



May 3rd, 2022

Chairman : Councillor A Swan

Vice Chairman : Alderman J Tinsley

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

Councillors : J Craig, M Gregg, U Mackin, J McCarthy and John Palmer

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 9th May 2022 at 10:00 am**, in the **Council Chamber / Zoom** for the transaction of business on the undernoted Agenda.

David Burns

Chief Executive

Agenda

Covid-19 Safety Measures

Covid 19 Safety Measures When attending meetings in the Council Chamber you are asked to observe the following measures to ensure the safety of your Council colleagues and members of staff:

Prior to meetings if you are experiencing symptoms of COVID-19 please do not attend. Book a test and self-isolate.

Whilst not compulsory, you are encouraged to satisfy one of the three following conditions before attending meetings:-

- been fully vaccinated for more than two weeks;
- or have had a negative PCR test or rapid lateral flow test taken within 48 hours of meetings (a lateral flow test taken at home will need to be reported into the public reporting system);
- or evidence of a positive PCR test result for COVID-19 within the previous 180 days and following completion of the self-isolation period.

Please be reminded of the following measures which remain in place: Face coverings must be worn indoors unless seated at a desk. They must be worn when leaving the Council Chamber for any reason.

Good hand hygiene should be adhered to and hand sanitiser is available in the ground floor foyer and the Council Chamber.

Social distancing remains strongly advised. Desks will be distanced at 1m apart and you should keep face-to-face contact to a minimum. Lisburn & Castlereagh City Council fully supports the NI Executive in its call for people to make safer choices.

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)

 [Disclosure of Interests form.pdf](#)

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3.0 Minutes of the Planning Committee Meeting held on 4 April 2022

 [PC 04 04 2022 - Draft Minute - PU Comments.pdf](#)

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

- (i) (a) LA05/2018/0862/F - Proposed infill site for 2 dwellings with detached garages Between 26 & 30 Magheraconluce Road, Hillsborough
Appendix 1(a) - DM Officer Report - LA0520180862F - FINAL.pdf Page 19
- (ii) (b) LA05/2021/0928/O - Site for a dwelling, garage including ancillary siteworks on land 30m north of 39 Garlandstown Road, Glenavy
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Appendix 1(b)(ii) - DM Officer Report - LA0520210928O - Garlandstown Roa....pdf Page 50
- (iii) (c) LA05/2020/0862/O - Proposed 1.5 storey private dwelling and garage with surrounding garden on Land 20m east of No 52 Gransha Road, Comber.
Appendix 1(c)(i) - DM Officer report - LA0520200862O -Gransha Road - Add....pdf Page 64
Appendix 1(c)(ii) - Note of Site Visit - 13 April 2022 - Gransha Road Co....pdf Page 70
Appendix 1(c)(iii) - DM Officer report - LA0520200862O -Gransha Road - F....pdf Page 72
- (iv) (d) LA05/2020/0614/O – Site for dwelling, garage and associated site works at a side garden of 21 Moss Brook Road, Carryduff.
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- (v) (e) LA05/2020/0794/O - Infill site on lands 40m north west of 180 Ballynahinch Road Dromore.
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- (vi) (f) LA05/2020/0795/O – Infill site on lands 100m north west of 180 Ballynahinch Road, Dromore.
Appendix 1(f) - DM Officer Report - Ballynahinch Rd Infill 0795 - FINAL.....pdf Page 131
- (vii) (g) LA05/2018/1030/F - Demolition of existing buildings and erection of service and associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh.
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LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council. This information will be recorded in a Statutory Register. On such matters you must not speak or vote. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, you must withdraw from the meeting whilst that matter is being discussed

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code). Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and you must withdraw from any Council (including committee or sub committee meeting) when this matter is being discussed.

In respect of each of these, please can you complete the form below as necessary.

1. Pecuniary Interest

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Pecuniary Interest:

2. Private or Personal non Pecuniary interest

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Private or Personal non Pecuniary Interest:

Name:
Address:

Signed:	Date:

If you have any queries please contact David Burns, Chief Executive, Lisburn & Castlereagh City Council

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of Meeting of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, The Island, Lisburn, on Monday 4 April 2022 at 10.00 a.m.****PRESENT:**Present in Chamber:

Councillor A Swan (Chairman)

Aldermen WJ Dillon, D Drysdale, O Gawith and A Grehan

Councillors J Craig, M Gregg, U Mackin,

Present in Remote Location:

Councillors J McCarthy, John Palmer

IN ATTENDANCE:Present in Chamber:

Director of Service Transformation

Principal Planning Officer (RH)

Senior Planning Officer (MB)

Senior Planning Officer (MCO'N)

Member Services Officer (PS)

Member Services Officer (BS)

Present in Remote Location:

Legal Adviser – B Martyn, Cleaver Fulton & Rankin

Commencement of Meeting

The Chairman, Councillor A Swan, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings.

He stated that those speaking for or against the applications would be attending the meeting remotely as would the Council's legal adviser.

The Principal Planning Officer advised on housekeeping and evacuation procedures. The Member Services Officer (BS) then read out the names of the Elected Members in attendance at the meeting.

1. Apologies

It was agreed that apologies for non-attendance at the meeting would be recorded from Alderman J Tinsley and the Head of Planning and Capital Development.

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 those Members attending remotely.

The following Declarations of Interest were made:

- Alderman O Gawith declared an interest in LA05/2021/0423/O as the applicant was a family friend. He said he would be withdrawing from the meeting during its determination.
- Alderman O Gawith declared an interest in LA05/2021/1106/F stating that the applicant was a party colleague, he said he would be withdrawing from the meeting during its determination.
- Councillor M Gregg declared an interest in LA05/2021/1106/F stating that the applicant was a party colleague, he said he would be withdrawing from the meeting during its determination.
- Councillor M Gregg referred to LA05/2020/0208/F stating that he had liaised with the applicant and the planning office in relation to the application but had not pre-determined his decision.
- Alderman A Grehan declared an interest in LA05/2021/1106/F stating that the applicant was a party colleague, she said he would be withdrawing from the meeting during its determination.
- Councillor J McCarthy declared an interest in LA05/2021/0423/O stating that he would be withdrawing from the meeting during its determination.

3. Minutes of the Planning Committee Meeting held on 7 March 2022

It was proposed by Councillor J Craig, seconded by Councillor M Gregg, and agreed that the minutes of the Committee meeting held on 7 March 2022 as circulated be signed.

4. Report from the Head of Planning and Capital Development

4.1 Schedule of Applications

The Chairman reminded Members that they needed to be present for the entire determination of an application. If absent for any part of the discussion they would render themselves unable to vote on the application.

The Legal Adviser 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.

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- (1) LA05/2021/1106/F – Dwelling and garage on lands 30m south of 9 Pinehill Road, Hillhall Road, Belfast and adjacent to No 4 Dows Road.

(Alderman A Grehan, Alderman O Gawith and Councillor M Gregg left the meeting at 10.15 having declared an interest in this application).

At this stage, Councillor J Craig referred to LA05/2020/0862/O and referred to the refusal reasons which were largely relating to clustering issues, he proposed that determination of the application be deferred pending a site visit being arranged to view the site and context. The Chairman suggested this matter might be better considered later in the meeting when the three members who had just left had returned to the meeting.

The Principal Planning Officer (RH) presented this application as outlined within the circulated report explaining that it had come before the Committee as the applicant was a member of Council.

There were no speakers in relation to this application and there were no questions for the Planning Officers.

During the ensuing debate, the following comments were made:

- Alderman J Dillon and Alderman D Drysdale said they were happy to support the recommendation.

The Committee, having considered the information provided within the Report of the Principal Planning Officer, agreed by a unanimous vote to approve the application as outlined in the report and subject to the conditions stated therein.

(Alderman A Grehan, Alderman O Gawith and Councillor M Gregg returned to the meeting at 10.25am).

- (2) LA05/2020/0862/O - Proposed 1 ½ storey private dwelling and garage with surrounding garden on Land 20m east of No 52 Gransha Road, Comber.

Councillor J Craig then referred to the proposal he made earlier in the meeting which was that the determination of this application be deferred pending a site visit being arranged to enable the Committee to view the site and context, he said that this would be beneficial to the Committee as the refusal reasons were mainly around issues of clustering.

The proposal was seconded by Alderman D Drysdale and was carried by a majority show of hands and it was therefore agreed by the Committee that the application be deferred pending a site visit being arranged to view the site and context.

At this stage the Chairman advised that the meeting was now running ahead of scheduled timings and that the Director of Service Transformation would now be updating the Committee on some legal matters within Confidential Business.

Confidential Business – Verbal Update

The matters considered would be dealt with “In Committee” due to containing information to which a claim to legal professional privilege could be maintained in legal proceedings.

“In Committee”

It was proposed by Councillor J Craig, seconded by Alderman D Drysdale and agreed that the following matters be considered “in committee”, in the absence of members of the press and public.

Update on Planning Advice Note (PAN) on Implementation of Strategic Planning Policy for Development in the Countryside.

The Director of Service Transformation and the Legal Advisor provided the Committee with an update on the current status of the above matter. It was agreed that the Committee note the information provided.

Resumption of Normal Business

It was proposed by Alderman J Dillon, seconded by Alderman O Gawith and agreed to come out of committee and normal business was resumed.

The Committee then returned to considering the Schedule of Applications.

- (3) LA05/2021/0423/O - Proposed new dwelling and 320m _____ NW of 8 Clontarrif Road, Upper Ballinderry, Lisburn, BT28 2JD

(Alderman O Gawith and Councillor J McCarthy left the meeting at 11.05 having declared an interest in this application).

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

The Committee received Mr J Buller who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- The farm was an active business and now more active than at any time in the past.
- He outlined how the ecosystem was being managed.
- He outlined what was grown on site and the plans for the future.

- He advised that the house was essential to respond to customer requirements and manage the planting/plant maintenance process.

Mr Buller then responded to Members' queries as follows:

- Councillor U Mackin asked if anyone had been paid to maintain the land and was advised by Mr Buller that the farm payments had been transferred to the tenant in 2019 and was claimed for by them. He outlined the arrangements made with the tenant who, in return, had maintained the land.
- Alderman D Drysdale asked whether there were any other receipts/invoices available to support the application. Mr Buller explained that any livestock or sundries would have been purchased by the tenant as per the agreement.
- Alderman J Dillon sought clarification on the single farm payment situation which was provided by Mr Buller. Alderman J Dillon asked how much of the land was currently farmed and was advised that this would be around a half or three quarters of an acre.
- Councillor U Mackin sought clarification on the arrangements with the tenant asking how exactly it worked and Mr Buller explained the arrangements in place as per the written statement submitted by him.
- Councillor U Mackin asked if any evidence of the payment of the single farm payment had been submitted to the planning unit and was advised that this was claimed by the tenant farmer. Councillor U Mackin then asked whether it was the case that the person making the claims is the farmer and he was advised by Mr Buller that he certainly did not think that this was the case.
- Alderman D Drysdale asked why the house was necessary on this site and was advised by Mr Buller that this was due to the nature of what they were doing on site. It was necessary for someone to be there at all times to make adjustments to watering regimes, frost cover for plants and to meet the needs of customers. The siting of the property has been done to make the best use of the solar ray for energy. He and his family would live there.

There then followed a question and answer session with the planning officers during which the following issues arose:

Councillor J Craig asked for advice from Officers on what constituted farming activity. The Senior Planning Officer replied that this matter was evidence based, a one-off activity was not enough. The issue was that the Lease Agreement with the tenant farmer was clear and states that the tenant was carrying out all of the maintenance work. There is no evidence to support any farming activity being carried out by the applicant. The Principal Planning Officer made reference to paragraph 5.39 of the justification and amplification to Policy CTY 10 which explains that for the purposes of this policy, agricultural activity refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition

During the ensuing debate, the following comments were made:

- Alderman J Dillon said that the Planning Officers had got this one correct. The farm is being farmed by the tenant and we have no evidence to support the application.
- Councillor J Craig said that this was a unique case and he considered that the recommendation was the correct one.
- Alderman D Drysdale said that he did not think there was adequate evidence not to support the recommendation.
- Councillor M Gregg said he had some sympathy for the applicant but he did not think there was adequate grounds not to support the recommendation.
- Councillor U Mackin concurred and suggested that possibly in future the applicant could review the tenancy arrangements and re-visit this application.
- The Chairman, Councillor A Swan said that this seemed to him more akin to allotment arrangements and therefore there was actually no need for a house, he said he would be supporting the recommendation.

The Committee, having considered the information provided within the report of the Senior Planning Officer and by those making representations, agreed unanimously to refuse the application as outlined in the Officer's report.

(Alderman O Gawith and Councillor J McCarthy returned to the meeting at 12.00 noon).

- (4) LA05/2020/0208/F - Proposed erection of 6 detached dwellings, including demolition of existing dwelling, associated road layout, car parking & landscaping at 6 Fort Road, Dundonald.

The Senior Planning Officer (MB) presented this application as outlined within the circulated report. He highlighted that a revised type 'C' house design had been submitted in an effort to address the concerns of the home owner in a neighbouring property.

The Committee received Ms A Fee who wished to speak in opposition to the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- Ms Fee was aware of the revised house type C.
- Ms Fee explained that there was upset in the local community and that she represented a number of concerned residents.
- She was concerned at the loss of privacy, light and overshadowing that this would cause.
- The ridge height of the amended house type, which was a chalet bungalow, was actually higher than that of a two storey house.
- She outlined why she felt there would be overlooking.
- She outlined her concern at the accuracy of the information given that initially it showed her property in the wrong location.
- The approval would affect her ability to enjoy her home and garden.

- The height of the proposed dwellings was a concern and referring to Fort Manor as being examples of higher homes in the area was incorrect as this was a considerable distance away so this was wrongly used as an example of similar height properties in the area.
- She outlined the effect of the removal of trees

Ms Fee then responded to Members' queries as follows:

- Alderman D Drysdale sought clarification of the distance the proposal would be from her house and was advised that it would be on the other side of a hedge, approximately two car lengths from her gable wall.
- Alderman D Drysdale asked where the sun rose and set on her property and how this would be impacted. Ms Fee clarified these points and also advised that she represented 5 elderly parties who would also be impacted by the proposal.

The Committee received Councillor S Skillen who wished to speak in opposition to the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- She outlined the impact this application would have on Ms Fee and she voiced her support for her and the elderly residents she represented.

Councillor S Skillen then responded to Members' queries as follows:

- Councillor J Craig said that the issue appeared to be the removal of a hedgerow, he asked whether this could be mitigated by conditioning. Councillor S Skillen outlined issues of ownership and suggested that a site visit by the Committee might be beneficial.
- Alderman D Drysdale asked whether the hedgerow belonged to Ms Fee and was advised that as far as she was aware, this was not the case.

The Committee received Mr D Worthington who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- He welcomed the recommendation to approve.
- The applicant had engaged with principal objectors and made amendments to the plans.
- He confirmed that his client owned the trees referred to.
- He said that the new house type had a reduced ridge height and mass, overlooking had been minimised and he went on to explain how this had been done.
- He said he felt there would be no detrimental impact.
- He stated that policy tests had all been met and he urged approval.

Mr Worthington then responded to Members' queries as follows:

- Councillor J Craig asked why the hedge had been reduced in height. Mr Worthington said that this was mainly because it had become over grown. He also stated that it had been done in response to objections from Ms Fee. Councillor J Craig asked what height the trees were now as opposed to what they had been and Mr Worthington stated that he honestly did not know.
- Councillor U Mackin sought clarification on over-looking and over-shadowing and this was explained by Mr Worthington. Councillor U Mackin then sought clarification on the fact that the chalet bungalow was still higher than a two storey house. Mr Worthington advised that a two storey house was normally around 8m high, the new house type was 6.5m to the ridge as the first floor accommodation was now included within the roof. Councillor Mackin then asked if any windows were overlooking the side of the house into Ms Fee's garden and was advised that there were none, there was one window slightly overlooking her garden but the view was minimal as it was at an angle.
- Alderman D Drysdale asked Mr Worthington to provide more information on his comment that Ms Fee had complained about the trees and their height. Mr Worthington then read out an excerpt from Mrs Fee's original objection.
- Alderman D Drysdale asked whether anyone had met with the objector and if they had, what had been the outcome. Mr Worthington said that the applicant and the architect had met with Ms Fee and this meeting had led to changes being made to address the issues. He said that overshadowing would be minimal and only in the height of summer as there was a single storey to that side, He said he did not believe there would be any issue of over-shadowing or dominance above what was already there.
- Alderman D Drysdale asked what the distance was between the two gable walls and was advised that it was around 20 metres.

At this stage Ms Fee was invited to clarify her complaint regarding the tree canopy. She stated that the previous owner had maintained them but they had become overgrown. Regarding Mr Worthington's comment that there would only be a loss of light in the height of summer, she wished to state that this was the time when her garden would be used most. Alderman D Drysdale asked whether originally the trees had blocked her light and was advised that they did not significantly block the light when maintained.

There then followed a question and answer session with the planning officers during which the following issues arose:

- Alderman D Drysdale referred to ridge height and asked how the amended house type compared. The Senior Planning Officer explained this with the aid of a drawing and stated that there had been no concerns with the original house type proposed so therefore there were no issues with the amended one.
- Councillor J Palmer asked whether any consideration had been taken of surrounding properties and the Senior Planning Officer highlighted where this had been dealt with in the report and how it had been demonstrated that this met policy requirements.

- Councillor J Craig asked whether the Planning Officer had visited the site and if this was the case did you notice the height of the trees. He was advised that the case officer had visited the site after the trees had been cut back.

During the ensuing debate, the following comments were made:

- Councillor M Gregg said that he felt that the developer had gone some way to addressing concerns and he did not see any reasons to vote against the recommendation.
- Alderman D Drysdale said that he did not consider that there were strong planning reasons to overturn the recommendation.
- Alderman J Dillon said that he would be supporting the recommendation.
- The Chairman, Councillor A Swan said that he also would be supporting the recommendation.
- Councillor J Palmer said that he felt that more consideration should have been given to this and he would not be supporting it.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, and by those making representations, agreed by a vote of 9:1 with 0 abstentions to approve the application as outlined in the report and subject to the conditions stated therein.

- (5) LA05/2020/0614/O – Site for dwelling, garage and associated site works at a side garden of 21 Moss Brook Road, Carryduff.

The Committee was advised that the above application had been withdrawn from the Schedule.

Adjournment of Meeting

The Chairman, Councillor A Swan declared the meeting adjourned at 1.00 pm

Resumption of Meeting

The Chairman, Councillor A Swan declared the meeting resumed at 1.40 pm

4.2 Northern Ireland Housing Conference

Members of the Committee had been provided with information on the above conference which was due to be held on Wednesday 11 May 2022 in the La Mon Hotel at a cost of £225.00 plus VAT. It was proposed by Alderman J Dillon, seconded by Councillor J Craig and agreed that the Chairman and/or Vice Chairman or their nominees attend the event.

The Chairman, Councillor A Swan asked if any member of the Committee wished to attend in his place as he was unable to do so and it was agreed by the

Committee that, due to his position as Chair of the Housing Forum, Councillor J Craig be nominated by the Chairman to attend in place of the Chair

4.3 Statutory Performance Indicators

Members of the Committee had been provided with information on monitoring statistics for February 2022 together with a verbal update from the Director of Service Transformation during which he advised that a workshop would be held in April to consider the NI Audit Office Report and during this event some of the issues regarding performance indicators could be addressed.

It was proposed by Councillor J Craig, seconded by Alderman J Dillon and agreed that the information be noted.

Councillor J Craig sought assurance that some of the smaller matters would be addressed as they seemed to have become lost with the focus being on other issues. Assurance that this would be the case was provided by the Director.

Alderman D Drysdale drew attention to issues of applications being with Ministers and to the issue of legacy applications.

4.4 Appeal Decision in respect of planning application LA05/2020/0705/O

4.5 Appeal Decision in respect of planning application LA05/2018/0080/F

4.6 Appeal Decision in respect of planning application LA05/2020/0054/F

Members of the Committee had been provided with information in respect of the above three planning appeals which had been dismissed.

