in the NI Planning Statistics publication changed.

The previous target was:

It is a target for the Department to contribute to sustainable economic growth by processing 50% of regionally significant planning applications to a ministerial recommendation within 30 weeks, subject to pre-application discussions having taken place and meeting the requirements of relevant environmental legislation.

From Q1 2019/20 onwards, this was replaced by:

It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.

Enforcement activity

[Refers to Chapter 6 of report](#)

Compliance and enforcement are important functions of the planning process. The summary data presented in this report and [accompanying data tables](#) covers enforcement cases opened, enforcement cases closed and concluded, court action taken and the live caseload as at the end of the quarter. A case is closed for one of the following reasons:

- case has been remedied or resolved (the breach may have been removed or amended accordingly);
- planning permission has been granted (so no breach has occurred);
- it would not be expedient to take further action;
- no breach has actually occurred;
- the breach may be immune from enforcement action (it may be outside the time limit in which to initiate action); or
- an application has been allowed on appeal or indeed the notice has been quashed.

The time taken to conclude an enforcement case is calculated from the date the complaint is received to the earliest date of the following:

- a notice is issued;
- legal proceedings commence;
- a planning application is received; or
- the case is closed.

Please note that the number of cases closed is not a sub-set of the number of cases concluded in that period - cases that are concluded in any given period may not be closed until subsequent periods, and cases that are closed in any given period may have been concluded in previous quarters.

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.

Processing times

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 average processing time is the median. The median is determined by sorting data from its lowest to highest values and then taking the data point in the middle of the sequence. The median is used because some planning applications can take several years to reach a decision. As a consequence, these extreme cases (outliers) can inflate the mean to the extent that the mean may not be considered as 'typical'. Therefore the median is considered to better represent the 'average' or 'typical' processing time.

Geographical classification

The method of classifying the urban and rural marker has been updated to reflect the latest [NISRA guidance](#) using the 2015 Settlement limits. This is preferred to the previous method as it more accurately considers which of the eight settlement bands (A-H) fall into mainly urban or rural areas. The limitation of the previous method was that all settlement bands were classified as urban. Under the new method it is recognised that smaller settlements are more rural than urban in character and should be distinguished as such. Presently the mid-point of the application polygon is used to plot the location and subsequently determine the urban/rural banding.

From Q3 2016/17, an additional split was introduced which reports separately rural settlements with populations of less than 5,000 people. In addition, 'housing developments' and 'other' residential applications have been included within the urban and rural breakdowns.

In line with NISRA guidance, the following definitions have been used in this report:

- Urban settlements - settlements with a population greater than or equal to 5,000 (bands A-E);
- Rural settlements - settlements with a population less than 5,000 (bands F, G and part of H); and
- Rural countryside - the open countryside which falls outside population settlements (part of band H).

If users want to compare this information with information published before 2015/16 the 'housing developments' and 'other' residential applications should be excluded first; the next step to obtain a comparative figure would be to add 'urban settlements' and 'rural settlements' together.

To obtain rural figures in line with the NISRA definition users should add 'rural settlements' and 'rural countryside' together.

The method of classifying the Parliamentary Constituencies is based on the x and y coordinates as recorded on the planning application in conjunction with Westminster Parliamentary Constituency boundaries (2008).

Appeals

All applicants of a planning application have the right to appeal a decision or the conditions attached to a decision. The statistics reflected in this publication only reflect the original decision and not any subsequent decision on appeal.

Note on exclusions

In addition to processing planning applications and enforcement activity, planning authorities deal with a range of other planning related work. Data on this 'non-application' workload is generally excluded from the main publication as it does not inform any of the calculation of performance against relevant statutory targets. Information on this part of the planning authorities' workload is included in [Table 9.1](#) of the accompanying data tables. Details of these exclusions are:

Discharge of Conditions (DCs)

It will be necessary to seek to discharge a condition where planning approval has been granted and a condition has been attached to the decision which requires the further consent, agreement or approval of the council (or the Department).

Certificates of Lawful Use or Development (CLUDs)

Certificates of Lawful Use or Development (CLUDs), either proposed or existing, have not been included in the main NI Planning Statistics bulletin since 2012/13. A council will issue a CLUD if it is satisfied that a particular development is lawful within the provisions of planning legislation. Examples include proposed extensions, which fall within the provisions of the [Planning \(General Permitted Development\) Order \(Northern Ireland\) 2015](#) for permitted development and do not require planning permission, or uses that have become lawful due to the length of time they have been in existence.

Pre-Application Discussions (PADs)

Pre-Application Discussions (PADs) are not provided for in planning legislation and councils may adopt different approaches in relation to these, as may the Department.