The Director of Service Transformation summarised the key issues with each application and advised of any associated learning. After responding to a number of queries from members it was proposed by Alderman D Drysdale, seconded by Councillor M Gregg and agreed that the information be noted.

(Alderman J Dillon left the meeting at 2.00 pm).

4.7 End of Emergency Period – The Planning (Development Management)(Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020

Members of the Committee were provided with copies of correspondence from the Chief Planner and Director of Regional Planning dated 15 March 2022 which advised that the emergency end date of 31 March 2022 was fast approaching and that there would be no further extension to the temporary modifications. The impact of this was highlighted within the report and it was proposed by Councillor M Gregg, seconded by Alderman O Gawith and agreed that the information be noted.

4.8 Notification by telecommunication operator(s) of intention to utilise permitted development rights

Members of the Committee were advised that two different telecommunication operators had advised of their intention to utilise permitted development rights at to locations within the Council area to install electronic communications apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (NI) 2015.

It was proposed by Councillor M Gregg, seconded by Councillor J Craig and agreed that the information be noted.

4.9 EPLANI Webinars - Recent Planning and Environmental Judicial Review Decisions (Online Event)

Members of the Committee were provided with information circulated by NILGA on a forthcoming EPLANI Webinar which offered all persons with an interest in the operation of the planning system, an update on recent Planning and Environmental Judicial Review Decisions. The Honourable Mr Justice Scofield would be the key speaker and the webinar was scheduled to take place on Thursday 28 April 2022 at 3.30 pm.

Members were provided with joining instructions should they wish to attend the Webinar.

It was proposed by Councillor M Gregg, seconded by Councillor J Craig and agreed that the information be noted.

5. Any Other Business

Confidential Matters

(The Legal Advisor left the meeting at 2.05 pm)

Councillor M Gregg stated that he wished to raise a matter of Confidential Business.

The matter would be dealt with "In Committee" for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information).

"In Committee"

It was proposed by Alderman O Gawith, seconded by Councillor J Craig and agreed that the following matters be considered "in committee", in the absence of members of the press and public being present.

The Principal Planning Officer provided an update as requested by members of the Committee on ongoing matters.

It was agreed that the verbal updates provided be noted.

Resumption of Normal Business

It was proposed by Councillor J Craig, seconded by Councillor M Gregg and agreed to come out of committee and normal business was resumed.

The Chairman, Councillor A Swan reminded the Committee that the next meeting of the Committee would be on Monday 9 May 2022.

There being no further business, the meeting concluded at 2.15 pm.

CHAIRMAN / MAYOR



Planning Committee

09 May 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 eight local applications in total eight of which have been 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) LA05/2018/0862/F - Proposed infill site for 2 dwellings with detached garages Between 26 & 30 Magheraconluce Road, Hillsborough
Recommendation – Approval
 - (b) LA05/2021/0928/O - Site for a dwelling, garage including ancillary siteworks on land 30m north of 39 Garlandstown Road, Glenavy
Recommendation – Refusal
 - (c) LA05/2020/0862/O - Proposed 1.5 storey private dwelling and garage with surrounding garden on Land 20m east of No 52 Gransha Road, Comber.
Recommendation – Refusal
 - (d) LA05/2020/0614/O – Site for dwelling, garage and associated site works at a side garden of 21 Moss Brook Road, Carryduff.
Recommendation – Refusal
 - (e) LA05/2020/0794/O - Infill site on lands 40m north west of 180 Ballynahinch Road Dromore.
Recommendation – Refusal
 - (f) LA05/2020/0795/O – Infill site on lands 100m north west of 180 Ballynahinch Road, Dromore.
Recommendation – Refusal
 - (g) LA05/2018/1030/F - Demolition of existing buildings and erection of service and associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh.
Recommendation - Refusal
 - (h) LA05/2020/0800/RM - 12 dwellings and associated works (including retention of works on site) at 6 Lisburn Road, Hillsborough.
Recommendation – Approval

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 screening and/or assessment. 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	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	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 given explanation/rationale for why it was not considered necessary:

The policies against which each planning application is considered have been subject to a RNIA. There is no requirement to repeat this for the advice that comes forward I 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)** – LA05/2018/0862/F
- APPENDIX 1(b)(i)** - LA05/2021/0928/O
- APPENDIX 1 (b)(ii)** – LA05/2021/0928/O (officer report Feb 2022)
- APPENDIX 1(c)(i)** - LA05/2020/0862/O
- APPENDIX 1(c)(ii)** - LA05/2020/0862/O – Note of Site Visit
- APPENDIX 1(c)(iii)** – LA05/2020/0862/O (officer report April 2022)
- APPENDIX 1(d)** - LA05/2020/0614/O
- APPENDIX 1(e)** – LA05/2020/0794/O
- APPENDIX 1(f)** – LA05/2020/0795/O
- APPENDIX 1(g)** – LA05/2018/1030/F
- APPENDIX 1(h)** – LA05/2020/0800/RM

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	09 May 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2018/0862/F
Date of Application	15 August 2018
District Electoral Area	Downshire East
Proposal Description	Proposed infill site for 2 dwellings with detached garages
Location	Between 26 & 30 Magheraconluce Road, Hillsborough
Representations	Eleven
Recommendation	APPROVAL

Background

1. A recommendation to approve planning permission was presented to the Committee in September 2021. There is no legislative requirement for the Council to notify objectors and interested parties of the date of the related Planning Committee meeting.
2. The Committee, having considered the information provided within the Report of Officers, and by those making representations, agreed by a unanimous vote to approve the application as outlined in the report and subject to the conditions stated therein.
3. The decision in relation to the application issued on 09 September 2021.
4. A Pre-Action Protocol Letter indicating an intention to challenging the decision of the Council was received on 30 September 2021. An Order 53 statement and other papers confirming the intention to challenge the decision of the Council was received on 01 October 2021.
5. There were a number of grounds of challenge outlined in the papers. One of which related to the Planning Advice Note on the Implementation of Regional Policy for Development in the Countryside.

6. The decision of the Council was subsequently quashed on the application of the Chief Executive on the grounds that no weight was given to the PAN which was a material consideration at that time.
7. As Members will be aware, this advice note was subsequently withdrawn by the Department on 15 October 2021 and as such, is not required to be considered. This addresses the matter raised at point (i) (f) and (ii) (h) of Order 53 Statement.
8. By way of clarification it is also confirmed that the schedule of applications is posted to the Council website at least 5 days prior to the Committee meeting.
9. This addresses the matter raised at point (iv) of the Order 53 Statement submitted as part of Judicial Review proceedings lodged against this application post committee and after the decision issued

Summary of Recommendation

6. The application is presented to the Planning Committee with a recommendation to approve as the proposal is considered to comply with the SPPS, Policy CTY 1 and Policy CTY 8 of PPS 21 in that there is a gap within an otherwise substantial and continuously built up frontage that can accommodate two dwellings with associated garages.
7. In addition, it is considered that the proposal will also comply with the SPPS and Policy CTY 13 and 14 of PPS 21 in that the development can be visually integrated into the surrounding landscape and it will not cause detrimental change to or further erode the rural character of the area.

Description of Site and Surroundings

Site

8. The site is located to the western side of the Magheraconluce Road, Hillsborough and is a rectangular plot cut out of a larger agricultural field.
9. The land rises quite steeply towards the west and is bound by hedging to the north and east, post and wire fencing to the south. The remaining boundary to the west is undefined.
10. The site is situated between 26 and 30 Magheraconluce Road. The property at 26 is a single storey dwelling with a detached garage and 30 is a single storey dwelling with integral garage.

Surroundings

11. The surrounding area is rural in character and the lands mainly in agricultural use. There is evidence of a build-up of residential development along the road frontage with the majority of the surrounding dwellings either side of the site and in the immediate surrounding area all being single storey.

Proposed Development

12. This is a full application for proposed infill site for two dwellings with detached garages. Planning Permission was granted on 09 September 2021.
13. A Design and Access Statement is submitted in support of the application.
14. Whilst the site area exceeds 0.5 hectares [0.53], an application of this nature does not fall within any of the categories of development set out in Schedule 2 of the EIA regulations 2017 and as such, a determination is not required.
15. There is no requirement to screen for environmental impact assessment. This addresses the matter raised at point ii (j) of the related Order 53 statement.

Relevant Planning History

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

Application Reference	Site Address	Proposal	Decision
S/1987/1178	Adjacent to 30 Magheraconluce Road	Dwelling	Application Withdrawn
S/1988/1456	Adjacent to 30 Magheraconluce Road	Dwelling and garage	Application Withdrawn
LA05/2016/1080/O	Between 26 and 30 Magheraconluce Road	Proposed site for 2 infill dwelling under PPS 21	Permission Granted 08/03/2017

17. As demonstrated above, the principle for infilling a gap with two dwellings was conceded with the granting of planning permission under planning application LA05/2016/1080/O.

18. This decision was not subject to any judicial review proceedings and the time period for challenge is expired.
19. Whilst the time period for submission of an application for approval of reserved matters is also time expired if a full application was submitted, complying with all planning conditions before March 2020, significant weight would be attached to the outline permission.
20. In this case, the only condition not complied with [when first submitted] was the ridge height restriction.
21. As the principle of two dwellings is previously conceded and that there was an extant planning permission at the time of submission, significant weight is attached to the planning history.
22. Whilst it is alleged that the current application relates to a different site and as such, material weight should not be given to the history, this assertion is not accepted as the policy in relation to ribbon development is not changed in the intervening period and this is considered further in the next section of the reports.
23. This deals with matters raised at points (i) (d) and (ii) (k) – (l) of the Order 53 Statement.

Consultations

24. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
Environmental Health	No Objection
Water Management Unit	Refers to standing advice
NI Water	No Objection
Historic Environment Division	No Objection

Representations

25. Representations have been received from the occupiers of the following properties

Date Neighbour Comment Received	Address
02/09/2018	31 Magheraconluce Road, Growell, Hillsborough, Down BT25 1EE
05/09/2018	30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE
06/09/2018	30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE
29/11/2018	26 Magheraconluce Road, Growell, Hillsborough, Down BT25 1EE
04/12/2018	30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE
05/12/2018	30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE
27/06/2019	30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE
28/06/2019	30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE
28/06/2019	30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE
05/02/2021	30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE
05/05/2021	30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE
31/08/2021	73 Palmerston Road, Belfast, BT4 1QD

26. These representations are available to view on the Planning Portal via the following link:

<https://epicpublic.planningni.gov.uk/publicaccess/applicationDetails.do?activeTab=externalDocuments&keyVal=PD18JESV30000>

27. The issues raised in these representations have been considered as part of the assessment of this application.

28. A further representation in the form of a pre-action protocol letter [PAPL] was received on 29 September 2021 challenged after the decision issued by the Council on 9 September 2021.
29. The issues raised in this PAPL have been considered as part of the assessment of this application. An Order 53 statement and a grounding affidavit was also received on 09 September 2021.
30. In his judgement [2022] NIQB 10 at paragraph 9, Scofield J states that:

The Council has also indicated that, in the course of its reconsideration, it will take into account the points which have been raised by Mr (name redacted from quote) in his pre-action correspondence and/or in any proceedings he has issued challenging the permission and treat those as points which have been made by Mr (name redacted from quote) as an objector in the course of the planning process.
31. In summary, the grounds of challenge associated with the Order 53 and related papers were based on the following grounds;
 - (i) Immaterial Considerations
 - (ii) Material Considerations
 - (iii) Planning Policy
 - (iv) Breach of Statutory duty/requirements
 - (v) Irrationality
32. The issues raised in the PAPL, Order 53 Statement and Affidavit are appended to the report and considered in this report in the normal way. .

Planning Policy Context

Relevant Policy and Guidance Documents

33. 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 21 – Sustainable Development in the Countryside
 - Planning Policy Statement 2 – Natural Heritage
 - Planning Policy Statement 3 – Access, Movement and Parking
 - Planning Policy Statement 6 – Archaeology and Built Heritage
 - Planning Policy Statement 15 – Planning and Flood Risk
34. 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

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. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
37. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
38. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit.
39. The application site is within a buffer zone surrounding an archaeological site and monument – DOW021:025 (Enclosure).
40. 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.

41. 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

42. 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. This deals with the representation at point (ii) (a) of the Order 53 Statement.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. It also states:

that the planning system can also positively contribute to improving air quality and minimising its harmful impacts.
49. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.
50. 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.

51. 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.

52. 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.

53. Paragraph 6.78 of the SPPS outlines 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

54. 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.
55. 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.*

56. This is a proposal for the development of a gap site for two dwellings and is to be assessed against the requirements of policy CTY 8.
57. In addition to CTY 8, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.
58. 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.

59. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
60. Regard is also had to the following paragraphs of 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.

Building on Tradition:

61. Whilst not policy, and a guidance document, the SPPS states that regard must be had to the guidance 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.*

62. 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.*

63. 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.*
64. 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.
65. It includes infill principles with examples that have been considered as part of the assessment:
- Follow the established grain of the neighbouring buildings.
 - Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.
 - Design in scale and form with surrounding buildings
 - Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity
 - Use a palette of materials that reflect the local area
66. 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.*
67. 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.

68. 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.*

69. 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.

70. 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.

Natural Heritage

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

45. 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.*

72. 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.

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.*

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.*

47. 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.

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.

48. 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.*

49. Paragraph 5.16 of the Justification and Amplification to Policy AMP 2 states that:

Development Control Advice Note 15 'Vehicular Access Standards' sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads. DCAN 15 also includes guidance on special requirements for access onto a Trunk Road. The current standards for access within new residential developments are set out in the 'Creating Places' design guide.

Development Control Advice Note 15 – Vehicular Access Standards

50. 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 Built Heritage

49. PPS 6 – Planning, Archaeology and the Built Heritage makes provision for the protection of our archaeology and built heritage.
50. Policy BH 2 - The Protection of Archaeological Remains of Local Importance and their Setting 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 or other material considerations outweigh the value of the remains in question.

Planning and Flood Risk

51. 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.

52. 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.

53. 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.

54. 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.*

55. It also states:

that 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 flood plain, then Policy FLD 1 will take precedence.

56. 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.*

57. 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

Assessment

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

Ribbon Development

59. The first step of the policy test is to demonstrate that **an otherwise substantial and continuously built up frontage** exists. As mentioned, a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
60. The application site lies between properties 26 and 30 Magheraconluce Road as depicted on the site location plan received on 15 August 2018. 26 Magheraconluce Road is comprised of a single storey dwelling and detached

garage and the property at 30 Magheraconluce Road consists of a single storey dwelling with integral garage.

61. In relation to the first test this is the line of three buildings which is comprised of the two dwellings and the detached garage all which have a frontage to the Magheraconluce Road.
62. This is consistent with assessment in the earlier outline application which accepted that the lay within an otherwise substantial and continuously built up frontage comprised of the same three buildings with a frontage to the road without any accompanying development to the rear.
63. The second step of the policy test is to demonstrate if **a small gap site sufficient only to accommodate up to a maximum of two houses** exists.
74. In this case, the gap is approximately 90 metres wide. The adjoining plot widths either side are measured as approximately 48 metres and 65 metres and the dwellings opposite at 29 and 31 Magheraconluce Road [whilst not part of the substantial and continuously built up frontage] measure 44 metres and 50 metres respectively.
75. The proposed plot widths would be similar to those opposite the site and it is therefore considered that the gap is small enough to accommodate up to a maximum of two dwellings.
76. As the size of the gap is only large enough to accommodate tow dwellings with an average plot width consistent with the neighbouring properties.
77. Also given the fact that the gap is not considered to frame a viewpoint or provide an important setting for the amenity and character of the established dwellings and the site is not considered to be an important visual break.
64. The final step of the policy test is to demonstrate that the proposed development **respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
78. In terms of plot sizes, an amended site layout plan demonstrates a layout consistent with an earlier outline approval [LA05/2016/1080/F] whereby the plot sizes are broadly comparable with adjacent sites.
79. The plot sizes associated with number 26 Magherconluce Road and 30 Magherconluce Road are approximately 3264 metres squared and 2762 metres squared respectively.
80. The application site is approximately 4888 metres squared which indicates an average plot size of 2444 metres squared per plot. Whilst slightly smaller in size they are not significantly different in terms of frontage width and depth and the general layout and arrangement of the buildings is broadly consistent with the established pattern of development.

81. This assessment addresses the matters raised at points (i) (e) and (g), (ii) (a) – (c) and (iii) (a) – (b) and (g) and (h) of the Order 53 Statement.

Integration and Design of Buildings in the Countryside

82. Turning then to policy CTY13 it is recognised that the site levels rise steeply from the road to the rear of the site and that there is a difference in height from the road level to the rear of the site of approximately 12 metres.
83. That said, amended plans received during the processing of the application demonstrate better how the proposed development makes the best use of the site and how it minimises the amount of cut and fill to allow the proposed dwellings to respect the existing contours and pattern of development along this section of the Magheraconluce Road consistent with guidance outlined at paragraph 4.2.1 of Building on Tradition.
84. The single storey dwellings are positioned to be in line with the adjacent dwellings and should blend unobtrusively into the landscape. The rising land to the rear provides enclosure and a backdrop.
85. The design is considered to be simple in nature with small front and rear porch element and a side projection. The windows are vertical in emphasis and the chimneys are on the ridge. There is an appropriate solid to void ratio.
86. The proposed external material finishes are as follows: Roof to be blue/black flat profile concrete tiles/natural slate; the walls are to be grey render and dark grey natural stone to the front porch and side projection; windows to be white upvc double glazed; fascia and bargeboard to be white upvc and rainwater goods to be black aluminium.
87. These finishes are considered to be acceptable for the site and location and will not impact on the overall character of the area.
88. A two metre high retaining wall comprised of buff interlocking block will extend along the back of each site with the bank sloped beyond at a gradient 1:2.
89. A double garage is also proposed to each site positioned to the rear corner. It measures 8.1 metres by 6.6 metres and has a proposed ridge height of 5.5 metres above the finished floor level. The material finishes are to match that of the dwelling houses and are considered acceptable.
90. It is considered that the design of the proposed dwellings and their orientation within the site adhere to the principles outlined in Building on Tradition and that they are acceptable for the site and its location.
91. Retaining existing vegetation as shown and the proposed landscaping will also help aid the proposals integration without reliance on new landscaping for integration purposes.

92. For the reasons outlined, the proposal complies with the requirements of policy CTY 13.
93. This assessment addresses the matters raised at points (i) (a) – (c), (ii) (e) – (g) and (iii) (c) and (iii) (f) of the Order 53 Statement.

Rural Character

94. In terms of policy CTY 14 the development the proposed development is considered to meets the exception test set out in policy CTY 8 for the reasons outlined above and as such it is considered that it would not create or add to a ribbon of development or create a sub-urban style of build-up.
95. Given the single storey nature of the buildings and the existing vegetation the proposal would not be prominent in the landscape and that the ancillary works associated with the access arrangements would not damage rural character.
96. It is considered that the proposal meets the requirements of policy CTY 14 and would not have a detrimental impact on the rural character of the area.
97. This assessment addresses the matters raised at point (ii) (d) and point (iii) (d) and (e) of the Order 53 statement.

Development Relying on Non-Mains Sewerage

98. Detail submitted with the application indicates that surface water will be disposed of via soakaways and that foul sewage will be disposed of via septic tank both of which are located to the front of the site.
99. Both Environmental Health and NI Water have considered the detail of the application and offer no objections.
100. Based on an assessment of the detail and the advice received, it is considered that the applicant has demonstrated that the proposal will not create or add to a pollution problem and the requirements of policy CTY 16 are met in full.

Access, Movement and Parking

101. Detail associated with the application indicates that access arrangements for the development will involve construction of a double access point from the Magheraconluce Road positioned towards the northern end of the frontage of the site. Entrance pillars are simple in design with a render finish to match the proposed dwellings.
102. DfI Roads had initially raised concerns that forward sight distances had not been indicated on the plan and that a proper ordnance survey of the road

specifically in the vertical plane was required to demonstrate that all visibility lines could be achieved. A clear fully dimensioned engineering drawing showing the access, driveways and parking details along with access width dimensions was also required.

103. A number of amendments were submitted during the processing of the application. Plans received in April 2021 included the relocation of the access points and provision of visibility splays of 2.4 metres by 87 metres to the southern side and 3.4 metres by 90 metres to the northern side are now proposed.
104. DfI Roads having assessed the detail of the most recent amendments confirmed in a response dated 14 June 2021 that they have no objection to the amended proposal or plans subject to standard conditions aimed at ensuring that there is a satisfactory means of access in the interest of road safety and the convenience of road users.
105. Based on a consideration of the advice from DfI Roads, it is accepted that the application is in accordance with the requirements of policy AMP 2 of PPS3 and that the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic.

Natural Heritage

106. There are no works on site that would lead to concerns over the impact of the proposal on any natural heritage and a biodiversity check list was not considered necessary.
107. To accommodate the proposal a small amount of vegetation needs to be removed to provide for a safe access and visibility to the northern side of the site. The existing verge planting to the southern side of the site is to be reduced in level as necessary to provide sight line and forward distance sightline as shown on related drawing.
108. Additional planting is also proposed to all undefined boundaries to include structure planting, shrub planting, new hedgerows, grass seeding in accordance with the landscape specification notes.
109. It is considered that the proposal would not have a negative impact on any natural heritage and complies with policy NH 5 of PPS 2.

Archaeology and Built Heritage

110. As explained above, the application site is within a buffer zone surrounding an archaeological site and monument – DOW021:025 (Enclosure).
111. Historic Environment Division have been consulted and advice received confirms that on the basis of the information provided is content that the

proposal does not impact on an archaeological remains in or adjacent to the site and the requirements of the SPPS and PPS 6 are met.

112. It is considered that the proposal would not have a negative impact on any archaeology or built heritage. No conditions were recommended.

Planning and Flood Risk

113. From the site inspection it can be seen that there are no watercourse within or adjacent to the application site. A review of the Rivers Agency flood maps also confirms that the application site is not located within a flood plain or near a watercourse.
114. The submission of a drainage assessment is not required for this proposal.
115. It is therefore considered that the proposal would not cause any concerns with regards to flooding and it is considered that it complies with policies FLD1 and 4 of PPS 15.

Conclusions

116. The application is presented to the Planning Committee with a recommendation to approve as the proposal is considered to comply with the SPPS, and policies CTY 1 and CTY 8 of PPS 21 in that there is a gap within an otherwise substantial and continuously built up frontage that can accommodate two dwellings with associated garages.
117. In addition, it is considered that the proposal will also comply with the SPPS and policies CTY 13 and 14 of PPS 21 in that the development can be visually integrated into the surrounding landscape and it will not cause detrimental change to or further erode the rural character of the area.

Recommendations

118. It is recommended that planning permission is approved

Refusal Reasons/Conditions

119. The following conditions are recommended:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time Limit.

2. The vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 05 bearing the date stamp 19 April 2021, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.
Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.
3. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
4. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing no. 05 bearing date stamp 19 April 2021 to provide adequate facilities for parking and circulating within the sites. 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.
5. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.
Reason: In the interest of road safety and the convenience of road users.
6. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Site Location Plan – LA05/2018/0862/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	09 May 2022
Committee Interest	Local Application (Called in)
Application Reference	LA05/2021/0928/O
Date of Application	24 February 2021
District Electoral Area	Killtulagh
Proposal Description	Site for a dwelling, garage including ancillary site works
Location	30 metres north of 39 Garlandstown Road Glenavy ,BT29 4HJ
Representations	None
Case Officer	Margaret Manley
Recommendation	Refusal

Summary of Recommendation

1. A recommendation to refuse planning permission was presented to the Committee in February 2022 as it was considered that there were no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. It was also considered that the proposal would not respect the existing development pattern along the frontage in terms of plot size and frontage resulting the addition of ribbon development along Garlandstown Road and that it would result in the loss of an important visual break.
3. It was also considered that the proposal would if permitted result in a suburban style build-up of development when viewed with existing buildings, does not respect the traditional pattern of settlement exhibited in the area and it would add to a ribbon of development along Garlandstown Road.
4. At the request of Members, it was agreed that consideration of the application should be deferred for a period of one month to allow officers to carry out an assessment of the application against the policy tests associated with Policy CTY 2a – Dwelling in Cluster of PPS 21.

Further Consideration

5. Paragraph 6.73 of the SPPS states

that provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; is associated with a focal point; the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

6. Policy CTY 2a – New Dwellings in Existing Clusters states that

planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- *the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;*
- *the cluster appears as a visual entity in the local landscape;*
- *the cluster is associated with a focal point such as a social/community building/facility, or is located at a crossroads;*
- *the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*
- *development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and*
- *development would not adversely impact on residential amenity.*

7. There is no justification or amplification text associated with Policy CTY2a to further explain what constitutes a cluster of development.

8. That said, the first three criteria provide the main focus for defining what a cluster is and this is captured in a PAC decision (2014/A148) where it is stated at paragraph 4 that although not defined by the policy, a cluster is by definition a close grouping of buildings. This is reflected in a number of criteria in the policy headnote.

9. The Commissioner goes on in the appeal decision to say that the first criterion requires that the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings. This suggests that an existing cluster of development is to be formed by buildings. This is reinforced by the first clause in criterion three, whereby a cluster must be associated with a focal point such as a social/community building/facility if not located at a cross-roads. The second criterion requires that a cluster appears as a visual entity in the local landscape.

10. Having regard to these specific criteria in respect of this site located immediately west of a junction with Garlandstown Road, Fort Road and Tullyrusk Road it is advised that there are not four or more buildings to cluster with in accordance with the first criteria.
11. There are only two dwellings at 39 and 41 Garlandstown Road. The minimum requirement is three.
12. The dwelling at 43 Garlandstown Road, it is not visible with the application site when approaching from Garlandstown Road in a southerly direction and does not form part of the cluster.
13. Whilst there is a building located centrally within the application site to the north [which may have been a former dwelling], there is no evidence of recent occupation, it is partially collapsed, it contains hay suggesting it is an outbuilding.
14. The second part of the policy requires the cluster to appear as a visual entity in the local landscape. This development does not appear as a visual entity. There is a clear linear ribbon of development along the western side of the Garlandstown Road which is not clustered with a focal point.
15. Paragraph 6 of 2014/A148 PAC decision provides a helpful assessment in this regard. It states that:

these buildings extend over a 350m stretch of road frontage from the dwelling furthest east at No 44 to No 70 to the west. Whilst the appellant argued that a cluster is not defined in policy and that there is no requirement to be physically close, only to be intervisible, I disagree with his assessment. I consider that this criterion is dependent upon physical proximity as well as visual linkages. However due to the spaces and distance between them, undulating topography, intervening boundary treatment and curvature of Carr Road, these buildings do not read as one discrete cluster but rather as a dispersed collection of individual buildings in the countryside. Based on my assessment of the disposition and visual relationship of these buildings in the area identified by the appellant, I do not consider that there is a cluster of development which appears as a visual entity in the landscape. Consequently the second criterion is not therefore met.

16. Taking this into account and as explained above, the ribbon of development as outlined extends down the Garlandstown Road away from the site. These buildings are not considered to be inter visible and do not appear as a visual entity in the landscape.
17. On approach from a southerly direction along Garlandstown Road you can only read the application site with the community hall due to the land rising to a crest at the application site.

18. Beyond this is a linear dispersed row of dwellings along Garlandstown Road. As explained, the dwelling at 43 Garlandstown Road, does not read with existing buildings [in this linear form 39 and 41] as it is set back behind the dwelling and outbuildings associated with 41 Garlandstown Road with a mature landscape boundary between them providing a visual break.
19. On approach from Tullyrusk Road the back of the orange hall reads with the application site and on approach from the Garlandstown Road in a northerly direction there is little perception of the application site being read as a discrete cluster with the buildings at 41 and 39 Garlandstown Road.
20. With regard to the third criterion and in the normal meaning of the policy, the Orange Hall located to the east of the application site would be a focal point but for the reasons outlined above, there are no buildings clustered with the Hall as 39 and 41 Garlandstown Road are too dispersed from this location to be considered a single visual entity in the landscape..
21. The dwelling at 36 Fort Road is also set back from the Garlandstown Road by approximately 73 metres and is not part of a cluster on this side.
22. In relation to the fifth criteria, as no cluster exists the proposed development cannot be absorbed into an existing cluster through rounding off and consolidation. .
23. Having considered the detail of the proposal against the requirement of policy CTY2a it is advised that the proposal fails to meet criterion 1, 2, 3 and 5 and a further reason for refusal is recommended on the grounds that the proposed site is not in an existing cluster of development. .

Conclusions

24. The advice previously provided is not altered and the recommendation to refuse planning permission as outlined in the initial report is not changed following an assessment of the proposal against the policy tests associated with Policy CTY 2a.
25. An additional refusal reason is also recommended for the reasons set out above
26. The detail of this addendum should also be read in conjunction with the main officers report previously presented to the Committee on 07 January 2022 and which is provided as part of the papers for this meeting.

Recommendations

27. It is recommended that planning permission is refused.

Refusal Reasons

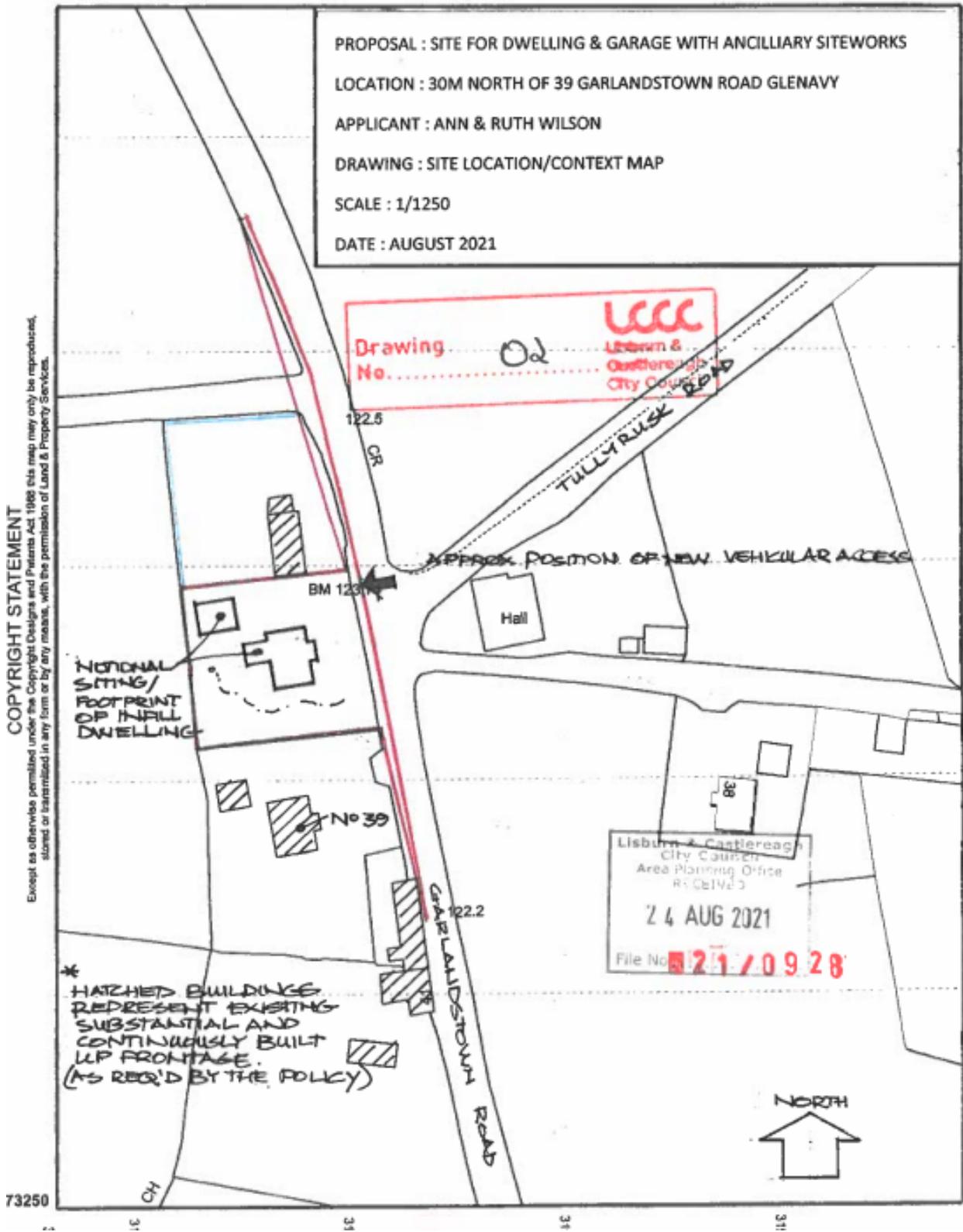
28. The following additional reason for refusal is recommended:

- The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads; a dwelling would if permitted significantly alter the existing character of the area as a result of a build-up of development extending into the open countryside.

Site Location Plan – LA05/2021/0928/O

39 GARLANDSTOWN ROAD, TULLYNEWBANE, GLENNAVY, BT29 4HJ, 185282521

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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	07 February 2022
Committee Interest	Local Application (Called in)
Application Reference	LA05/2021/0928/O
Date of Application	24 February 2021
District Electoral Area	Killtulagh
Proposal Description	Site for a dwelling, garage including ancillary siteworks
Location	30 metres north of 39 Garlandstown Road Glenavy ,BT29 4HJ
Representations	None
Case Officer	Margaret Manley
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local planning application in accordance with the Development Management Regulations 2015.
2. This application is presented to the Planning Committee with a recommendation to refuse as it 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.
3. It is also considered to be contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would not respect the existing development pattern along the frontage in terms of plot size and frontage resulting the addition of ribbon development along Garlandstown Road and the loss of an important visual break.
4. In addition the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in

a suburban style build-up of development when viewed with existing buildings, does not respect the traditional pattern of settlement exhibited in the area and it would add to a ribbon of development along Garlandstown Road.

Description of Site and Surroundings

5. The application site located along Garlandstown Road is rectangular in shape and comprised of part of the curtilage of a derelict building. This building and the remainder of its curtilage are located immediately adjacent and north of the site.
6. The eastern boundary of the site adjoins the Garlandstown Road and is defined by a small grass verge and mature trees. The southern boundary is defined by mature trees. These trees separate the site from the curtilage of 39 Garlandstown Road which is located adjacent and south of the site. The rear/west boundary is likewise defined by mature trees whilst its north boundary is undefined.
7. A community hall is located across the road and a short distance east of the site. As previously mentioned other development within close proximity of the site includes the derelict building immediately adjacent and north of the site and 39 Garlandstown Road, a one-and-a-half storey dwelling with a detached garage located adjacent and south of the site.
8. Development located south of 39 Garlandstown Road includes the modest single storey dwelling no. 39 replaced which has been retained as a store and 41 Garlandstown Road, a two-storey dwelling with associated outhouse and polytunnels. The building at 43 Garlandstown Road to the south of number 41 is a modest bungalow with a detached garage.
9. The site is located in the open countryside approximately 3.3 kilometres east of Glenavy. The area surrounding is mainly rural in character and the land predominantly in agricultural use.

Proposed Development

10. This application seeks outline planning permission for a dwelling and garage including ancillary site works.

Relevant Planning History

11. There is no relevant planning history pertaining to the site.

Planning Policy & Guidance Context

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

- Regional Development Strategy (RDS) 2035
- Lisburn Area Plan 2001
- Draft Belfast Metropolitan Area Plan (dBMAP) 2015;
- Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- Planning Policy Statement (PPS) – Planning, Archaeology and the Built Heritage
- Planning Policy Statement (PPS) 21-Sustainable Development in the Countryside.
- Building on Tradition-A sustainable design guide for the Northern Ireland Countryside.

Consultations

13. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DfI Roads	No objection
LCCC Environmental Health	No objection
Historic Environment Division	No objection

Representations

14. All relevant neighbours were notified and no third party representations in opposition to the proposal have been received.

Consideration and Assessment

15. The main issues to consider in the determination of this planning application are:
- Local Development Plan Context
 - Principle of Development
 - Sustainable Development in the Countryside
 - Ribbon Development
 - Integration and Design of Buildings in the Countryside
 - Rural Character
 - Non mains Sewerage
 - Access, Movement and Parking
 - Archaeology and the Built Heritage

Local Development Plan Context

16. 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.
17. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had in its entirety, not been lawfully adopted.
18. As a consequence of this decision, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
19. In both plans, the application site is identified in the open countryside beyond any defined settlement limit and as there is no distinguishable difference in the local plan context, significant weight is attached to draft BMAP and its draft policies which direct the assessment to be carried out in accordance with prevailing regional policy.

Principle of Development

20. The Strategic Planning Policy Statement (SPPS), published in September 2015, indicates that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation.
21. 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.

22. Paragraph 3.8 of the SPPS indicates 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.
23. 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.
24. Paragraph 6.73 of the SPPS indicates 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.
25. Paragraph 6.78 of the SPPS outlines 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.
26. This application seeks to establish the principle of one infill dwelling within a small gap along a substantially and continuously built up frontage in accordance with Policy CTY8 of PPS 21.
27. No conflict arises between the provisions of the Strategic Planning Policy Statement (2015) and the retained policy in Planning Policy Statement 21: Sustainable Development in the Countryside.
28. Consequently, the relevant paragraphs in the SPPS and policies in PPS 21 provides the relevant planning policy context in this instance.

Sustainable Development in the Countryside

29. 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.
30. Policy CTY 1 – Development in the Countryside makes reference to a number of circumstances when planning permission will be granted for residential development in the countryside.

Ribbon Development

31. Policy CTY 8 – Ribbon Development outlines that planning permission will be refused for a building which creates or adds to a ribbon of development.

32. 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 three or more buildings along a road frontage without accompanying development to the rear.
33. The justification and amplification to the policy explains that 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.
34. Paragraph 5.33 advises that 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.
35. 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.
36. It is clear that applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings.
37. Paragraph 4.4.1 of Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside outlines that policy 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, within an otherwise substantial and continuous built up frontage.
38. The guidance recommends the following:
 - 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. 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.
39. To assist with the assessment of the proposal against the first part of the policy test, it is necessary, determining whether there is an otherwise substantial and continuously built up frontage present comprising a line of three or more buildings along a road frontage without accompanying development to the rear.
 40. A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
 41. In this instance there are more than three buildings with a road frontage onto Garlandstown Road. These buildings include the derelict building immediately adjacent and north of the site and 39 Garlandstown Road and its substantial double detached garage located adjacent and south of the application site.
 42. It also includes the single storey building south of number 39 (which has been retained as a store following its replacement by 39), number 41 Garlandstown Road and its associated outhouse and number 43 Garlandstown Road and its detached garage.
 43. Based on a review of the existing built form, it is accepted that there is a substantial and continuously built-up frontage along this part of Garlandstown Road.
 44. The second step is to determine if there is a small gap site sufficient only to accommodate up to a maximum of two-houses within the otherwise substantial and continuously built-up frontage.
 45. As explained, the application site is located between the derelict building to the north and 39 Garlandstown Road and its associated garage, former 39 and 41 and its outhouse and the building at 43 Garlandstown Road and its garage to the south.
 46. This site is considered for the reasons explained above to constitute a small gap site within the otherwise substantial and continuously built up frontage of sufficient size to accommodate one dwelling. The building to building measurement from the derelict building to the detached double garage is 48 metres.
 47. The third step is to determine if the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.
 48. The site associated with the derelict building has a plot size measuring approximately 0.3 hectares and a frontage along Garlandstown Road measuring 78 metres.