Proposal of Application Notices (PANs)

Proposal of Application Notices (PANs) are provided for under Section 27 of the 2011 Act, but they are not planning applications. They are essentially advance notices of major/RSD planning applications and detail how a developer proposes to engage with the community. A major/RSD development planning application cannot be submitted without a PAN having been issued.

Non Material Changes (NMCs)

Applications for a Non Material Change (NMCs) to an existing planning permission are provided for under the 2011 Act, but they are not planning applications. There is no requirement to advertise or consult on NMCs.

Tree Preservation Orders (TPOs)

While applications for planning permission and other consents were included in the operational statistics produced prior to the transfer of planning powers, Tree Preservation Orders (TPOs) were excluded. In the interests of consistency TPOs are excluded from the main NI Planning Statistics bulletin.

Uses of the data

The data in this statistical release are used by a wide variety of users for a range of purposes. For example, the Department uses the information to inform policy and monitor performance in relation to planning in Northern Ireland, as required in legislation. Local councils use the information for policy briefing and development, and to monitor performance. The data are also used to ensure democratic accountability in answers to Northern Ireland Assembly Questions, ministerial correspondence, Freedom of Information Act cases and queries from the public.

User engagement

Users are encouraged to provide feedback on how these statistics are used and how well they meet their needs. Comments on any issues relating to this statistical release are welcomed and encouraged. Feedback can be provided through an [ongoing customer survey](#).

Alternatively users can email ASRB directly at: ASRB@nisra.gov.uk.

During 2019, ASRB undertook a specific user consultation exercise and [results of this were published](#) in October 2019. It is anticipated that an updated user consultation exercise will take place during the summer of 2022.

Further information

Information and statistics for England, Scotland, Wales and the Republic of Ireland, as well as other relevant NISRA statistics, can be found at the following links:

England

This [statistical release](#) presents National Statistics on authorities that undertake district and county level planning activities in England. It covers information on planning applications received and decided, including decisions on applications for residential developments (dwellings) and enforcement activities. Data are provided at national and local planning authority level.

Scotland

The Scottish Government establishes overarching land use policies and principles in Scottish Planning Policy, which is applied spatially in the National Planning Framework for Scotland. In the four largest city regions in Scotland, Strategic Development Planning Authorities prepare strategic development plans which set out the vision for long term development and which should address important land use issues that cross local authority boundaries or involve strategic infrastructure. There are 34 planning authorities in Scotland, 32 local authorities and two national park authorities, who must deliver local development plans, in these plans they must identify sites for new development and set decision-making policies. [Published planning statistics](#) include data on planning performance and vacant and derelict land.

Wales

The context for planning in Wales is established by Planning Policy Wales. There are 25 planning authorities in Wales and each must prepare a local development plan. These plans must conform to the national context and the plans must set out proposals and land use policies for the development of the area. Regional planning is a discretionary layer of the planning system, the Welsh Government has powers to identify 'Strategic Planning Areas', who have planning powers to produce strategic plans. Data on planning services performance are [published](#) on the Welsh Government website.

Republic of Ireland

[Central Statistics Office provides](#) a number of tables which present the number of planning permissions granted, floor area and units. Region and county data is available in associated tables.

Northern Ireland

Building Control (LPS Starts and completions)

Land & Property Services (LPS) receives information from Building Control in each council in Northern Ireland. [This information](#) contains the number of recorded new dwellings (houses and apartments) started and completed.

Housing Bulletin, Department for Communities (DfC)

[DfC produce](#) quarterly and annual compendium publications of housing statistics, as well as biannual homelessness statistics and an ongoing review of data included in these publications and their proposed changes. The Northern Ireland Housing Bulletin is a quarterly bulletin containing information on new housing starts and completions, homelessness, the House Price Index and new house sales and prices.

Cross-government working group on housing and planning

The Department for Infrastructure is part of a cross-government working group, working to improve the trustworthiness, quality and value of housing and planning statistics across the UK. ASRB's involvement in this group ensures continuous engagement with producers of similar and related statistics across the UK, ensuring opportunity for collaboration and improvement of this publication through understanding the wider UK picture. More information can be found on the [Government Statistical Service website](#).

OpenDataNI

Datasets accompanying the finalised Northern Ireland Planning Statistics annual reports are made available on [the OpenDataNI website](#). These datasets contain information on received and decided planning applications during the year, as well as details of pending applications at the end of the financial year. Datasets are available from 2016/17.

NINIS

Finalised annual data on planning applications and enforcements are also available on the Northern Ireland Neighbourhood Information Service, from 2002/03 (where applicable). These data can be found under the 'People and Places' theme on the [NINIS website](#).

Planning readership list

An email alert is sent after the release of each NI Planning Statistics publication to readers who wish to be informed of new / updated planning statistics. To sign up for this free service, please email: ASRB@nisra.gov.uk.

Pre-release access

Details of persons who receive pre-release access to this statistical release up to 24 hours prior to publication can be found on the [Department for Infrastructure website](#).

Appendix 1

Definitions

The statistical categories referred to in [Chapter 5](#) and [Data Tables 5.1 and 5.2](#) are defined below.

Agricultural

These include: agricultural buildings or structures for the storage of slurry and/or manure; agricultural glasshouses, stables and livery yards; and infilling of land for agricultural purposes.

Commercial

These include: food supermarkets and superstores; non-food retailing; major retail developments exceeding 1000 sq. m; alterations, extensions and improvements to buildings used for retailing; retail warehouses; clubs; post offices; factory outlets; petrol stations; offices; purpose built office developments; restaurants; car parking; and motor vehicle display, hire, repair or sale.

Government and civic

These include: police stations; coastguard stations; civic amenity sites; recycling centres; schools and colleges; hospitals; clinics; other medical establishments including surgeries and dental practices; and 'hard infrastructure' facilities such as roads, water mains, water treatment works, trunk sewers, waste water treatment works and natural gas pipelines. This also includes: recreational facilities, including indoor and outdoor sports facilities, and swimming pools; and renewable energy applications, including wind turbines, wind farms, solar panels, biomass burners, hydroelectric schemes etc. Note that this category also includes non-public sector applications related to the above topics.

Industrial

These include: factories; warehousing; light and general industrial floor space; quarries; sand and gravel extraction; and fuel depots.

Mixed use

These include applications for mixed development, incorporating a number of development types such as residential, retailing, offices, community and leisure.

Residential

These include: housing developments (incorporating a mixture of house types and apartments); purpose built apartment developments; sheltered housing schemes; single dwellings including dwellings on farms; holiday chalets; caravans and mobile homes;

alteration, extension or improvement of existing dwellings; residential homes or nursing homes; and hotels or motels.

Change of use

These include applications for a change in the use of land or buildings, including changes to residential, retailing, offices, community or leisure uses.

Other

All other types of applications not mentioned above are put into the 'Other' category but mainly comprise 'Works to Facilitate Persons Who Are Disabled', 'Advertisements', and 'Listed Buildings'.

The application types referred to in [Data Table 5.6](#) are defined below.

Outline permission

An application for outline planning permission can be used to ascertain whether a proposed development is acceptable in principle. This usually means that detailed drawings are not needed. However, the council or, as the case may be, the Department, may, in certain circumstances, require the submission of additional information or insist that an application for full planning permission be submitted.

Full permission

An application for full planning permission requires the submission of all details of the proposal. This type of application would be appropriate, for example, if the erection of new buildings is proposed and / or if a change of use of land or buildings is proposed.

Approval of reserved matters

If outline planning permission is granted, then a subsequent application and approval relating to the siting, design, external appearance, means of access and landscaping details, known as 'reserved matters', will be required before building work can commence. The reserved matters application must be consistent with the outline planning permission and take into account any conditions that have been attached to it. If the development proposal changes, then it may be necessary to submit a new planning application.

Consent to display an advertisement

Advertisement consent is normally required to display an advertisement, particularly large signs and illuminated adverts.

Listed building consent

Works that would affect the character of a listed building need listed building consent. This includes work to the internal or external fabric of the building, or any demolition. It should be noted that the requirement for listed building consent is in addition to any requirement for planning permission for works to a listed building.

Conservation area consent

Works that would entail the full or partial demolition of a non-listed building in a conservation area need conservation area consent. It should be noted that the requirement for conservation area consent may be in addition to any requirement for planning permission.

Hazardous substances consent

The Planning (Hazardous Substances) (No2) Regulations (Northern Ireland) 2015 are concerned with the storage and use of hazardous substances which could, in quantities at or above specified limits, present a risk. Hazardous substances consent ensures that hazardous substances can be kept or used in significant amounts only after the council or, as the case may be, the Department has had the opportunity to assess the degree of risk arising to persons in the surrounding area and to the environment.

Reader information

This document may be made available in alternative formats, please contact us to discuss your requirements. Contact details are available on the cover page of this report.