49. The building associated with number 39 Garlandstown Road has a plot size measuring approximately 0.24 hectares and a frontage of 56 metres.
50. The site at 41 Garlandstown Road has a plot size measuring approximately 0.35 hectares and a frontage of 62 metres. The site at 43 has a plot size measuring 0.18 hectares and a frontage of approximately 35 metres.
51. The average plot size along this otherwise substantial and continuously built up frontage equates to an average plot size of approximately 0.27 hectares and an average frontage of approximately 58 metres.
52. This application proposes to sub divide the plot associated with the derelict building resulting in a plot size of 0.14 hectares and a frontage of 39 metres for the derelict building and a plot size of 0.16 hectares and a frontage of 39 metres for the proposed dwelling.
53. These plot sizes and frontages are below the average of the established plots along this frontage and are therefore not considered to reflect the existing development pattern along the frontage.
54. Guidance contained within Building on Tradition A Sustainable Design Guide for the Northern Ireland Countryside' advises that another type of visual break can be an existing stand of mature trees occurring between properties that appear to be ribbon development on plan.
55. Within this context, it is considered that the trees contribute positively to the rural character in this area and are an important visual break in the development.
56. In this case, it is considered that the mature trees located on site provide an important visual break in the otherwise substantial and built-up frontage and that development of the application site should be resisted to maintain this visual break.
57. As explained above, Policy CTY8 states planning permission will be refused for a building which creates or adds to a ribbon of development. The proposed site does not constitute an infill opportunity for the reasons discussed.
58. A dwelling established on the application site will read with the mentioned development to the north and south to extend the ribbon of development along this stretch of Garlandstown Road. A dwelling in this site would not reflect the existing pattern of development along this stretch of road.
59. As the site constitutes a visual break the proposal to erect a dwelling on site would be contrary to Policy CTY8.

Integration and Design of Buildings in the Countryside

60. 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.
61. 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.
62. Paragraph 4.1.0 of Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside states that a core requirement of much of the development covered by PPS 21 is that it is integrated within (and in particular instances Visually linked to) the countryside and/or other established buildings.
63. In terms of criteria (a), given the low lying nature of the site and surrounding topography and the screening offered by the site a dwelling would not appear unduly prominent in the landscape.
64. The existing site boundaries are defined by mature trees and would provide a suitable degree of enclosure to facilitate the integration of a dwelling on this site fulfilling requirements under criteria (b) and (c).
65. As this is an outline application full details of the proposed house type have not been submitted at this stage. In the event planning permission is approved a dwelling of suitable design for the site and locality could be agreed at reserved matters stage.
66. In terms of criteria (d), it is considered that ancillary works in the form of an access would be visually acceptable. In the event that the principle of development was considered to be acceptable, relevant conditions in respect of existing and proposed ground levels and the proposed finished floor levels (FFL's) of the proposed buildings should be applied to any decision.
67. No detailed design details (dwelling plans or elevations) have been submitted for consideration as this application seeks outline approval only therefore criteria (e) would only be considered at subsequent design stage.

68. With regards criteria (f) the dense vegetation to the rear and side of the site would provide a suitable backdrop to an appropriately designed dwelling should the principle of development be acceptable. Criteria (g) is not applicable.
69. Taking all criterial into account it is considered that the application complies with the policy tests associated with Policy CTY 13.

Rural Character

70. 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.
71. Given the low lying nature of the site and surrounding topography and the screening offered by the site a dwelling would not appear unduly prominent in the landscape.
72. The development is considered to be unacceptable in principle as it, would result in a sub-urban style build-up of development when viewed with existing and approved buildings within the local landscape.
73. For the reasons outlined above, the development as presented is considered not to respect the traditional pattern of development found within the area, as it would add to a ribbon of development noted in situ, running along this section of the Garlandstown Road.

Development Relying on Non-Mains Sewerage

74. 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.
75. The development seeks to utilise a septic tank for the disposal of foul sewerage.
76. Environmental Health, and NI Water have been consulted and offer no objections to the proposal subject to at the subsequent planning stage the applicant provides a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling
77. It is therefore considered that the development meets the policy test associated with Policy CTY 16 and that no issues of concern with respect to potential pollution will arise.

Access, Movement and Parking

78. 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.
79. 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.
80. The development seeks to construct a new access to the public road [Garlandstown Road] to provide access to the proposed site. The Garlandstown Road is not a Protected Route.
81. DfI Roads have been consulted and offer no objections. Standard conditions recommended in respect of car parking, street furniture are considered to be acceptable.
82. Based on the detail submitted and advice received, it is therefore considered that the development meets the policy test associated with policy AMP2 Access to Public Roads.

Archaeology and the Built Heritage

83. The Councils Paragraph 6.9 of the SPPS states that development proposals which would adversely affect archaeological remains of local importance or their settings should only be permitted where the planning authority considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.'
84. 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.
85. The application site is located within the consultation zone of a scheduled monument (SMR ANT: 059:128).

86. Historic Environment Division (Historic Monuments) were consulted in relation to this proposal. They are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Conclusions

87. All relevant policy and material considerations have been assessed and proposal is considered to be 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.
88. It is also considered to be contrary to the SPPS and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would not respect the existing development pattern along the frontage in terms of plot size and frontage resulting the addition of ribbon development along Garlandstown Road and the loss of an important visual break.
89. In addition the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build-up of development when viewed with existing buildings, does not respect the traditional pattern of settlement exhibited in the area and it would add to a ribbon of development along Garlandstown Road.

Recommendations

90. It is recommended that planning permission is refused.

Refusal Reasons

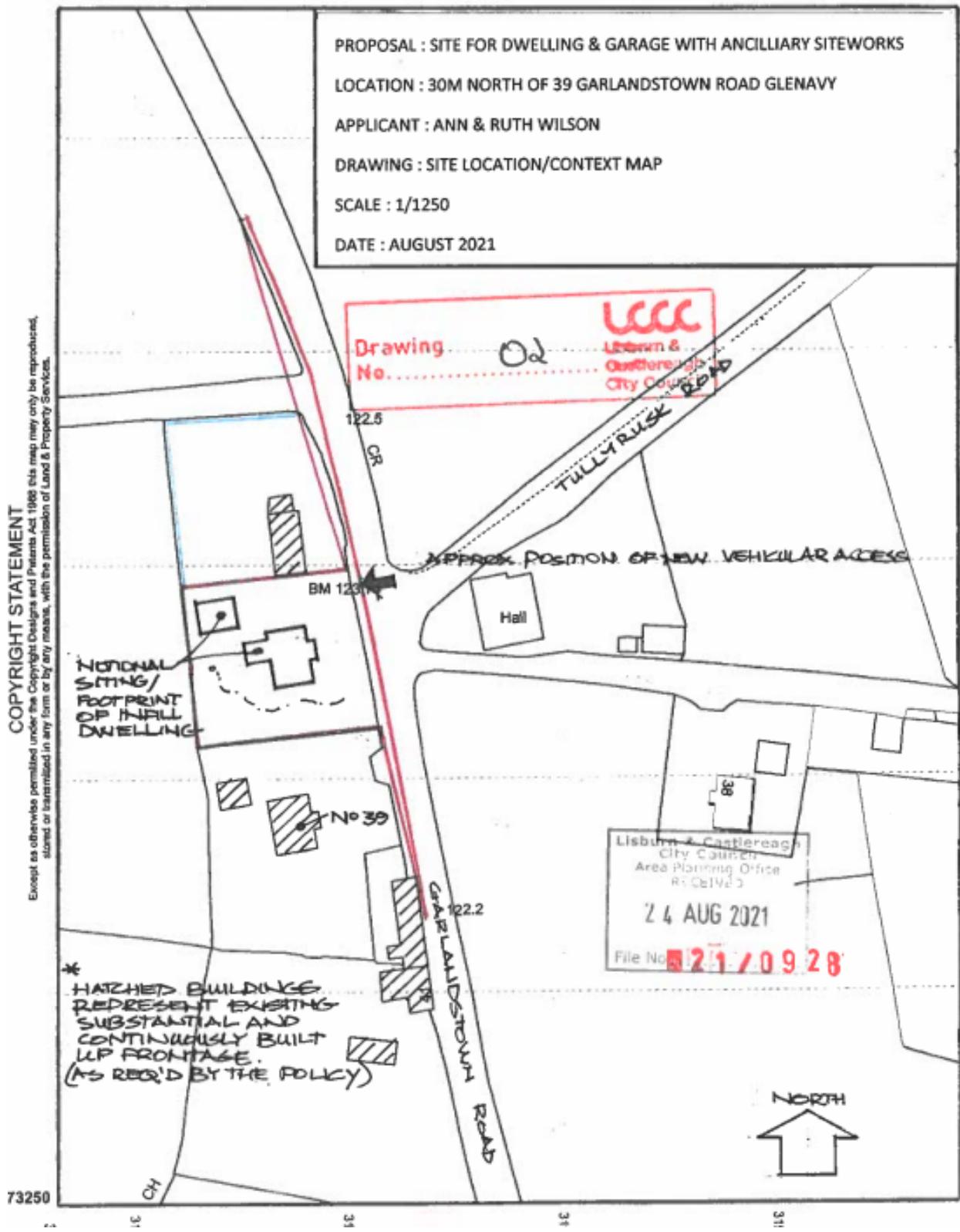
91. The following refusal reasons are recommended:
- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in the proposal would not respect the existing development pattern along the frontage in terms of plot size and frontage resulting the addition of ribbon development along Garlandstown Road and the loss of an important visual break.
 - The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the

Countryside, in that the proposal would if permitted result in a suburban style build-up of development when viewed with existing buildings, does not respect the traditional pattern of settlement exhibited in the area and it would add to a ribbon of development along Garlandstown Road.

Site Location Plan – LA05/2021/0928/O

39 GARLANDSTOWN ROAD, TULLYNEWBANE, GLENNAVY, BT29 4HJ, 185282521

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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	09 May 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0862/O
Date of Application	27/10/2020
District Electoral Area	Castlereagh East
Proposal Description	Proposed one and a half storey private dwelling and garage
Location	Land 20m east of 52 Gransha Road, Dundonald.
Representations	Two
Recommendation	REFUSAL

Summary of Recommendation

1. A recommendation to refuse planning permission was presented to the Committee in April 2022 as it was considered that the proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21 in that the site could be absorbed into the existing cluster through rounding off and consolidation and the development if permitted would visually intrude into the open countryside.
2. The proposal was also considered to be contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for a new dwelling to integrate into the landscape and will rely primarily on the use of new landscaping for integration.
3. It is also considered that the proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that therefore resulting in a detrimental change to the rural character of the countryside.

4. Before the application was presented and at the request of Members, it was agreed that consideration of the application should be deferred to allow Members to visit the site and to view the proposed development in its surrounding context.
5. A site visit was facilitated on Wednesday 13 April 2022. A separate minute of the meeting was taken and informs the detail of this report and which is provided at Appendix 1 (c) (ii).

Further Consideration

6. Members were reminded at the site visit of the background to the application which is for the grant of outline planning permission for a proposed one and a half storey private dwelling and garage.
7. Members had the opportunity to view the site from land to the rear of the existing community hall and playing fields. With the aid of a location plan, the extent of the boundaries and how the site read with the buildings comprising the cluster were explained. The location of a previous grant of planning permission immediately adjacent to the site was also identified.
8. The site was also observed from the boundary of the playing field towards the south eastern corner of the application site and adjacent to the Gransha Road.
9. Having observed the site from a number of key viewpoints the, Members asked that further consideration be given to the capacity of the site to absorb a further dwelling having regard to the existing and proposed dwellings adjacent.
10. As detailed in the main report policy CTY 2A of PPS 21 states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:
 - the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
 - the cluster appears as a visual entity in the local landscape;
 - the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads;
 - the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
 - development would not adversely impact on residential amenity.
11. A proposed site layout plan submitted in support of the application indicates where the proposed dwelling is to be sited.
 12. Due to the steeply sloping nature of the topography of the eastern and southern portions of the site the developable area is restricted and the proposed dwelling is located in the more level part the site immediately adjacent to the existing dwelling at 52 Gransha Road.
 13. The building is orientated so its front elevation is facing the side elevation of the existing dwelling and the closest distance between the front and side elevation is approximately 14 metres.
 14. A garage, currently associated with the existing curtilage of 52 Gransha Road is shown as retained and it would appear the only vehicular access to the new dwelling is between the existing dwelling and garage.
 15. The curtilage of the existing dwelling is significantly reduced and the plot fragmented to provide access to the new dwelling.
 16. Bringing a driveway directly past the existing dwelling immediately adjacent to the front door of the property would harm the amenity of residents by reason of noise and nuisance. The fragmentation of the curtilage also means that the remaining garden to the existing dwelling will be overlooked by the windows in the front elevation of the new building. The residents of the proposed dwelling would have limited amenity space by reason of the steeply sloping nature of the site.
 17. It is advised that the last criteria of the policy CTY 2a is also not met following the review requested by the members at the site visit and the refusal reason amended to take account of this.
 18. It is highlighted at paragraph 62 of the main report that the proposed layout would not respect the settlement pattern and spacing of buildings found in the locality.
 19. The fact that it cannot be absorbed into the existing cluster means that its siting and orientation would if approved, alter the existing character of the area by introducing a suburban style build-up of development by creating a cul-da-sac form of development.
 20. Whilst this matter is previously dealt with in the reason for refusal in the main report linked to policy CTY 14 the additional advice included in the addendum report as to why the requirements of this policy are not met should also be weighed in the decision making process.

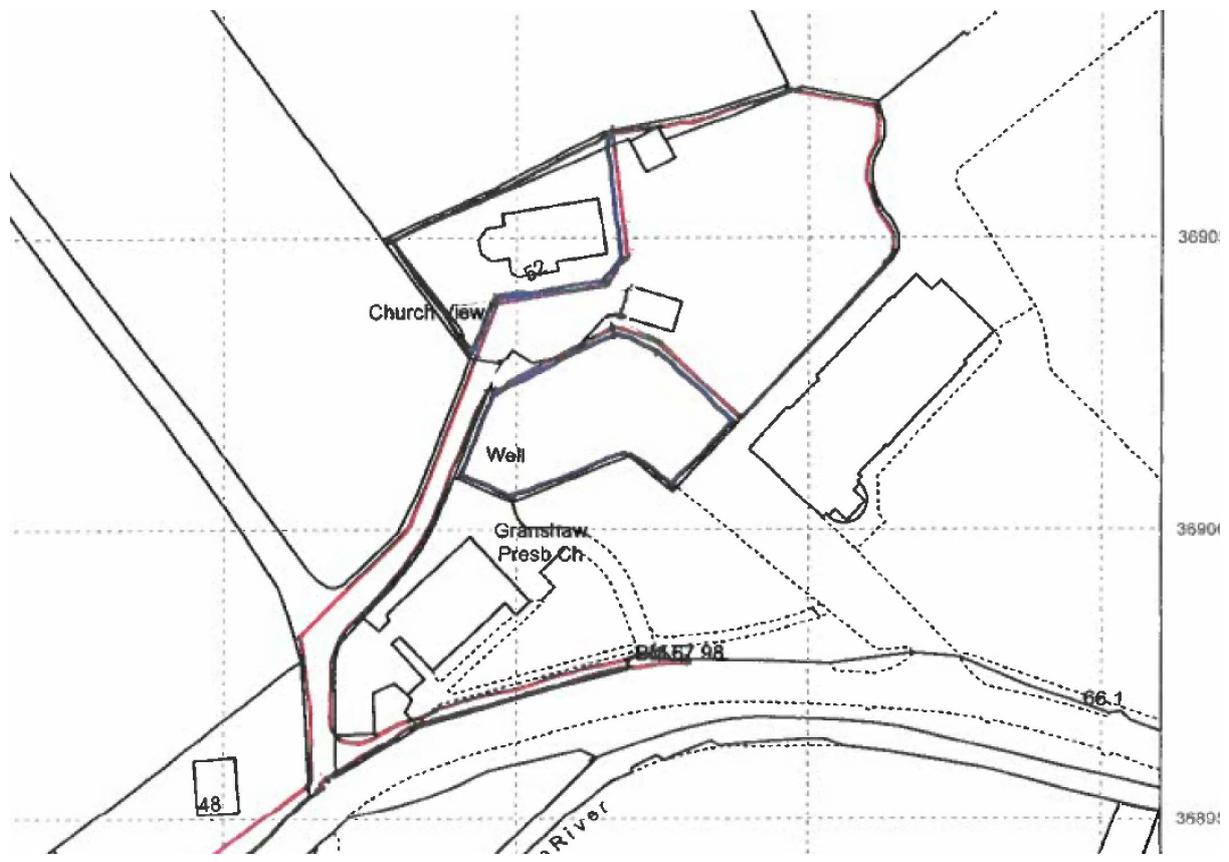
Recommendation

21. No changes are proposed to the scheme as a consequence of the site visit and no new information is required.
22. The advice previously provided is not altered and the recommendation to refuse planning permission as detailed in the initial report is not changed.
23. An additional refusal reason is however recommended in light of further consideration being given to the capacity of the site to absorb a further dwelling having regard to the existing and proposed dwellings adjacent.
24. The detail of this addendum should be read in conjunction with the main officers report previously presented to the Committee on 04 April 2022 which is provided as part of the papers for this meeting.

Reasons for refusal

25. The following refusal reasons were previously recommended and are adjusted to take account of the additional assessment carried out following the site visit:
 - The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, in that the proposed development cannot be absorbed into the existing cluster through rounding off and consolidation and the new building will visually intrude into the open countryside.
 - The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, in that the proposed site is unable to provide a suitable degree of enclosure for a new dwelling to be integrated into the landscape and the proposed development will rely primarily on the use of new landscaping for integration along the southern and eastern boundaries.
 - 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 the existing and proposed buildings. The development would also if permitted not respect the traditional pattern of settlement exhibited in that area as a result of the fragmentation of the plot I change the rural character of the countryside.
26. The following additional refusal reason is recommended:
 - The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21 in that the proposed dwelling would have an adverse impact on the residential amenity of existing and proposed residents by reason of noise, nuisance, overlooking and limitations on the use of amenity space.

Site Location Plan – LA05/2020/0862/O



LISBURN & CASTLEREAGH CITY COUNCIL**Minute of a site visit by the Planning Committee held at 1.00 pm on Wednesday 13^h April 2022 at Gransha Road Comber.**

PRESENT: Councillor A Swan (Chairman)

Alderman D Drysdale

Councillor J Craig

IN ATTENDANCE: Head of Planning and Capital Development (CH)
Principal Planning Officer (RH)
Member Services Officer (PS)

Apologies for non-attendance at the meeting were recorded on behalf of Alderman O Gawith, Alderman J Tinsley, Councillor U Mackin and Councillor J Palmer.

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

- LA05/2020/0862/O - Proposed 1 ½ storey private dwelling and garage with surrounding garden on Land 20m east of No 52 Gransha Road, Comber, BT23 5RF

The application had been presented for determination at the meeting of the Planning Committee held on 4 April 2021. In advance of the application being presented by officers, the Committee agreed to defer consideration of the application to allow for a site visit to take place.

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

The site was highlighted to the members present, in the context of the adjacent buildings and other land uses including a cemetery and playing fields.

There then followed a broad discussion in terms of what buildings were considered to comprise a cluster of development in the meaning of the planning policy. With the aid of a site location plan, the proposed access arrangements were also detailed.

Officers further explained the planning history and members were able to view the submitted layout plan together with a google earth print out of the location to observe whether anything had changed in the intervening period.

Members asked that further consideration be given to whether the site had the capacity to absorb another buildings without impacting adversely on the occupation of the existing buildings

Members then moved to view the site from the along towards the far boundary to understand whether a new building would extend into the open countryside beyond the existing group of buildings as had been suggested in the planning appeal decision..

Officers were requested to take some additional photographs to assist the Committee in understanding the context and to assist with the decision making process.

There being no further business, the site visit was terminated at 1.40 pm.