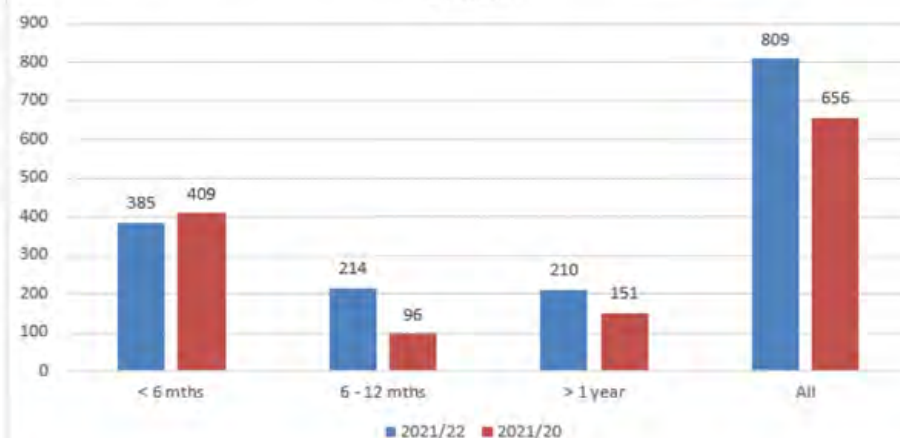
Lisburn & Castlereagh Planning Statistics 2021/22

Overall Planning Statistics



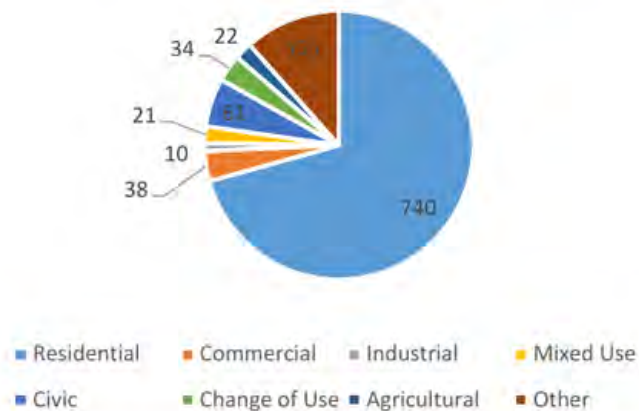
The number of applications received, approved and withdrawn varied across the year. Approximately 60 more applications were received than decisions issued.

Live Applications broken down by length of time in the System



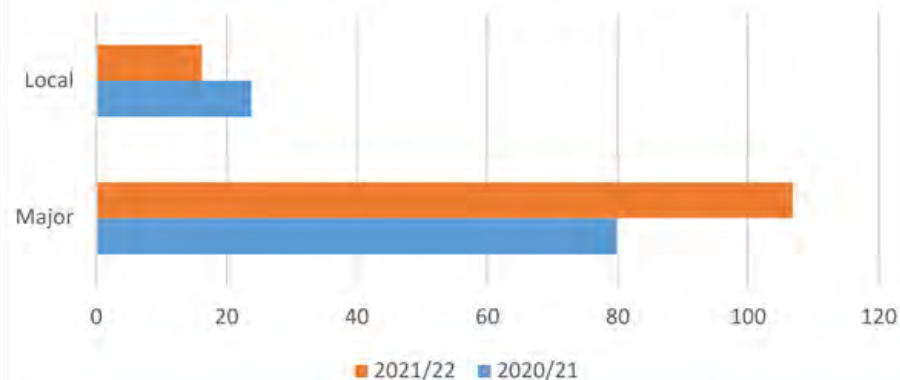
The actual number of cases in the system for more than one year for the Lisburn & Castlereagh City Council was 210 which was above the Council wide average.

Applications by Development Type



'Other' includes works to facilitate disabled persons, signs/adverts and Listed Buildings.

Performance against Statutory Target



Major Target: 30 weeks Actual: 106.8 weeks

Local Target: 15 weeks Actual: 16.2 weeks



Planning Committee

05 September 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 4 - Appeal Decision in respect of planning application LA05/2020/0791/F

Background and Key Issues:

Background

1. An application for an agricultural fodder store on lands 30m north east of 10 Killynure Road West Carryduff was refused planning permission on 12 May 2021 as the new buildings were not sited beside existing farm or forestry buildings on the farm holding and no exceptional circumstances have been provided to demonstrate a building is required at this location.
2. It was also considered that insufficient evidence had been provided to demonstrate that there were no suitable existing buildings on the holding or enterprise that could be used; or that there were available sites at the existing group of buildings on the holding, and it had not been demonstrated that the proposed siting of the development was essential for the efficient functioning of the farm business or that there were demonstrable health and safety reasons which justify its proposed siting.
3. An appeal was lodged with the Planning Appeals Commission (PAC) on 09 June 2022. The procedure followed was written representation with Commissioners site visit on 04 July 2022.
4. In a decision received on 20 July 2022 the PAC indicated that the appeal was allowed and full planning permission was granted subject to a timescale condition only.

Key Issues

1. The case advanced by the appellant as to the need for the alternative site away from the farm holding is set out at paragraph 8 of the Commissioners report. At paragraph 9 of the report, the Commissioner accepts the case advanced that supplying the yearling shed from the main group would be impractical and prohibitive and that taking the evidence in its totality considered the fodder store to be necessary for the efficient use of the agricultural holding. The Commissioner also placed a different emphasis on the availability of other sites available on the holding. It was his judgement the proposal warranted exceptional consideration under Policy CTY 12 as an alternative site away from the existing agricultural buildings.
2. With regard to concerns expressed by third parties in relation to noise, smell and pollution arising from the proposal and the impact on the amenity of occupants of adjacent dwellings, a nursery, the report notes a separation distance of 17 metres between proposed building and dwelling at 10 Killynure Road and some 30 metres between the building and nursery.
3. The report noted that the Council's Environmental Health Unit realised no objection and the view expressed was that no persuasive evidence has been provided to establish that the storage of fodder and haylage adjacent to an existing wintering shed would give rise to any unacceptable loss of residential amenity.
4. At paragraph 13, the Commissioner expressed the view that the character of the mix of uses and buildings present as a rural cluster rather than a sub urban building and as such, the CTY 14 refusal reason fell.

Recommendation:

It is recommended that the Committee notes the report and decision of the Commission in respect of this planning appeal.

Finance and Resource Implications:

No cost claim was lodged in this instance.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report updating the committee on a decision by the PAC and EQIA is not required.

If yes, what was the outcome?

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No
--	----	---	----

If no, please give explanation/rationale for why it was not considered necessary:

This is a report updating the committee on a decision by the PAC and RNIA is not required

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL: No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES: Appendix 4 – Appeal Decision - LA05/2020/0791/F

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



Appeal Decision

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347

Appeal Reference:	2021/A0044
Appeal by:	Mr James Lowe.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Agricultural fodder store.
Location:	Land 30m north east of 10 Killynure Road West, Carryduff.
Planning Authority:	Lisburn & Castlereagh City Council.
Application Reference:	LA05/2020/0791/F.
Procedure:	Written representations with Commissioner's site visit on 4 th July 2022.
Decision by:	Commissioner Damien Hannon, dated 20 th July 2022.

Decision

1. The appeal is allowed, and full planning permission is granted subject to the condition detailed below.

Reasons

2. This appeal raises the issue of whether the proposed development is acceptable in principle in the countryside as well as those of amenity and rural character.
3. A third party stated that the proposal would be contrary to Policy PED 8 of Planning Policy Statement 4 - Planning and Economic Development (PPS4). It was argued that the proposal would be incompatible with or would prejudice the future operation of a neighbouring economic development use, namely a day nursery. However, for the purposes of PPS 4, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015: A day nursery does not constitute an economic development use as set out in PPS 4 and consequently, Policy PED 8 is not material to consideration of this appeal proposal. I will, however, address the issue of the impact of the proposal on an adjacent enterprise under relevant policy.
4. While the provisions of the Draft Belfast Metropolitan Area Plan 2015 (dBMAP) remain material to consideration of development proposals, the Belfast Urban Area Plan 2001 (BMAP) operates as the relevant statutory Local Development Plan (LDP). The appeal site is designated as located in the countryside and outside any specific policy designation in both the dBMAP and the BMAP. Neither plan contains provisions relevant to the appeal proposal. Furthermore, in respect of the appeal development, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development 2015 (SPPS) and those of retained policy. Consequently, the relevant policy context is

provided by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21).

5. The appellant argued the proposal to be one of the range of types of development, set out in Policy CTY 1 of PPS 21 as acceptable in principle in the countryside, namely agricultural development in accordance with Policy CTY 12 of PPS 21. The appeal site is a small, 70m x 40m, rectangular parcel of land set back some 80m from the road that accommodates a yearling cattle wintering shed, hardsurfaced yard and some open grazing land accessed via a farm gate and track off Killynure Road West. It forms part of a substantial 285 acre farm holding which includes a farmhouse and a group of agricultural buildings located approximately half a mile to the northeast of the appeal site and accessed off Killynure Road. A farm track links the appeal site with the main group.
6. The appeal site is bounded to the southeast by a group of buildings including a single storey detached structure accommodating Country Cottage Day Nursery, and No. 10 Killynure Road, a two-storey dwelling and outbuildings. The curtilage of No. 12, a dwelling and outbuildings fronting Killynure Road West, lies further south. It is proposed to construct a steel framed, corrugated metal clad building measuring 14m in width by 10m in depth with a height of 5m to eaves and 5.5m to ridge, for use as a fodder store. The proposed store would have an open 14m frontage interrupted only by two steel columns and no other doors or apertures. The structure would be sited to adjoin the appeal sites southeastern and northeastern boundaries at a point some 10m from the boundary with No. 10 Killynure Road West
7. Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that several stated environmental and planning requirements are met. It is common case that the appeal site forms part of an active and established farm. Policy CTY 12 seeks to ensure that new buildings are sited beside existing farm buildings. Although the proposed store would be sited beside one farm building, the policy refers to the word buildings, in the plural. Exceptionally, however Policy CTY 12 allows consideration to be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where it is essential for the efficient functioning of the business.
8. The appellant stated that the farm had two component parts and while the main herd was grazed, milked, and housed at the principal group of buildings off Killynure Road, the yearlings were grazed and housed at the existing or yearling shed on the appeal site at Killynure Road West. The yearling shed, and the principal group lie approximately half a mile apart. The appellant further stated that recent operational changes had taken place at the farm involving the intensification of the use of the yearling shed to accommodate increased numbers of youngstock dairy heifers. Between 2018 and 2020 stock numbers grew from 60 to 90 head with further increases anticipated. The proposed shed is required to accommodate the associated increase in demand for bedding and dry fodder. The appellant argued that the new shed was essential for the efficient functioning of the business as the alternative was to transport the fodder and haylage numerous times daily, from the main group across the farm over half a mile. It was argued that the financial and operational costs of transportation in terms of convenience, labour, fuel, and machinery wear would be prohibitive. The appellant further argued that the