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 April 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0862/O
Date of Application	27/10/2020
District Electoral Area	Castlereagh East
Proposal Description	Proposed one and a half storey private dwelling and garage
Location	Land 20m east of 52 Gransha Road, Dundonald.
Representations	Two
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 Protocol for the Operation in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to refuse as it is considered that the proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape, development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and the development if approved will visually intrude into the open countryside.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for a new dwelling to integrate into the landscape and will rely primarily on the use of new landscaping for integration
4. It is also considered that 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 the building would, if permitted not

respect the traditional pattern of settlement exhibited in that area and would therefore result in detrimental change to the rural character of the countryside.

Description of Site and Surroundings

5. The site is located east of 52 Gransha Road, Comber and is set back approximately 40 metres from the main road. The land within is the private garden of the dwelling and falls west to east and also in a southerly direction toward the church, church hall and the Gransha Road beyond.
6. There are a group of mature trees along the southern boundary of the site, these are approximately 10-15 metres in height. These trees fill the views onto the main road between the church and the church hall.
7. The site is located within the rural area. There is some build-up of development with a church hall to the south-east, and church to the south-west.

Proposed Development

8. The application is for a proposed one and a half storey private dwelling and garage.

Relevant Planning History

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

Application Reference	Site Address	Proposal	Decision
LA05/2019/0329/RM	Approx 20m south of 52 Gransha Road, Newtownards, BT23 5RF-	Proposed new cluster dwelling and garage	Permission Granted 24/06/2020
LA05/2017/0676/O	Approx 20m to the south of No 52 Gransha Road, Newtownards, BT23 5RF	Proposed new cluster dwelling and garage	Permission granted
Y/2012/0160/O	East of 52 Gransha Road, Comber, County Down, BT23 5RF	Site for erection of dwelling	Appeal dismissed – permission refused

10. A recommendation to refuse planning permission for LA05/2017/0676/O was presented to the planning committee meeting in June 2018. The application was for a dwelling under policy CTY 2A and was located immediately to the south of the site.
11. The recommendation to of the planning officer was not agreed and a dwelling was subsequently approved. The reasons for overturning the recommendation are set out in the minute of the meeting as follows:
 - The committee considered that the application was compliant with policy CTY 2a of PPS 21 and that all of the criteria for cluster development were met in full;
 - The Committee also felt that the application would not have an adverse effect on the setting of the listed building as appropriate additional screening could support screening already in place and mitigate against any adverse impact.
12. Approval of Reserved Matters (LA05/2019/0329/RM) was then approved in March 2019 and is not time expired. As the planning history remains extant it is a material consideration to this proposal in that the principle of development in a cluster was accepted.
13. The application site is distinguishable from the planning history however as it comprises land to the south that extends development further to the east encroaching into the open countryside.
14. This is consistent with the PAC decision to refuse planning permission for a dwelling on the same site within the context of planning application Y/2012/0160/O.

Planning Policy Context

15. The relevant planning policy context which relates to the application is as follows:
 - Lisburn Area Plan 2001
 - Draft Belfast Metropolitan Area Plan (BMAP) 2015
 - Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)
 - Planning Policy Statement 2 (PPS2): Natural Heritage
 - Planning Policy Statement 3 (PPS 3): Access, Movement and Parking
 - Planning Policy Statement 21: Sustainable Development in the Countryside.
 - Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside
 - DCAN 15: Vehicular Access Standards

Consultations

16. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
Environmental Health	No Objection
Water Management Unit	Refers to standing advice.
NI Water	No Objection
Historic Environment Division	Content

Representations

17. Two letters of objection have been received from 50 Gransha Road. The issue raised relate to the use of the access leading to the site and to concerns that the applicant has no right of way to use lane nor has requested to use their land for access purposes.

Consideration and Assessment

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

- Local Area Plan
- Regional Policy Considerations
- Sustainable Development in the Countryside
 - Dwelling within a Cluster
 - Ribbon Development
 - Integration and Design
 - Rural Character
 - Development Relying on Non-Mains Sewerage
- Access, Movement and Parking
- Natural Heritage

Local Development Plan

19. 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.

20. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had in its entirety, not been lawfully adopted.
21. As a consequence of this decision, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
22. In both plans, the application site is identified in the open countryside beyond any defined settlement limit and as there is no distinguishable difference in the local plan context, significant weight is attached to draft BMAP and its draft policies which direct the assessment to be carried out in accordance with prevailing regional policy.

Regional Policy Considerations

23. The Strategic Planning Policy Statement (SPPS) published in September 2017 states that until the Council adopts the plan strategy for its new Local Development Plan there will be a transition period in operation.
24. During this period, planning policy within existing and 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. 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.
26. Paragraph 6.65 states that 'the aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS'.
27. Paragraph 6.70 also states that 'all development in the countryside must integrate into its setting, respect the character, and be appropriately designed.
28. 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.
29. In terms of new dwellings in existing clusters strategic policy directs that provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not

significantly alter its existing character, or visually intrude into the open countryside.

30. No conflict arises between the provisions of the Strategic Planning Policy Statement (2015) and the retained policy – Planning Policy Statement 21: Sustainable Development in the Countryside. Consequently, PPS 21 provides the relevant Planning policy context in this instance.

Sustainable Development in the Countryside

31. PPS 21 – Sustainable Development in the Countryside sets out the planning policies for development in the countryside.
32. Policy CTY 1 - Development in the Countryside makes provision for a range of different types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.
33. Policy CTY 1 also states that 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.
34. The application is for a proposed dwelling to be considered against the requirements of policy CTY 2A.

New dwellings in existing clusters

35. Policy CTY 2A of PPS 21 states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:
 - the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
 - the cluster appears as a visual entity in the local landscape;
 - the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
 - the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
 - development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and

- development would not adversely impact on residential amenity.
36. Paragraph 4.3.0 of Building on Traditions acknowledges that Policy CTY2A of PPS 21, Sustainable Development in the Countryside, defines what constitutes a cluster and that it sets down very clear guidance on how new developments can integrate with these. The guidance also acknowledges that a key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.
 37. Paragraph 4.2 of Building on Traditional makes reference to visual integration. The guidance recommends that proposals should work with the landscape to avoid prominent and elevated locations and retaining as many hedgerows trees and natural features as possible. These matters are considered in more detail below.
 38. The proposed site lies outside of a farm and the dwellings at 46, 48 and 52 Gransha Road are part of a group of dwellings adjacent to a church and church hall to the south east. The first criterion of the policy is therefore met.
 39. Although there is a defined group of buildings within close proximity to one another, the visual relationship between these buildings does not lend itself to a cluster of development which appears as a visual entity in the landscape from any viewpoints along the Gransha Road. This is due to the distance between the identified buildings, the curvature on the road, the intervening vegetation and the undulating topography. For these reasons it is considered that the second criterion is not met.
 40. The site is located immediately to the rear of a large church and associated community buildings which would suffice as a community building and as such, the third criteria is met.
 41. The irregular shaped site is bound on two sides by other development. To the south east the site is bound by the Church Hall and its ancillary car park; to the west it is bound by the dwelling and its ancillary buildings known as 52 Gransha Road. However, the application site forms part of a larger side garden of a dwelling and lacks a suitable degree of enclosure and will extend development further east and visually intrude into the open countryside. The fourth criteria is not met.
 42. The development of the site cannot be absorbed within an existing cluster, and it is considered that the proposal, if approved, would alter the existing character. The fifth criteria is not met.
 43. In relation to the last criteria the Council is satisfied that the development if approved would not have any direct impact upon the residential amenity of the neighbouring occupied dwellings.
 44. As the proposal fails to meet all [my emphasis] of the criteria within Policy CTY 2A it also fails to comply with Policy CTY 1.

Ribbon Development

45. Policy CTY 8 – Ribbon Development states that 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.
46. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
47. Paragraph 5.32 of the Justification and Amplification section within Policy CTY 8 states that 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.
48. It then goes on to say at paragraph 5.33 that 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.
49. The dwellings at 46 and 48 Gransha Road both share frontages onto the Gransha road and they are approximately 140 metres and 190 metres away from the application site respectively.
50. 52 Gransha and the application site do not have a frontage onto Gransha Road. They are both served by an access from Gransha Road however an access point in itself does not constitute a frontage to the road.
51. The application site is located to the rear of the existing church and Church Hall with boundary vegetation between. The first part of the policy test is not met as it does not have frontage to the Gransha Road or the private lane to the dwelling at 52 Gransha Road.

Integration and Design

52. 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.

53. 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.
54. The proposed site is open and exposed along the eastern and south eastern boundaries. Additionally, as a result of the rise of the topography within the site, a new dwelling located here will be prominent and unable to provide a suitable degree of enclosure for integration into the landscape.
55. The proposal will therefore rely primarily on new landscaping for integration contrary to criteria (c) of Policy CTY 13.

Rural Character

56. Policy CTY14 - Rural Character states planning permission will be granted for a building in the countryside where it does not cause detrimental change to or further erode the rural character of the area.
57. 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
58. Paragraph 5.77 the justification and amplification states that a new building may have little impact by itself. However, when taken cumulatively with other existing and approved buildings and their ancillary features in the vicinity, it could result in a build-up of development detrimental to the rural character of that area.
59. Paragraph 5.79 also states that in order to maintain and protect the rural character of an area the new building should respect the traditional pattern of

settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development.

60. In assessing the cumulative impact of a building on rural character the matters taken into consideration include the following:
 - a. The inter-visibility of the proposed building with existing and approved development.
 - b. The vulnerability of the landscape and its capacity to absorb further development; and
 - c. The siting, scale and design of the proposed development.
61. When the site is viewed from both long and short distance viewpoints whilst travelling along the Gransha Road in and East/West direction and when viewed from adjacent public assembly points in the church car park and playing fields, would read as a suburban style build-up of development when viewed with existing buildings and is therefore unacceptable under criterion (b).
62. The proposal also entails the development within the side garden of 52 extending the built form in a north eastern direction away from the existing grouping. This layout would not respect the settlement pattern and spacing of buildings found in the locality and is therefore unacceptable under criterion (c). The proposal therefore would result in a detrimental change to the character of the area.
63. It is considered that the proposal does not comply with policy CTY 14 and would have a negative impact on the rural character of the area.

Development Relying on Non-Mains Sewerage

64. 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.
65. Detail submitted with the application indicates that surface water will be disposed of via a soakaway and that foul sewage will be disposed of to the mains.
66. Both Environmental Health and NI Water have considered the detail of the application and offer no objections in principle.
67. Based on the advice received, it is considered that the proposal will not create or add to a pollution problem.

Access, Movement and Parking

68. 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.
69. 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.
70. The site location plan indicates that access is to be obtained via the existing laneway that leads to 52. The red line has shown the extent of the visibility splays provided and included the laneway.
71. DfI Roads has no objection in principle to the proposal on road safety or traffic impact grounds and have provided standard conditions.
72. The Council has no reason to disagree with the advice from DfI Roads and is satisfied that the requirements of policy AMP 2 of PPS3 are met in full.

Natural Heritage

73. PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
74. There are no works on site that would lead to concerns over the impact of the proposal on any natural heritage interests and vegetation on the defined boundaries can be conditioned to be retained.
75. It is considered that the proposal would not have a negative impact on any natural heritage and complies with PPS 2.

Consideration of Representations

76. As explained, two letters of objection have been received from the occupier of 50 Gransha Road. The issue raised on both occasions relate to the utilisation of the access leading to the site and the objector claims that the applicant has no

right of way to use lane nor has requested to use their land for access purposes.

77. The agent has confirmed in an email that the applicant has a right of way to access the site via the shared lane. A certificate C was completed and notice served on the owners of the Gransha Presbyterian Church. No further objection was received however land ownership remains a matter between the two parties involved.

Conclusions

78. Based on careful consideration of all the relevant material planning considerations, it is contended that the proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape, development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and the development if approved will visually intrude into the open countryside.
79. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for a new dwelling to integrate into the landscape and will rely primarily on the use of new landscaping for integration.
80. It is also considered that 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 the building would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in detrimental change to the rural character of the countryside.

Recommendation

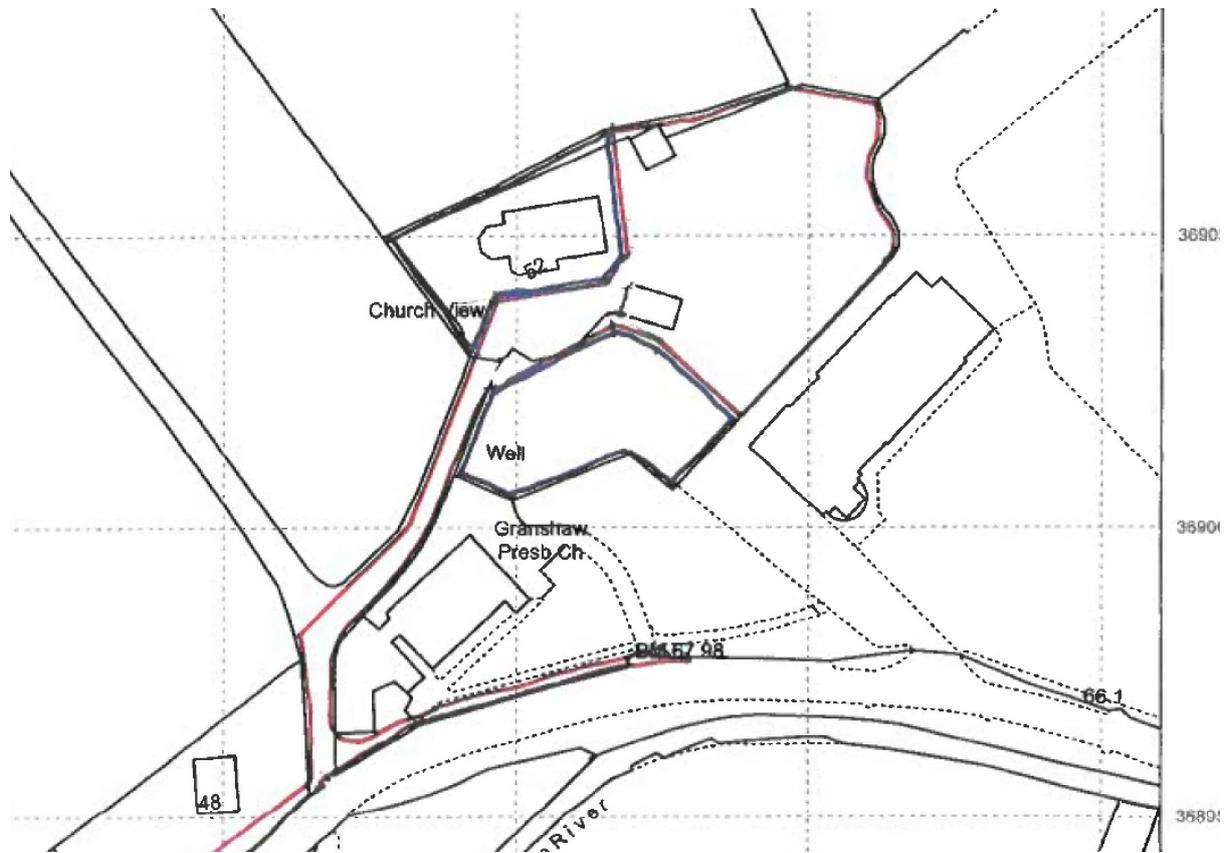
81. It is recommended that planning permission is refused.

Reasons for refusal

82. The following refusal reasons are recommended:
 - The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape, development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will visually intrude into the open countryside.

- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for a new dwelling to integrate into the landscape and will rely primarily on the use of new landscaping for integration.
- 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 the building would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in detrimental change to the rural character of the countryside.

Site Location Plan – LA05/2020/0862/O



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	09 May 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0614/O
Date of Application	10 August 2020
District Electoral Area	Castlereagh East
Proposal Description	Site for dwelling, garage and associated site works
Location	Side garden of 21 Moss Brook Road, Carryduff, BT8 8AJ
Representations	None
Case Officer	Cara Breen
Recommendation	REFUSAL

Summary of Recommendation

1. The application is presented with a recommendation to refuse as 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.
2. It is also considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that development if approved would fail to respect the existing development pattern and if permitted add to a ribbon of development along Moss Brook Road.
3. In addition, the proposal is also contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build-up of development when viewed with existing buildings, does not respect the traditional pattern of settlement exhibited in the area and it would add to a ribbon of development along Moss Brook Road.

Description of Site and Surroundings

Site

4. The application site, is a 0.05 hectare rectangular shaped parcel of land which is part of the private garden of an existing occupied residential property at 21 Moss Brook Road, Carryduff.
5. The site is accessed via from the driveway which serves the dwelling at 21 Moss Brook Road. The land within is relatively flat throughout.
6. The roadside (south western) boundary is defined by a mature mixed species hedgerow, the rear (north eastern) boundary by mature conifer trees, the south eastern boundary by a 1.2 metre (approximately) high post and rail timber fence with a tree and planting to both the inside and outside. The north western boundary was undefined as the site is part of the curtilage of the dwelling.

Surroundings

7. The application site is located between a henhouse/greenhouse sited immediately adjacent to the northwest and the dwelling and garages/outbuildings, at 21 immediately to the south east.
8. The surrounding area beyond the immediate context is rural in character and the land predominantly agricultural in use.

Proposed Development

9. The application seeks outline planning for a site for a dwelling, garage and associated site works.

Relevant Planning History

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

Planning Reference	Proposal Description	Decision
Y/2014/0014/O	Erection of bungalow	Permission Refused

Y/1982/0171	Extension and Improvements to existing cottage	Permission Granted
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Consultations

11. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
DAERA: Drainage and Water	No Objection
DfI Rivers PAMU	No Objection

Representations

12. No representations have been received in opposition to the application.

Planning Policy Context

Relevant Policy and Guidance Documents

13. The relevant policy documents are:

- The Belfast Urban 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): (Revised) 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
 - DCAN 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. The Belfast Urban Area Plan provides a statement of the rural planning policy for the Belfast Urban Area Greenbelt.
20. 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.*
21. 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.
22. 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

23. 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.

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.
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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
28. Paragraph 4.11 of the SPPS states that

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

29. 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.

30. 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.

31. Paragraph 4.12 of the SPPS also 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.

32. 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.

33. 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.

34. 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.

PPS 21 - Sustainable Development in the Countryside

35. 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.

36. 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.

37. The policy also states that

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

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

38. This is a proposal for the development of a gap site for a maximum of two dwellings and is to be assessed against the requirements of policy CTY 8.

39. In addition to CTY 8, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.

40. 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.

41. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
42. In regard to the justification and amplification of the policy it states at:
 - *paragraph 5.32 that 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.*
 - *paragraph 5.33 that 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.*
 - *paragraph 5.34 that 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.*

Building on Tradition:

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

*at paragraph 4.4.0 that 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.*

*at paragraph 4.4.1 that **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.

44. The guidance also explains:

at criteria a) that It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.

at criteria b) that Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.

at criteria c) that 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.

at criteria d) that 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.

at criteria e) that 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.

45. It further explains at paragraphs 4.5.0 and 4.5.1 that:

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.

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.

46. Regard has been had to examples set out in the Building on Tradition document in considering this proposal. This includes examples of infill development and consideration of the following general design principles:

- *Follow the established grain of the neighbouring buildings.*
- *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
- *Design in scale and form with surrounding buildings*
- *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
- *Use a palette of materials that reflect the local area*

47. 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.

48. 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.*

49. 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.

50. 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.*

51. 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.

52. 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.

53. 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.

54. 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

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

56. 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.*

57. The policy 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.*

58. 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.*

59. 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

60. 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.

61. 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.*

62. Paragraph 5.16 of the Justification and Amplification to Policy AMP 2 states that:

Development Control Advice Note 15 'Vehicular Access Standards' sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads. DCAN 15 also includes guidance on special requirements for access onto a Trunk Road. The current standards for access within new residential developments are set out in the 'Creating Places' design guide.

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.

Planning and Flood Risk

64. 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.

65. 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.

66. 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.*

67. It also states that

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 flood plain, then Policy FLD 1 will take precedence.