separation brought the benefit of reducing the potential for transmission of disease between herds.

9. I agree with the appellant that supplying the yearling shed from the main group would be impractical and prohibitive. Taking the evidence in its totality, I judge an agricultural fodder store such as that proposed to be necessary for the efficient use of the agricultural holding. For the same reasons I conclude there to be no other sites available at another group of buildings on the holding. In these circumstances, I further conclude the proposal to warrant exceptional consideration under Policy CTY 12 as an alternative site away from existing agricultural buildings.
10. Third parties argued that problems of noise, smell, and pollution arising from the proposal would have a detrimental impact on the amenity of occupants of adjacent dwellings as well as on nursery staff and children contrary to criterion (e) of Policy CTY 12 of PPS 21. There would be a separation distance of 17m between the proposed building and the dwelling an No. 10 and some 30m between it and the day nursery. The Council's Environmental Health Department raised no objection to the proposal. I have been given no persuasive evidence to establish that the storage of fodder and haylage adjacent to an existing wintering shed would give rise to any unacceptable loss of residential amenity through smell and odour over that which already exists and would be expected in proximity to agricultural buildings. Neither am I persuaded that such a proposal would prejudice the future operation of a neighbouring economic development use, namely a day nursery. Objection on these grounds is not sustained and I conclude that the proposal would comply with criterion (e) of Policy CTY 12
11. I have concluded that the proposal is essential for the efficient functioning of the business and complies with criterion (e) of Policy CTY 12. In this evidential context I further conclude that the proposal warrants favourable consideration as an alternative site away from existing agricultural buildings. The proposal constitutes development in compliance with Policy CTY 12 of PPS 21 and therefore development that is acceptable in principle in accordance with Policy CTY 1. The Council's objection to the proposal in principle is not well founded and its first and second reasons for refusal based on Policy CTY12 and paragraph 6.73 of the SPPS are not sustained.
12. Policy CTY 14 of PPS 21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It adds that a new building will be unacceptable where either of 5 stated criteria are engaged. The Council argued that the proposal would result in a suburban style build-up of development when viewed with existing buildings and would further erode and cause a detrimental change to the rural character of the area contrary to criterion (b) of Policy CTY 14:
13. Development adjacent to the appeal site comprises the yearling shed, the nursery, dwellings and their outbuildings. The character of this eclectic mix of uses and buildings, all of which are accessed from the road, presents as a rural cluster rather than suburban build up. While the proposed building would be substantially screened from public viewpoints along Killynure Road West, it would nonetheless add to the cluster. However, in these circumstances, I do not consider that the proposed agricultural shed, while adding another building to a rural cluster, could be construed as resulting in suburban style build up or eroding the rural character of

the area. The Council's objection on rural character grounds and its third reason for refusal based on Policy CTY14 is not sustained.

14. The matter of any impact the proposed building may have on the owner of neighbouring land accessing their septic tank is a private one to be dealt with by the respective landowners and is beyond the scope of my consideration. Objection on these grounds is not sustained. The Council suggested that, in the event of approval, a condition be attached restricting the building to agricultural use. However, as any change to non-agricultural use would require planning permission and therefore be subject to planning control, I do not consider such a condition necessary.
15. In the absence of sustained objection, the appeal succeeds.

Condition

- (1) The development shall be begun before the expiration of five years from the date of this decision.

This decision is based on the following drawings:-

- 1:2500 scale Location Plan numbered 01a received by the Council on 16/10/20;
- 1:500 scale Existing Site Layout numbered 02b received by the Council on 3/12/20;
- 1:500 scale Proposed Site Layout numbered 03b received by the Council on 3/12/20;
- 1:100 scale Plans & Elevations numbered 04a. received by the Council on 16/10/20;

COMMISSIONER DAMIEN HANNON

List of Documents

Planning Authority:-

COU1 Statement of Case
COU 2 Comments

Appellant represented
by Colin McAulay Planning:-

APP1 Statement of Case
APP 2 Comments

Objector:-

OBJ 1 Statement of Case
OBJ 2 Comments



Planning Committee

05 September 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 5 - Appeal Decisions in respect of planning application LA05/2021/1081/F

Background and Key Issues:

Background

1. A full planning application submitted on behalf of the appellant Porter and Co. for the realignment of the roadway and 10 new dwellings was received on the 7th November 2021. No recommendation had been made on the application when the applicant lodged an Article 33 Appeal against the non-determination of the application notified to the Council on 26 March 2022.
2. The Council was then notified by the PAC on 20 June 2022 that the appeal had been withdrawn by the appellant.
3. In accordance with Sections 205 and 206 of the Planning Act (Northern Ireland) 2011, officers on behalf of Lisburn & Castlereagh City Council applied to the Planning Appeals Commission for an award of costs incurred in the preparation of the statement of case and exchange of evidence required for this appeal.
4. The Council was notified by the PAC on 16 August 2022 that a full award of costs had been made and that the appellant was ordered to pay LCCC full costs for preparing for the appeal proceedings.

Key Issues

1. The award of costs was applied for on grounds that at section 2.0 of the Council's Statement of Case it dealt with a number of preliminary matters namely:
 - The application as submitted remained incomplete as a number of pieces of key information are not submitted. This included a Design Concept Statement, landscaping details and drainage information.
 - There are also discrepancies in the details of the submitted plans. An amended site layout plan was received on 11 January 2022 drawing 02/1 and is contained at the Appendix.
 - There were no cover letters submitted with the drawings which had in error been associated with application reference LA05/2021/1365/F – Continuation of use of land without compliance of
 - The amended plan is similar in layout, with dwellings located in approximately the same positions. The main differences are the alternative house types and the boundary treatment to the west and south of the site having been annotated in more detail. The plans do not match other related plans. Examples provided.
 - The planning authority facilitated a meeting with the applicant and his legal advisers on 10 February 2022 to discuss a range of ongoing issues in respect of the processing of applications for Porter Homes at Saddlers Hall, including this application.
 - Whilst not attached to the application file, a contemporaneous note of this meeting was provided as part of the Council's Submission,
 - This note provides a useful insight into the issues raised by the Council's Head of Planning in respect of the completeness of this application and the minimum information required to allow full and proper consideration of the proposal.
 - In summary, the following issues specific to the application were raised:
 - A lack of and need for policy justification for the loss of existing open space
 - A lack of and need for justification for the proposed additional housing other than the site being zoned for housing
 - Clarification that the Council had previously agreed a layout and the open space was designed as an integral part. Development is commenced on the basis of that permission and it should be continued in accordance with the approved plans.
 - The woodland area provides an important visual break and allows the development to breathe. The Council was not in a position to comment on alternative housing proposals as these are submitted and there is an in principle policy issue not addressed as part of the application.

- Despite the need for additional information to be provided by way of statement and the offer for a further meeting to be facilitated, no additional information was forthcoming. Instead, the applicant lodged with the Commission, a non-determination appeal on 28 March 2022.
2. In light of the issues outlined above it was considered that the Commission agreed that the appellant had caused an unnecessary appeal.
 3. Furthermore, the failure on the appellant's part to provide a Statement of Case along with the late notification to the Commission in abandoning the appeal of the submission of statement of case was also considered to constitute unreasonable behaviour on the part of the appellant, as the issues that required to be addressed as part of the application process were known well in advance of the appeal being lodged and the parties were advised four weeks in advance.
 4. The nature and reasons for the expenses incurred were as follows:
 - Council engagement with consultees and time spent by officers preparing papers within timescale specified by Planning Appeals Commission.
 - Time incurred by administrative staff of the Council initially to copy the application file and provide the Planning Appeals Commission with planning history records and time incurred by administrative staff in providing copies of the statement.
 - Time incurred by planning officers within the Council to consider the detail of the submission and provide a detailed Statement of Case so as to provide advice to the Commission as to the reasons why the Council considered that this planning application be refused planning permission. Liaison with outstanding consultees was also required.

Recommendation:

It is recommended that the Committee notes decisions of the Commission in respect of this planning appeal and that officers will pursue costs with the appellant.

Finance and Resource Implications:

A full award of cost is made for the reasons outlined above.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report updating the committee on a decision by the PAC and EQIA is not required.