68. 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.*

69. Policy FLD 5 Development in Proximity to Reservoirs states:

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

70. Having regard to the planning policy tests detailed above and related supplementary guidance, the following assessment of a proposal for an infill dwelling is made.

Ribbon Development

71. The first step of the policy test is to demonstrate that **an otherwise substantial and continuously built up frontage** exists. As mentioned, a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
72. A context plan is submitted in support of the application. It identifies the detached single storey garage/outhouse and the single storey dwelling at 21 Moss Brook Road to the south east of the application site and the henhouse/greenhouse to the north west of the application site as the buildings to be taken into consideration as part of the substantially and continuously built up frontage.
73. The gap is identified on the site location plan as the land between the dwelling to the south east and the henhouse to the north west.
74. Although the corner of the garage or 'outhouses' (as described in the context plan), appear to join the corner of the dwelling (where the rear elevation of the dwelling joins its south eastern facing side elevation) it is noted at the time of inspection that only the overhang of the garage/outhouses roof touches the dwelling and that there is a visible gap between the buildings. The 'outhouses' are accepted to be a separate building for the purpose of assessment.
75. It was also noted from the site inspection that the extended dual pitched/flat roofed double domestic garage/outhouse (closest to the dwelling) is only linked to the larger dual pitched domestic garage (adjacent to the south eastern boundary of 21 Moss Brook) via a cage type structure. This structure is not considered to be a building or an extension to the buildings as it is only a means of enclosure.
76. The dwelling, garage and henhouse are considered to be buildings that present a frontage to Moss Brook Road.

77. The second step of the policy test is to demonstrate if a **small gap site sufficient only to accommodate up to a maximum of two houses** exists.
78. The gap is measured between the two closest buildings and in this case the distance from the dwelling to the hen house is measured to be 33.5 metres. This is accepted to be a small gap for the purpose of assessing the proposal.
79. The final step of the policy test is to demonstrate that the proposed development **respects the existing development pattern along the frontage in terms of size, scale, siting and plot size**.
80. As the proposed application site forms part of the single curtilage of 21 Moss Brook Road, there are few examples in the immediate local context against which a direct comparison of the development pattern can be made.
81. The proposal would essentially subdivide the existing curtilage, with a plot size of 0.16 hectares, into three separate parcels each measuring (from east to west);
 - 0.1 hectares (the dwelling and outbuildings);
 - 0.05 hectares (the site); and
 - 0.01 hectares (the hen house).
82. The existing frontage of 21 Moss Brook Road currently has a width of approximately 75 metres. The proposal would result in the subdivision of the plot into 3 individual plots with frontages of (east to west);
 - 45 metres (the dwelling and outbuildings);
 - 28.5 metres (the site); and
 - 2 metres (the hen house).
83. It is therefore considered that the third element of the test cannot be met and that the proposed development would be not in keeping with the established pattern of development along Moss Brook Road by reason of its size and siting.
84. Elsewhere along Moss Brook Road is made up of large detached dwellings in large plots with wide frontages. The dwellings are predominantly roadside but also dispersed and not sited close together as would be this case.
85. A number of other plots not visually linked to the site but typical of the area are considered for the comparison. The majority of the dwellings on Moss Brook Road do not have frontages to the road and are at the end of laneways but the nearest two dwellings with roadside frontages at 22 Moss Brook Road with a 46.6 metre frontage) and 11 Moss Brook Road with a 77 metre frontage further explain and consolidate the view that the proposal would not be in-keeping with the established pattern of development exhibited in that area.
86. An assessment against other planning and environmental requirements are set out in the paragraphs below.

Integration and Design of Buildings in the Countryside

87. Turning then to policy CTY13 the context plan submitted in support of the application depicts how a dwelling and garage could be configured within the application site. It shows a dwelling with a footprint of approximately 109 metres squared and a garage with a footprint of approximately 36 metres squared.
88. As mentioned above, the application site is relatively level in gradient throughout, with mature conifer trees to the rear boundary and the surrounding drumlin landscape predominantly rising away from the site provides a backdrop. The single storey dwelling at 21 is located immediately to the south east of the site also provides enclosure on one side.
89. Taking the above factors into account, it is accepted that a modest dwelling and garage could be sited and designed so as to be accommodated within the application site without appearing as a prominent feature in the landscape.
90. Whilst it is acknowledged that the roadside boundary/a portion of the roadside boundary would require removal for the purposes of accommodating the required visibility splays, the retention of other boundary treatments could be secured by way of condition.
91. Details of new landscaping and augmentation can be considered at reserved matters stage, particularly behind any required visibility splays, taking the above into account, it is not perceived that any proposed dwelling would rely primarily on new landscaping for the purposes of integration.
92. As confirmed by question 20 of the P1 Form, the application does not relate to a dwelling on a farm and therefore in this particular instance, criterion (g) is not applicable.

Rural Character

93. It is acknowledged that the application site, as outlined in red on the submitted Site Location Plan, is relatively level in gradient throughout, with mature conifer trees to the rear boundary and the surrounding drumlin landscape predominantly rising away from the site. The single storey dwelling at 21 Moss Brook Road is located immediately to the south east of the site aiding with enclosure.
94. That said the proposal does not satisfy the exceptions test of Policy CTY 8 and for the reasons outlined above, it is considered that the proposal would add to a ribbon of development by virtue of visual linkage linking the henhouse/greenhouse with the dwelling and garages/outbuildings at 21.
95. This would not respect the traditional pattern of settlement exhibited in the area and would result in a suburban style build-up of development along the northern edge of Moss Brook Road.

Development Relying on Non-Mains Sewerage

96. It is stated at Q18 of the P1 Form that the method of disposal of foul sewage is proposed to be via a septic tank.
97. In a response received on 11 September, the Councils Environmental Health Unit advised that they had no objection in principle and that at the subsequent planning stage the applicant shall provide a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent.
98. Based on a review of the information provided and advice received, it is considered that sufficient information is submitted for the purpose of assessment and that requirements of policy CTY 16 are met. The development will not create or add to a pollution problem.

Natural Heritage

99. The application site currently forms part of the lawned/maintained side garden of the dwelling at 21 Moss Brook Road.
100. There were no buildings within the application site (red line) at the time of site inspection and therefore no demolition would be required to accommodate the proposed development and no species specific studies were required in support of the application.
101. The removal of roadside hedgerow will be required in order to accommodate necessary visibility splays, however compensatory planting would be required behind the visibility splays (as per a condition). The retention of all other boundary vegetation could be conditioned as part of any approval.
102. Taking the above into account, it is accepted that the proposal would result in demonstrable harm being caused to any features of natural heritage importance and as such the requirements of policy NH5 of PPS 2 are met.

Access, Movement and Parking

103. The site location and context plans provide an indicative/approximate position for a proposed vehicular access on to Moss Brook Road to allow a 70 metre forward site distance. It is noted that Moss Brook Road is not a Protected Route.
104. In a response received on 12 January 2021, DfI Roads offered no objection to the proposal, subject to conditions.
105. 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.

Planning and Flood Risk

106. A portion of the application site falls within an identified surface flood zone. That said, a Drainage Assessment was not required.
107. DfI Rivers PAMU were consulted as part of the processing of the application. In their consultation response, dated 21st September 2020, they offer no objection to the proposal.
108. Taking the above advice of DfI Rivers into account, it is considered that the relevant policy tests of PPS 15 are met in full.

Conclusions

109. For the reasons outlined in the report, the application is presented with a recommendation to refuse as 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.
110. It is also considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that development if approved would fail to respect the existing development pattern and if permitted add to a ribbon of development along Moss Brook Road.
111. In addition, the proposal is also contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build up of development when viewed with existing buildings, does not respect the traditional pattern of settlement exhibited in the area and it would add to a ribbon of development along Moss Brook Road.

Recommendations

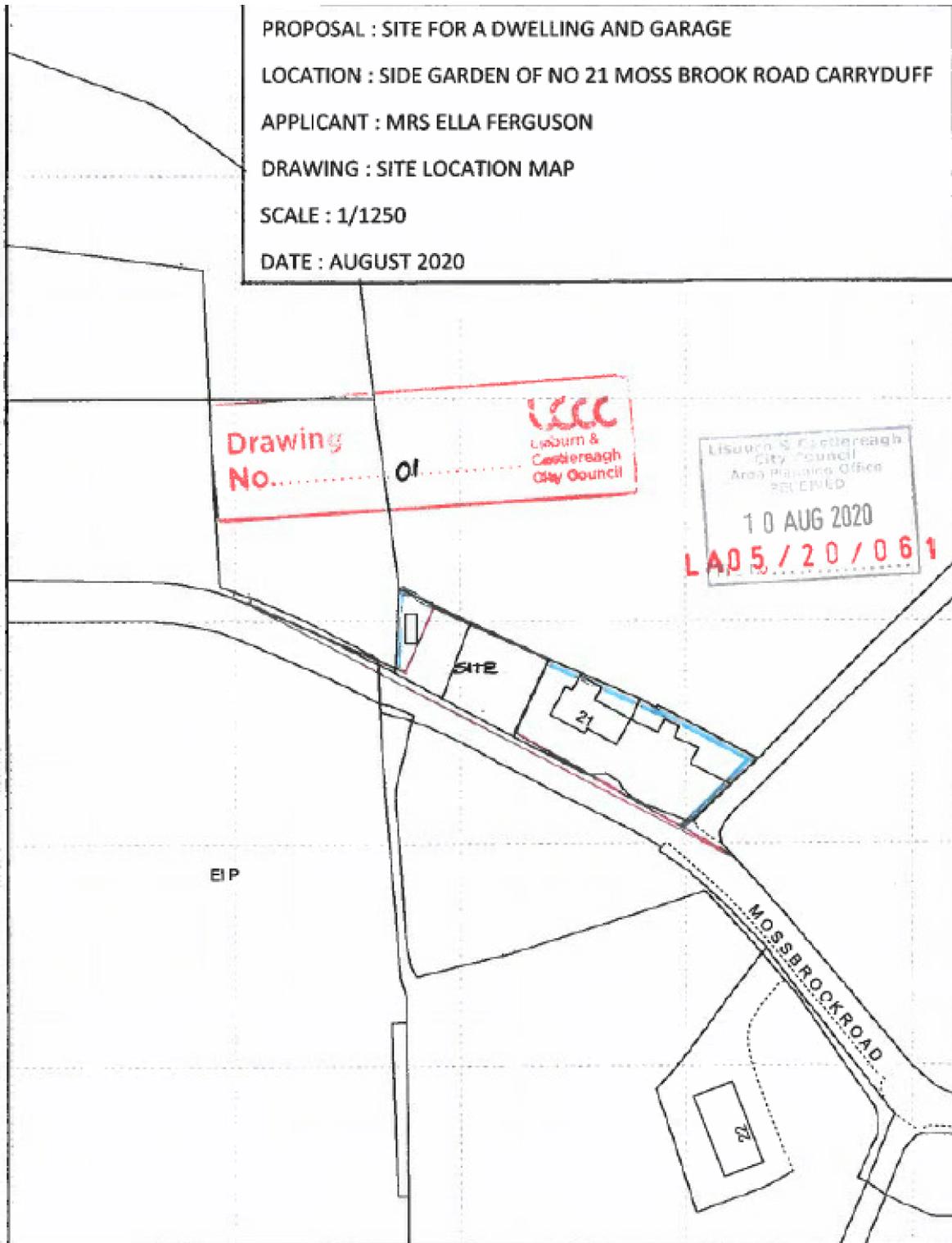
112. It is recommended that planning permission is refused for the reasons outlined below.

Refusal Reasons/Conditions

113. The following refusal reasons are recommended:

- The proposal is contrary to the Strategic Planning Policy Statement (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 Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that development if approved would fail to respect the existing development pattern along the Moss Brook Road and if permitted would add to a ribbon of development along Moss Brook Road.
- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build-up of development when viewed with existing buildings, does not respect the traditional pattern of settlement exhibited in the area and it would add to a ribbon of development along Moss Brook Road.

Site Location Plan - LA05/2020/0614/O



Site Context Map

ACEmap® Single

Printed: 07/08/2020 Customer Ref:

Centre Point (Easting, Northing): 338804, 367149

21 MOSS BROOK ROAD, CLONTONAKELLY, CARRYDUFF, BT8 8AJ, 185067038

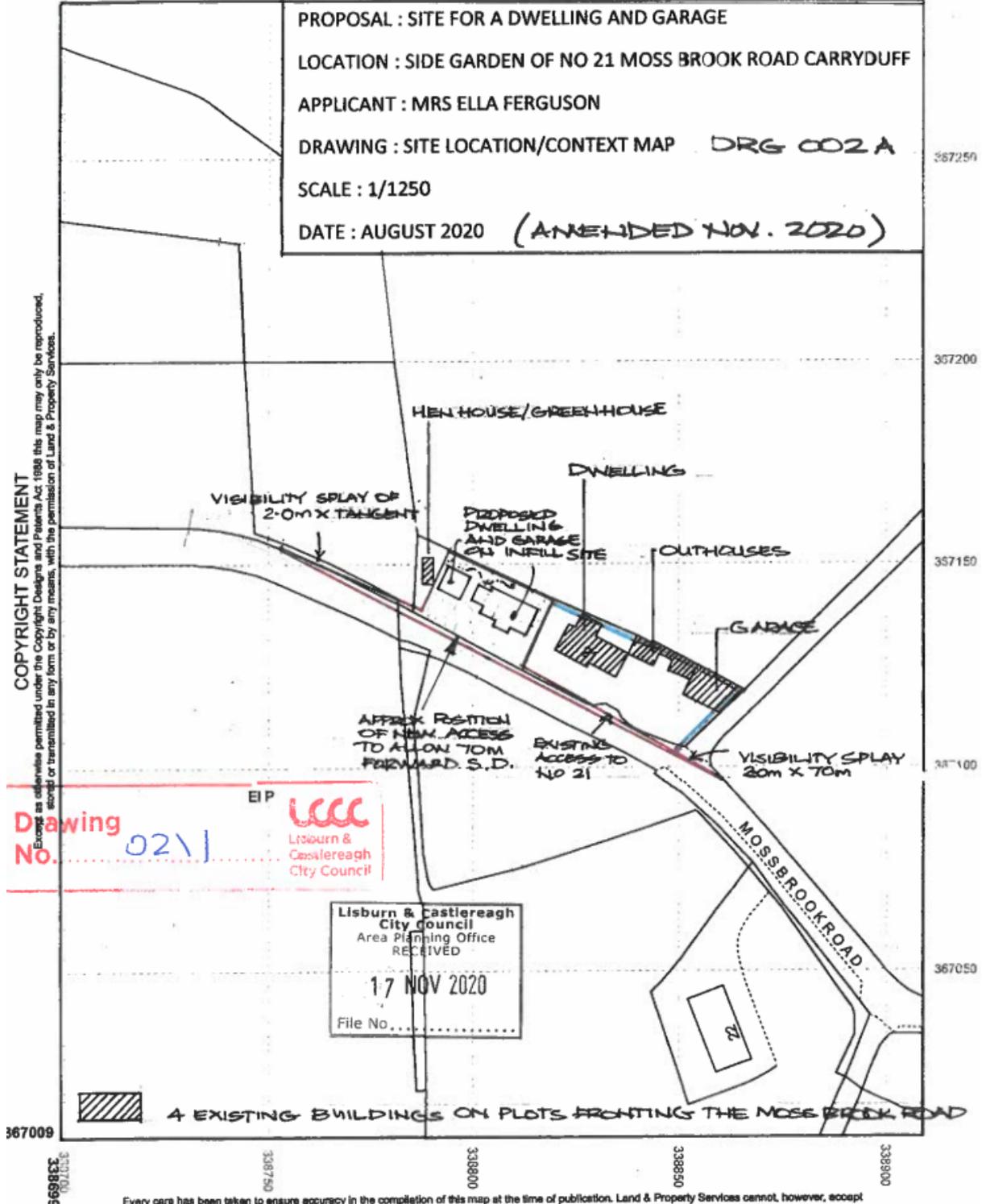
Scale: 1:1,250

Order no. ORD87074

Plan No. 16603NE

PROPOSAL : SITE FOR A DWELLING AND GARAGE
 LOCATION : SIDE GARDEN OF NO 21 MOSS BROOK ROAD CARRYDUFF
 APPLICANT : MRS ELLA FERGUSON
 DRAWING : SITE LOCATION/CONTEXT MAP DRG 002 A
 SCALE : 1/1250
 DATE : AUGUST 2020 (AMENDED NOV. 2020)

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Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	09 May 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0794/O
Date of Application	18 September 2020
District Electoral Area	Downshire East
Proposal Description	Site for Dwelling
Location	40m north west of 180 Ballynahinch Road, Dromore
Representations	Two
Case Officer	Cara Breen
Recommendation	REFUSAL

Summary of Recommendation

1. The application is presented with a recommendation to refuse as it 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.
2. It is also considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is an important visual break and it is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage. If permitted the proposed development would add to a ribbon of development along Ballynahinch Road.
3. In addition, the proposal is also contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build-up of development when viewed with

existing buildings, would not respect the traditional pattern of development exhibited in the area and would add to a ribbon of development along Ballynahinch Road.

Description of Site and Surroundings

Site

4. The application site, is 0.28 hectare in size and located 40m north west of 180 Ballynahinch Road, Dromore.
5. The land is accessed via a field gate which provides agricultural vehicular access to the site from Ballynahinch Road.
6. The front (roadside/north eastern) boundary of the application site is defined by a mature mixed species hedgerow (sparse in places) set to the front of a concrete post and wire fence.
7. The south eastern boundary (between the site and 180) is defined by a concrete post and wire fence with mature/dense conifer hedgerow. The rear (south western) boundary was undefined at the time of site inspection as the site forms part of a larger portion of agricultural land. The north western boundary was also undefined for the same reason.
8. In relation to topography, the application site falls to south away from the Ballynahinch Road.

Surroundings

9. There is an evidence of a build-up of development in the immediate vicinity of the site and there are three residential dwellings to the south east and an agricultural style shed/workshop and a dwelling to the northwest.
10. The remaining part of the roadside portion of the agricultural field is in agricultural use
11. The wider area is rural in character and predominantly agricultural in use, characterised by drumlin topography

Proposed Development

12. The application seeks outline planning permission for a dwelling and garage.

Relevant Planning History

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

Planning Reference	Proposal Description	Decision
LA05/2020/0795/O	Site for Dwelling	Under Consideration
S/2001/1165/F	Dwelling and garage	Permission Granted
S/2000/1368/O	Dwelling and Garage	Permission Granted
S/1980/1002	Bungalow	Permission Granted
S/1973/0005	Bungalow	Permission Granted

Consultations

14. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
DAERA: Drainage and Water	No Objection

Representations

15. Representations have been received from the occupiers of the following properties

Date Neighbour Comment Received	Neighbour Address
--	--------------------------

27/10/2020	173, Ballynahinch Road, Dromore, Down, Northern Ireland, BT25 1EA
08/04/2021	173, Ballynahinch Road, Dromore, Down, Northern Ireland, BT25 1EA

16. These representations are available to view on the Planning Portal via the following link

<https://epicpublic.planningni.gov.uk/publicaccess/applicationDetails.do?activeTab=externalDocuments&keyVal=QHTWCFSV30000>

17. The issues raised in these representations have been considered as part of the assessment of this application below.

Planning Policy Context

Relevant Policy and Guidance Documents

18. 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 21 (PPS 21): Sustainable Development in the Countryside
19. The relevant guidance is contained in:
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - DCAN 15: Vehicular Access Standards

Local Development Plan Context

20. 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.
21. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.

22. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
23. 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.
24. On page 49 of the Lisburn Area Plan 2001 it 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.

25. 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

26. 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.
27. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
28. 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.
29. 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.

30. 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.

31. Paragraph 4.11 of the SPPS states that

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

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

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.

PPS 21 - 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.

40. The policy also states that

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

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

41. This is a proposal for the development of a gap site for two dwellings and is to be assessed against the requirements of policy CTY 8.
42. In addition to CTY 8, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.
43. 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.

44. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
45. Regard is also had to the justification and amplification that states:
 - paragraph 5.32 that 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.
 - paragraph 5.33 that 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.
 - paragraph 5.34 that 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.

Building on Tradition:

46. Whilst not policy, and a guidance document, the SPPS states that regard must be had to the guidance in assessing the proposal. This notes at paragraph 4.4.0 that

*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.*

47. It also notes at paragraph 4.4.1 that

***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 explains :

at criteria a) that It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.

at criteria b) that Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.

at criteria c) that 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.

at criteria d) that 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.

at criteria e) that 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 further explains at the following paragraphs 4.5.0 and 4.5.1 that:

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.

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.

50. Regard has been had to examples set out in the Building on Tradition document in considering this proposal.

51. This includes examples of infill development and consideration of the following general design principles:

- *Follow the established grain of the neighbouring buildings.*
- *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
- *Design in scale and form with surrounding buildings*
- *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
- *Use a palette of materials that reflect the local area*

52. 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 also 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.*

53. 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.

54. 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.*

55. 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.

56. 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.

57. 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.

58. 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

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

60. 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.*

61. 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.*

62. 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.*

63. 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

64. 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.

65. 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.*

66. Paragraph 5.16 of the Justification and Amplification to Policy AMP 2 states that

Development Control Advice Note 15 'Vehicular Access Standards' sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads. DCAN 15 also includes guidance on special requirements for access onto a Trunk Road. The current standards for access within new residential developments are set out in the 'Creating Places' design guide.

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

68. Having regard to the planning policy tests detailed above and related supplementary guidance, the following assessment of a proposal for an infill dwelling is made.

Ribbon Development

69. The first step of the policy test is to demonstrate that **an otherwise substantial and continuously built up frontage** exists. As explained, a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
70. A site plan submitted in support of the application indicates that there are three detached residential dwellings [180, 182 and 184 Ballynahinch Road] to the south east of the application site to be taken into account as part of the assessment of this application.
71. The dwellings at 180 and 182 Ballynahinch Road are both single storey detached residential dwellings set behind lawned gardens which extend to the road. The dwelling at 184 Ballynahinch Road is a two storey detached dwelling set behind a front garden which extends to the road. These buildings are part of the built up frontage.
72. A neighbouring site [which forms the associated Planning application LA05/2020/0795/O] is located immediately to the north west.
73. On the same plan to the north west, and beyond a private laneway there is a building which appears to be an agricultural shed or domestic workshop/outbuilding. It is constructed from block render walls to the bottom and metal corrugated sheeting for the upper walls and roof.
74. Whilst this building is observed to be part of the built up frontage it does not benefit from planning permission and no CLUD is submitted. Consistent with the approach taken by the Planning Appeals Commission elsewhere, this building cannot be counted as a building within part of a substantial and continuously built up frontage.

75. Beyond the shed at 176 Ballynahinch Road [Ballykeel House] is a large two storey detached dwelling with an attached domestic garage. This dwelling and attached garage are part of the built up frontage.
76. It is accepted that the first test is met as there is a line four buildings.
77. The second step of the policy test is to demonstrate if **a small gap site sufficient only to accommodate up to a maximum of two houses** exists.
78. The gap is measured between the two closest buildings. which are the dwelling at 180 Ballynahinch Road to the southeast and the dwelling at 176 Ballynahinch Road to the northwest.
79. This gap is measured at approximately 166 metres from building to building and the average plot width for one dwellings would be approximately 91 metres.
80. The frontage width of the properties identified as forming part of the substantial and continuously built up frontage are as follows;
 - 184 Ballynahinch Road measures approximately 46 metres
 - 182 Ballynahinch Road measures approximately 22 metres
 - 180 Ballynahinch Road measures approximately 26 metres
 - 176 Ballynahinch Road measures approximately 88 metres
81. The average plot width is approximately 46 metres, the gap between the buildings is not small and could accommodate more than two dwellings. The site is considered to be unsuitable for infill with two new plots consistent with guidance set out in Building on Tradition. The second policy test is not met.
82. The final step of the policy test is to demonstrate that the proposed development **respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
83. The purpose of an outline planning is to establish the principle of development and as such, the full design details have not been provided for consideration and are not assessed.
84. That said, during the processing of the application, an indicative site layout plan was submitted to assist in considering whether the proposal is consistent with the established patter of development.
85. This plan depicts how two dwellings (to include the associated neighbouring site LA05/2020/0795/O) could be laid out in the gap.
86. This application is described as site 1 and the layout plan shows a dwelling with a footprint of approximately 166.5 square metres.

87. In size of the building footprint is considered to be comparable with the footprints of the dwellings at 180, 182 and 176 Ballynahinch Road.
88. In terms of siting, the proposed dwelling is set back approximately 30 metres from the road edge. This siting is considered to be consistent with the neighbouring dwellings.
89. The following approximate plot sites are noted
 - 184 Ballynahinch Road has a plot size of 0.23 hectares;
 - 182 Ballynahinch Road has a plot size of 0.15 hectares;
 - 180 Ballynahinch Road has a plot size of 0.19 hectares; and
 - 176 Ballynahinch Road has a plot size of 0.5 hectares
90. This equates to an average plot size of approximately 0.27 hectares. The application site at 0.28 hectares in size, is on balance comparable with the existing plots sizes within the built up frontage.
91. Based on the analysis set out above, it is accepted whilst the site it is not considered frontage, the development could be sited and designed so as to respect the existing pattern of development within the frontage. The third policy tests is met.
92. An assessment against other planning and environmental requirements are set out in the paragraphs below.

Integration and Design of Buildings in the Countryside

93. Turning then to policy CTY13 the application is for outline planning permission only and therefore full design details have not been provided for consideration.
94. A site plan is submitted and it depicts how a dwelling and garage might be laid out in the site. It shows a dwelling with a footprint of approximately 166.5 square metres set back approximately 30 metres from the roadside. A garage with a footprint of 64 square metres is located to the side/rear of the proposed dwelling.
95. A mature, tall conifer hedgerow defines the south eastern boundary of the application site and a mixed species hedgerow demarcates the north eastern (roadside) boundary.
96. Whilst it is acknowledged that the existing roadside hedgerow would require to be removed to accommodate the required visibility a new hawthorn and beech hedge is to be planted to the rear of visibility splay.
97. It is also noted that the existing mature boundary planting to the north western boundary [associated with application LA05/2020/0795/O] is to be retained.

Taking this and the orientation of neighbouring properties into account, it is contended that sufficient enclosure exists for the purpose of integrating a dwelling of the footprint size indicated.

98. Whilst it is acknowledged that new landscaping would be required to the roadside and rear boundaries it is not considered that the development would rely primarily on new planting for the purposes of integration.
99. In terms of ancillary works, the Site Plan depicts a proposed vehicular access arrangement shared with the neighbouring site which is the subject of a separate planning application.
100. Taking the levels of this part of the field into account, it is not perceived that the proposal would can be sited to be set back a similar distance from the road as those of neighbouring properties.
101. For the reasons outlined above, it is considered that the ancillary works can be designed to integrate with their surroundings. That said, this detail would be considered at reserved matters stage.
102. As confirmed by Q20 of the submitted P1 Form, the application does not relate to a dwelling on a farm and therefore criterion (g) is not applicable in this instance.

Rural Character

103. For the reasons outlined above within the context of an assessment against Policy CTY 8, the proposal does not satisfy the test of being a small gap and therefore it is considered that the proposal would add to a ribbon of development to the southern side of Ballynahinch Road.
104. In turn it is also considered that it would result in a suburban style build-up of development and would not respect the traditional pattern of settlement exhibited in the area.

Development Relying on Non-Mains Sewerage

105. It is stated at Question 18 of the P1 Form indicates that the method of disposal of foul sewage is via a septic tank.
106. In a response received on 23 October 2020, the Councils Environmental Health Unit confirmed that they had no objection in principle to this method of disposal.
107. The response recommended that at the subsequent planning stage the applicant shall provide a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent. It also recommended that a subsequent drawing should

also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.

108. Based on a review of the information provided and advice received, it is considered that sufficient information is provided for the purpose of the assessment and that the requirements of policy CTY 16 are met. The development will not create or add to a pollution problem.

Natural Heritage

109. It is acknowledged that the roadside hedgerow, which is already sparse in places, would require removal for the purposes of accommodating the required visibility splays.
110. It is noted however that compensatory planting by way of a post and wire fence with hawthorn and beech hedge behind the visibility splay has been. No other boundaries would require to be removed to facilitate the development.
111. It is further noted that the application site was not occupied by any buildings at the time of site inspection. Therefore, no demolition works would be required to accommodate the proposal and no species specific studies were required to support the application.
112. 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 policy requirements of policy NH 5 of PPS 2 are met.

Access, Movement and Parking

113. The Proposed Site Plan indicates a proposed vehicular access arrangement for two applications including the neighbouring application site LA05/2020/0795/O. Visibility splays of 120.0 metres x 2.4 metres in each direction are proposed.
114. It indicates that the proposed vehicular access point would be to the north eastern boundary, close to 180 Ballynahinch Road. This entrance point is shown to serve both dwellings. It would be a paired access.
115. The Proposed Site Plan indicates sufficient parking and turning for at least 3 private cars to exit the site in forward gear. The Ballynahinch Road is not a Protected Route.
116. In a response received on 25 May 2021, DfI Roads offered no objection to the proposal, subject to conditions.
117. 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 are met and that

the access arrangements can be provided in accordance with published standards in DCAN 15.

Conclusions

118. The application is presented with a recommendation to refuse as it is contended that it 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.
119. It is also considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is an important visual break and it is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage. If permitted the proposed development would add to a ribbon of development along Ballynahinch Road.
120. In addition, the proposal is also contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of development exhibited in the area and would add to a ribbon of development along Ballynahinch Road.

Recommendations

121. It is recommended that planning permission is refused

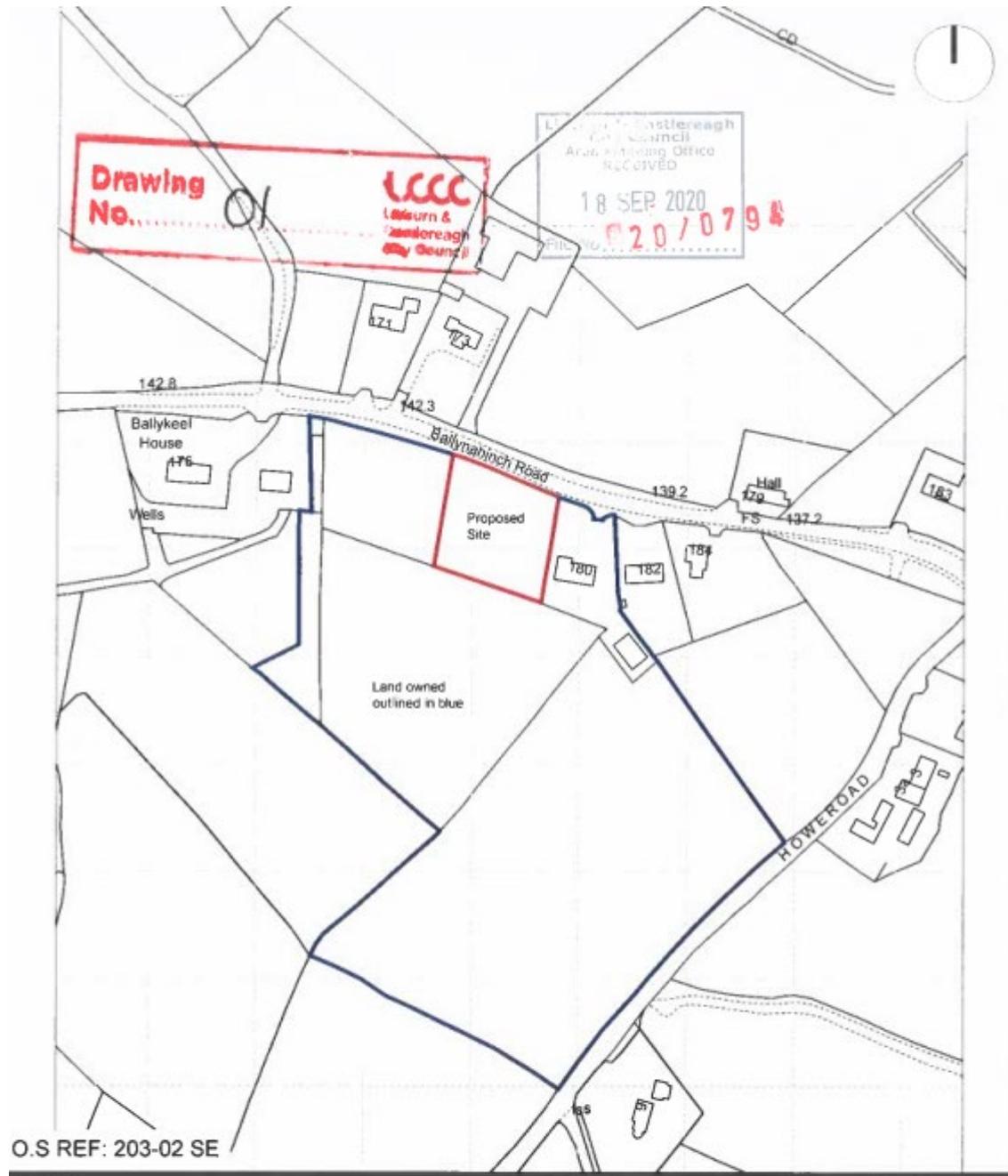
Refusal Reasons/Conditions

122. The following refusal reasons are recommended:
- The proposal is contrary to the Strategic Planning Policy Statement (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 Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable

Development in the Countryside, in that the application site is an important visual break and it is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage and which meets other planning and environmental requirements and if permitted would add to a ribbon of development along Ballynahinch Road.

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Ballynahinch Road.

Site Location Plan – LA05/2020/0794/O



O.S REF: 203-02 SE

Contract
PROPOSED INFILL SITE 40M NORTH WEST OF 180 BALLYNAHINCH ROAD,
DROMORE.

Client
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HD DESIGN
 Architectural Services, CDM Co-ordinators
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Drawing
LOCATION MAP
 Date
AUG '20
 Scale
1:2500
 Drg.No.Ref.
S1(2)/67/20

Site Layout Plan - LA05/2020/0794/O



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	09 May 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0795/O
Date of Application	18 September 2020
District Electoral Area	Downshire East
Proposal Description	Site for Dwelling
Location	100m north west of 180 Ballynahinch Road, Dromore
Representations	Three
Case Officer	Cara Breen
Recommendation	REFUSAL

Summary of Recommendation

1. The application is presented with a recommendation to refuse as it 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.
2. It is also considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is an important visual break and it is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage. If permitted the proposed development would add to a ribbon of development along Ballynahinch Road.
3. In addition, the proposal is also contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build-up of development when viewed with

existing buildings, would not respect the traditional pattern of development exhibited in the area and would add to a ribbon of development along Ballynahinch Road.

Description of Site and Surroundings

Site

4. The application site is 0.3 hectares in size and located 100m northwest of 180 Ballynahinch Road, Dromore.
5. The land is accessed via a field gate which provides agricultural vehicular access to the site from Ballynahinch Road.
6. The front (roadside/north eastern) boundary of the application site is defined by a mature mixed species hedgerow (sparse in places) set to the front of a concrete post and wire fence.
7. The south eastern and rear (south western) boundaries are undefined as the site forms part of a larger portion of agricultural land. The north western boundary is demarcated by mature native species hedgerow/planting.
8. In relation to topography, the application site falls to south away from the Ballynahinch Road.

Surroundings

9. There is an evidence of a build-up of development in the immediate vicinity of the site and there are three residential dwellings to the south east and an agricultural style shed/workshop and a dwelling to the northwest.
10. The remaining part of the roadside portion of the agricultural field is in agricultural use.
11. The wider area is rural in character and predominantly agricultural in use, characterised by drumlin topography.

Proposed Development

12. The application seeks outline planning permission for a dwelling and garage.

Relevant Planning History

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

Planning Reference	Proposal Description	Decision
LA05/2020/0794/O	Site for dwelling	Under Consideration
S/2001/1165/F	Dwelling and garage	Permission Granted
S/2000/1368/O	Dwelling and Garage	Permission Granted
S/1980/1002	Bungalow	Permission Granted
S/1973/0005	Bungalow	Permission Granted

Consultations

14. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
DAERA Drainage and Water	No Objection

Representations

15. Representations have been received from the occupiers of the following properties

Date Neighbour Comment Received	Neighbour Address
27/10/2020 08/04/2021	173, Ballynahinch Road, Dromore, BT25 1EA
27/10/2020	171, Ballynahinch Road, Dromore, BT25 1EA

16. These representations are available to view on the Planning Portal via the following link:

<https://epicpublic.planningni.gov.uk/publicaccess/applicationDetails.do?activeTab=externalDocuments&keyVal=QHTXUWSV30000>

17. The issues raised in these representations have been considered as part of the assessment of this application below.

Planning Policy Context

Relevant Policy and Guidance Documents

18. 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 21 (PPS 21): Sustainable Development in the Countryside
19. The relevant guidance is contained in:
- Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside
 - DCAN 15: Vehicular Access Standards

Local Development Plan Context

20. 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.
21. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
22. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.

23. 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.

24. On page 49 of the Lisburn Area Plan 2001 it 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.

25. In respect of draft BMAP, it states at page 16 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

26. 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.

27. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.

28. 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.

29. 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.

30. 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.

31. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

32. Paragraph 4.11 of the SPPS states that

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

33. 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.

34. 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.

35. 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.

36. It also states 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.

37. 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.

38. 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.

PPS 21 - Sustainable Development in the Countryside

39. 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.

40. 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.

41. It also states that

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

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

42. This is a proposal for the development of a gap site for two dwellings and is to be assessed against the requirements of policy CTY 8.
43. In addition to CTY 8, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.
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. In regard to the justification and amplification of the policy it states at:

paragraph 5.32 that 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.

paragraph 5.33 that 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.

paragraph 5.34 that 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.

Building on Tradition:

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

*at paragraph 4.4.0 that 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.*

*at paragraph 4.4.1 that **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 explains:

at criteria a) that It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.

at criteria b) that Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.

at criteria c) that 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.

at criteria d) that 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.

at criteria e) that 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 further explains at the following paragraphs 4.5.0 and 4.5.1 that:

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.

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.

50. Regard has been had to examples set out in the Building on Tradition document in considering this proposal. This includes examples of infill development and consideration of the following general design principles:

- *Follow the established grain of the neighbouring buildings.*
- *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
- *Design in scale and form with surrounding buildings*
- *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
- *Use a palette of materials that reflect the local area*

51. 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.

52. The policy also 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.*

53. 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.

54. The policy also 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.*

55. 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.

56. 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.

57. 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.

58. 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

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

60. 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.*

61. The policy 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.*

62. 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.*

63. 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

64. 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.

65. 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.

66. Paragraph 5.16 of the Justification and Amplification to Policy AMP 2 states that:

Development Control Advice Note 15 'Vehicular Access Standards' sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads. DCAN 15 also includes guidance on special requirements for access onto a Trunk Road. The current standards for access within new residential developments are set out in the 'Creating Places' design guide.

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

68. Having regard to the planning policy tests detailed above and related supplementary guidance, the following assessment of a proposal for an infill dwelling is made.