If yes, what was the outcome?

Option 1

Screen out without mitigation

N/A

Option 2

Screen out with mitigation

N/A

Option 3

Screen in for a full EQIA

N/A

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

No

Has a Rural Needs Impact Assessment (RNIA) template been completed?

No

If no, please given explanation/rationale for why it was not considered necessary:

This is a report updating the committee on a decision by the PAC and RNIA is not required

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

Appendix 5(a) – Appeal Decision – LA05/2021/1081/F

Appendix 5(b) - Appeal Decision – Cost Aware - LA05/2021/1081/F

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



LISBURN & CASTLEREAGH CITY COUNCIL
Local Planning Office
Lagan Valley Island
Island Civic Centre
The Island
Lisburn
BT27 4RL

Park House
87/91 Great Victoria Street
Belfast
BT2 7AG

Phone: 028 9024 4710 (switchboard)

Email: info@pacni.gov.uk

Website: www.pacni.gov.uk

Planning Authority ref:
LA05/2021/1081/F

PAC ref: 2021/A0247

Date: 17 June 2022

Dear Sir/Madam

THE PLANNING ACT (NORTHERN IRELAND) 2011

APPEAL: Porter & CO
Realignment of roadway and 10 new dwellings
Sites 62, 70, 71, 72 and 73 and 4, 5, 6, 7, 8 Governor's gate
Demesne, Hillsborough, BT26 6TU
Realignment of roadway and 10 new dwellings

I wish to advise you that the above appeal has been **withdrawn**. No further action will be taken with this case by the Commission.

Please consider this letter as official notice of the withdrawal of these cases.

Yours faithfully

Padraig Dawson
PACWAC Admin Team Case Officer



Appeal Decision

Park House
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BELFAST
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Appeal Against:	2021/A0247
Location:	Sites 62,70,71,72 and 4,5,6,7.8 ,Governors Gate Demesne, Hillsborough
Claim by:	Lisburn and Castlereagh City Council
Claim Against:	Porter & Co.
Decision by:	Commissioner Helen Fitzsimons 16 th August 2022

Decision

1. A full award of costs is made.

Reasons

2. Paragraph 12 of the Commission's Costs Award Guidance states that the Commission will normally award costs only where all of four stated conditions are met. The stated conditions are as follows:-
 - The claim relates to a relevant type of appeal;
 - The claim is timely;
 - The party against whom the award is sought has acted unreasonably; and
 - The unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense
3. The claimant submitted the costs award claim for this appeal under Section 143 of The Planning (Northern Ireland) Act 2011 (the Act) one of the relevant types of appeal for which a costs claim can be made. The claim was submitted 5 working days after the appeal was withdrawn by the respondent and this was in a timely manner. The first two conditions are met.
4. The Claimant argued that during the processing of the application for planning permission the Respondent failed to submit additional information to facilitate the application being determined. The Claimant also argued that, instead, the Respondent lodged an unnecessary appeal with the Commission under Section 60 of the Act. Section 60 of the Act allows for an applicant to lodge an appeal with the Commission in respect of a failure by the Council to take a planning decision. The Respondent was entitled to make an appeal to the Commission under Section 60 of the Act and those actions did not cause an unnecessary appeal.
5. Paragraph 14 of the Planning Appeals Commission document 'Costs Awards Guidance' states that the withdrawal of an appeal by the appellant of an enforcement or similar notice by the planning authority, resulting in the entire proceedings being abandoned, may be judged to be unreasonable, unless it was

prompted by a significant change in circumstances which was outside the control of the party concerned.

6. The appeal was lodged on 23rd of March 2022. The Commission requested statements of case on 6th May 2022 with a deadline of receipt of 8th June 2022. The Claimant lodged its statement of case within the requisite time frame. No statement of case was received from the Respondent.
7. On 17th June 2022 the Respondent withdrew the appeal. I have not been made aware of any significant change in circumstances, outside the control of the Respondent, which resulted in this course of action. The Respondent's actions in withdrawing the appeal resulted in the entire proceedings being abandoned and I judge this to be unreasonable behaviour. Such unreasonable behaviour has caused the Claimant to incur a wasted expense in preparing for the appeal. As all four of the stated conditions are met the claim for costs succeeds.

Order

It is hereby ordered that Porter & Co. shall pay to Lisburn and Castlereagh City Council the full costs of preparing for the appeal proceedings.

On receipt of this order the claimant may submit details of those costs to Porter & Co with a view to reaching agreement on the amount. If the parties are unable to agree, the claimant may refer the matter to the Taxing Master of the High Court for a detailed assessment.

COMMISSIONER HELEN FITZSIMONS

2021/A0247

Documents

Claimant:-

Statement of Case C1