Ribbon Development

69. The first step of the policy test is to demonstrate that **an otherwise substantial and continuously built up frontage** exists. As explained, a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
70. A site plan submitted with the application indicates that there are three detached residential dwellings [180, 182 and 184 Ballynahinch Road] to the south east of the application site to be taken account of as part of the assessment of this test.
71. The dwellings at 180 and 182 Ballynahinch Road are both single storey detached residential dwellings set behind lawned gardens which extend to the road. The dwelling at 184 Ballynahinch Road is a two storey detached dwelling set behind a front garden which extends to the road. These buildings are part of the built up frontage,
72. On the same plan to the north west, and beyond a private laneway there is a building which appears to be an agricultural shed or domestic workshop/outbuilding. It is constructed from block render walls to the bottom and metal corrugated sheeting for the upper walls and roof.
73. Whilst this building is observed to be part of the built up frontage it does not benefit from planning permission and no CLUD is submitted. Consistent with the approach taken by the Planning Appeals Commission elsewhere, this building cannot be counted as a building within part of a substantial and continuously built up frontage.
74. Beyond the shed at 176 Ballynahinch Road (Ballykeel House) is a large two storey detached dwelling with an attached domestic garage. This dwelling and attached garage are part of the built up frontage.
75. It is accepted that the first test is met as there is a line four buildings.

76. The second step of the policy test is to demonstrate if a **small gap site sufficient only to accommodate up to a maximum of two houses** exists.
77. The gap is measured between the two closest buildings which are the dwelling at 180 Ballynahinch Road to the southeast and the dwelling at 176 Ballynahinch Road to the northwest.
78. This gap is measured at approximately 166 metres from building to building and the average plot width for one dwelling would be approximately 91 metres. The frontage width of the buildings identified as forming part of the substantial and continuously built up frontage are as follows;
 - 184 Ballynahinch Road measures approximately 46 metres
 - 182 Ballynahinch Road measures approximately 22 metres
 - 180 Ballynahinch Road measures approximately 26 metres
 - 176 Ballynahinch Road measures approximately 88 metres
79. The average plot width is approximately 46 metres, the gap between the buildings is not small and could accommodate more than two dwellings. The site is considered to be unsuitable for infill with two new plots consistent with guidance set out in Building on Tradition. The second policy test is not met.
80. The final step of the policy test is to demonstrate that the proposed development **respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
81. The purpose of an outline planning is to establish the principle of development and as such, the full design details have not been provided for consideration and not assessed.
82. That said, during the processing of the application, an indicative site layout plan was submitted to assist in considering whether the proposal is consistent with the established pattern of development.
83. This plan depicts how two dwellings (to include the associated neighbouring site LA05/2020/0794/O) could be laid out in the gap.
84. This application is described as site 2 and the layout plan shows a dwelling with a footprint of approximately 166.5 square metres.
85. In size of the building footprint is considered to be comparable with the footprints of the dwellings at 180, 182 and 176 Ballynahinch Road.
86. In terms of siting, the proposed dwelling is set back approximately 30 metres from the road edge. This siting is considered to be consistent with the neighbouring dwellings.

87. The following plot sizes are calculated:
- 184 Ballynahinch Road has a plot size of 0.23 hectares;
 - 182 Ballynahinch Road has a plot size of 0.15 hectares;
 - 180 Ballynahinch Road has a plot size of 0.19 hectares; and
 - 176 Ballynahinch Road has a plot size of 0.5 hectares.
88. This equates to an average plot size of approximately 0.27 hectares. . The application at 0.3 hectares in size is on balance comparable with the existing plot sizes within the built up frontage.
89. Based on the analysis set out above, it is accepted that whilst the site is not considered frontage, the development could be sited and designed to respect the existing pattern of development along the frontage. The third policy test is met.
90. An assessment against other planning and environmental requirements are set out in the paragraphs below.

Integration and Design of Buildings in the Countryside

91. Turning then to policy CTY13 the application is for outline planning permission only and therefore full design details have not been provided for consideration.
92. A site plan is submitted and depicts how a dwelling and garage might be laid out in the site. It shows a dwelling with a footprint of 166.5 square metres set some 27.5 metres back from the roadside and a garage with a footprint of 64 square metres located to the side/rear of the proposed dwelling.
93. A mature mixed species hedgerow/planting defines the north western boundary of the application site and a mixed species hedgerow demarcates the north eastern (roadside) boundary.
94. Whilst it is acknowledged that the existing roadside hedgerow would require to be removed to accommodate the required visibility a new hawthorn and beech hedge is to be planted to the rear of visibility splay. .
95. It is also noted that the existing mature conifer boundary planting to the south eastern boundary of the associated application site (LA05/2020/0794/O is to be retained.
96. Taking this and the orientation of neighbouring properties into account, it is contended that sufficient enclosure exists for the purpose of integrating a dwelling of the footprint size indicated. .

97. Whilst it is acknowledged that new landscaping would be required to the roadside and rear boundaries it is not considered that the development would rely primarily on new planting for the purposes of integration.
98. In terms of ancillary works, the Site Plan depicts a proposed vehicular access arrangement shared with the neighbouring site which is the subject of a separate planning application.
99. Taking the levels of this part of the field into account, it is not perceived that the proposal would can be sited to be set back a similar distance from the road as those of neighbouring properties.
100. For the reasons outlined above, it is considered that the ancillary works can be designed to enable them to integrate with their surroundings. That said, this detail would be considered at reserved matters stage.
101. As confirmed by Q20 of the submitted P1 Form, the application does not relate to a dwelling on a farm and therefore criterion (g) is not applicable in this instance.

Rural Character

102. For the reasons outlined above within the context of an assessment against Policy CTY 8, the proposal does not satisfy the test of being a small gap and therefore it is considered that the proposal would add to a ribbon of development on this side of Ballynahinch Road.
103. In turn it is also considered that it would result in a suburban style build-up of development and would not respect the traditional pattern of settlement exhibited in the area.

Development Relying on Non-Mains Sewerage

104. It is stated at Q.18 of the P1 Form, the method of disposal of foul sewage is proposed to be via a septic tank.
105. In a response received on 23 October 2020, the Councils Environmental Health Unit confirmed that they had no objection in principle to this method of disposal.
106. The response recommended that at the subsequent planning stage the applicant shall provide a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent. It also recommended that a subsequent drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.

107. Based on a review of the information provided and advice received, it is considered that sufficient information is submitted for the purpose of assessment and that requirements of policy CTY 16 are met. The development will not create or add to a pollution problem.

Natural Heritage

108. It is acknowledged that the roadside hedgerow, which is already sparse in places, would require removal for the purposes of accommodating the required visibility splays.
109. It is noted however that compensatory planting by way of a post and wire fence with hawthorn and beech hedge behind the visibility splay has been indicated. No other boundaries would require to be removed to facilitate the development.
110. It is further noted that the application site was not occupied by any buildings at the time of site inspection. Therefore, no demolition works would be required to accommodate the proposal and no species specific studies were required in support of the application.
111. Taking the above into account, it is accepted that the proposal would result in demonstrable harm being caused to any features of natural heritage importance and as such the requirements of policy NH5 of PPS 2 are met.

Access, Movement and Parking

112. The Proposed Site Plan indicates a proposed vehicular access arrangement for two applications including the neighbouring application site (LA05/2020/0794/O). Visibility splays of 120.0 metres x 2.4 metres in each direction are proposed.
113. It indicates that the proposed vehicular access point would be to the north eastern boundary, closest to 180 Ballynahinch Road. This entrance point would serve both dwellings. It would be a paired access.
114. The Proposed Site Plan indicates sufficient parking and turning for at least 3 private cars to exit the site in forward gear. The Ballynahinch Road is not a Protected Route.
115. In a response received on 25 May 2021, DfI Roads offered no objection to the proposal, subject to conditions.
116. 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 access arrangement can be provided in accordance with published standards in DCAN 15.

Conclusions

117. The application is presented with a recommendation to refuse as it is contended that it 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.
118. It is also considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is an important visual break and it is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage. If permitted the proposed development would add to a ribbon of development along Ballynahinch Road.
119. In addition, the proposal is also contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of development exhibited in the area and would add to a ribbon of development along Ballynahinch Road.

Recommendations

120. It is recommended that planning permission is refused.

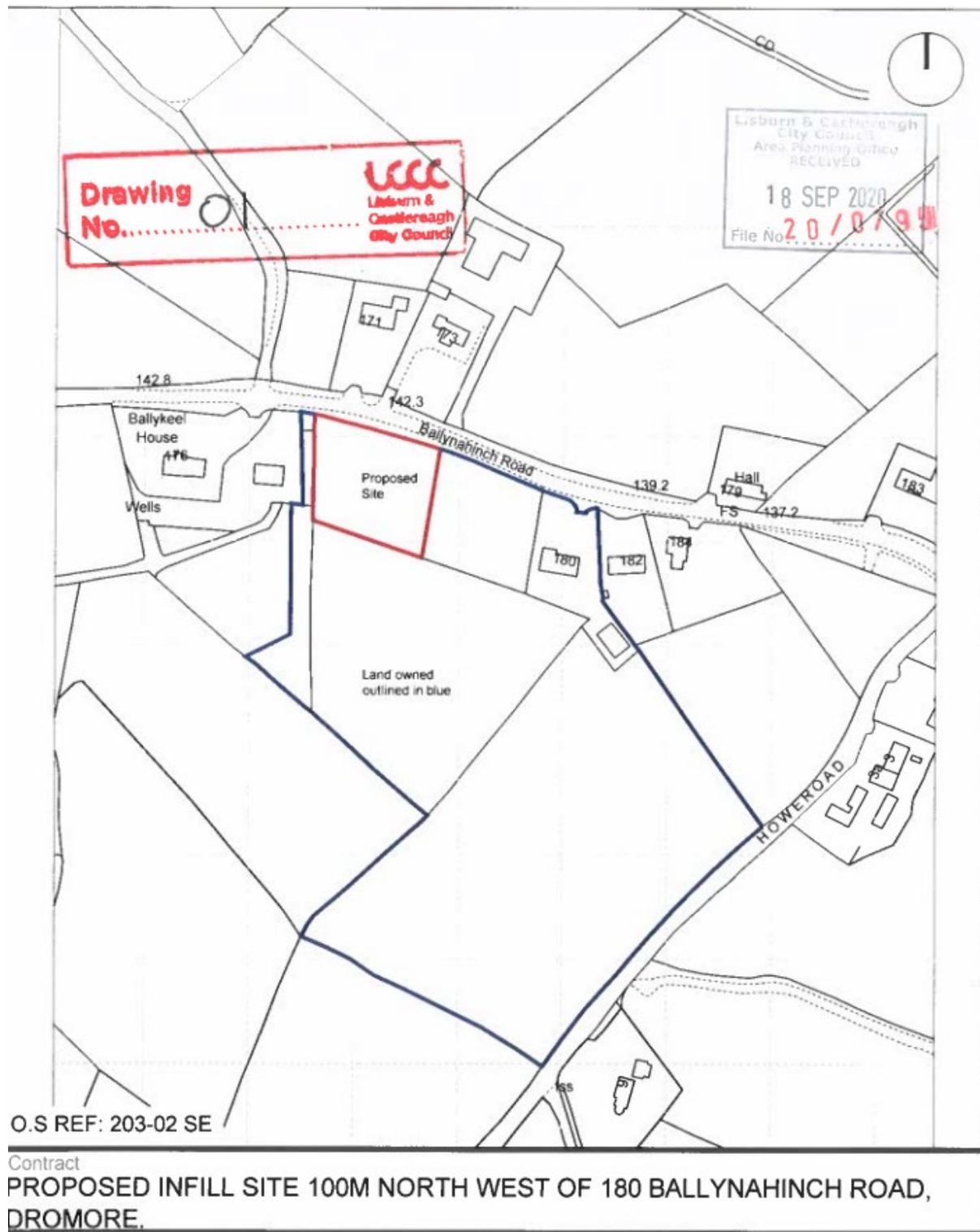
Refusal Reasons

50. The following refusal reasons are recommended:
- The proposal is contrary to the Strategic Planning Policy Statement (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 Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is an important visual break and it is not located within a small gap in an

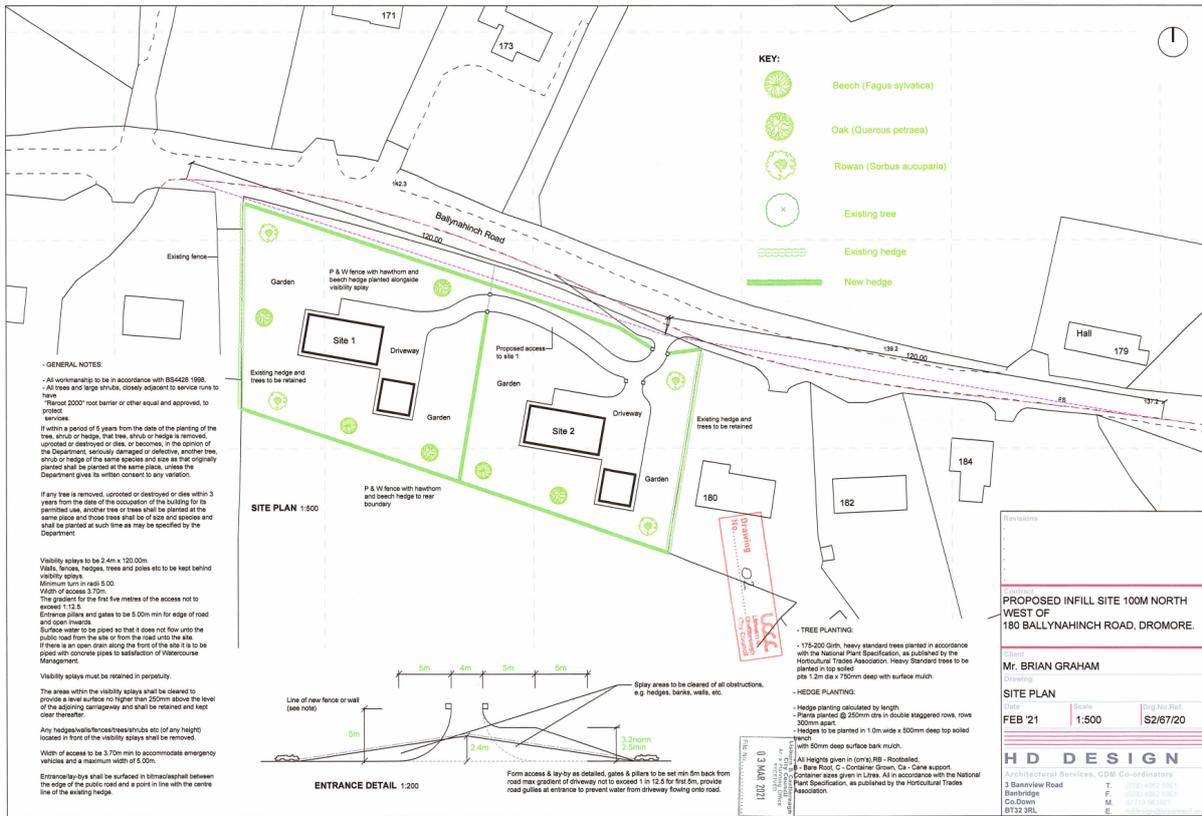
otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage and which meets other planning and environmental requirements and if permitted would add to a ribbon of development along Ballynahinch Road.

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Ballynahinch Road.

Site Location Plan – LA05/2020/0795/O



Site Layout Plan – LA05/2020/0795/O



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	09 May 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2018/1030/F
Date of Application	27 September 2018
District Electoral Area	Castlereagh East
Proposal Description	Demolition of existing buildings and erection of service station associated forecourt and parking
Location	99 Moneyreagh Road, Moneyreagh
Representations	Ten [Nine Objections, One in Support]
Case Officer	Grainne Rice
Recommendation	Refusal

Summary of Recommendation

1. The application is presented with a recommendation to refuse as it is considered that it 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.
2. It is considered that the proposal is contrary to the SPPS and Policy IC 15 of the 'Planning Strategy for Rural Northern Ireland' in that the proposal is not located on the trunk road network and fails to establish a clear indication of need and satisfactory access arrangements.
3. It is also considered that the proposal is contrary to paragraphs 6.279 & 6.280 of the SPPS as it has not been demonstrated that the development will not have an adverse impact on the vitality and viability of existing retail centres in the Council area or that suitable alternative sequentially preferable sites are not available elsewhere.

4. Furthermore the proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would be unduly prominent as the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the development to integrate into the landscape and the proposal would rely primarily on the use of new landscaping for integration.
5. The proposal is also contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted be unduly prominent, would result in a suburban style build-up of development when viewed with existing buildings and would not respect the traditional pattern of settlement exhibited in the area and would therefore result in a detrimental change to the rural character of the countryside.
6. It is considered the proposal is contrary to the SPPS and Policy CTY15 of the Planning Policy Statement 21 Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Moneyreagh and the surrounding countryside and also result in urban sprawl.
7. Furthermore the proposal is contrary to paragraph 4.12 of the SPPS and Policy CTY 16 of PPS 21 - Development Relying on Non Mains Sewerage in that insufficient information in respect of sewage and water quality has been provided to enable the Council to make an informed decision in relation to potential impacts on the environment and amenity.
8. In addition, the proposal is contrary to the SPPS and Policy AMP 2 of Planning Policy Statement 3 - Access, Movement and Parking, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to a road junction, namely Moneyreagh Road/Hillsborough Road where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.
9. The proposal is also contrary to the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 in that it would not be possible within the application site to provide an access with visibility, in accordance with the standards contained in the Department's Development Control Advice Note 15.
10. Final, the proposal is contrary to the SPPS and the consequential amendment to policy AMP 3 of Planning Policy Statement 3 - Access, Movement and Parking, in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Description of Site and Surroundings

Site

11. The proposed site is located to the west of Moneyreagh Road, Moneyreagh and is comprised of the buildings and curtilage of vacant shop (formerly a convenience store), garage used for the repair of motor vehicles and hardstanding used for the sale of cars.
12. It is accessed of the Moneyreagh Road and the land within is relatively flat throughout.
13. The site is bounded to the north and partially to the west by a 1.8 metre high wooden fence and in part along the western boundary by a 1 metre high wall, some hedging and fencing. The other boundaries are not defined as they have a frontage to the Moneyreagh Road and the Hillsborough Road.

Surroundings

14. Located to the west of the site are two residential dwellings at 53 and 55 Hillsborough Road beyond this is the settlement limit of Moneyreagh.
15. The surrounding lands to the north, south and east is predominantly rural in character and mainly in agricultural use. There is some evidence of a local build-up of development with single dwellings dispersed throughout the landscape.

Proposed Development

16. This is a full application for the demolition of existing buildings and the erection of petrol filling station with convenience store, associated forecourt and parking.
17. The following information is provided in support of the application:
 - Preliminary Bat Roost assessment;
 - Northern Ireland Biodiversity Checklist;
 - Outdoor Lighting Report(s);
 - Ground Investigation Report;
 - Drainage Assessment;
 - Noise Impact assessment;
 - Transport assessment Form;
 - Service Management Plan;
 - Bat Survey Report;
 - Preliminary and Generic Quantitative Risk Assessment;
 - Schedule 6 Consent;
 - Traffic Flow Analysis;

- Junction Model;
- Scheme Design Overview; and
- Supporting letters and Speed Survey.

Relevant Planning History

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

Application Reference	Description of Proposal and Address	Decision
Y/1979/0242	Erection of shopping complex – Rear of 49-55 Hillsborough Road and adj to 99 Moneyreagh Road	Refusal 31.08.1979
Y/1980/0090	Erection of shopping complex – Rear of 49-55 Hillsborough Road and adj to 99 Moneyreagh Road	Refusal 30.07.1980
Y/1986/0034	Extension to dwelling	Approval 21.03.1986
Y/1987/0204	Alterations to shop, 99 Moneyreagh Road	Approval 11.08.1987
Y/1987/0375	Provision of car sales, 99 Moneyreagh Road	Refused 06.01.1988
Y/1988/0089	Change of use to car sales (retention of use), 99 Moneyreagh Road	Refused 06.02.1989
Y/1989/0147	Change of use from shop forecourt to vehicle sales, 99 Moneyreagh Road	Approval 27.07.1989
Y/1990/0235	Erection of replacement store 99 Moneyreagh Road	Approval 06.08.1990
Y/1992/0434	Reinstatement of petrol filling pumps and petrol sales facility, 99 Moneyreagh Road	Withdrawn 17.02.1993
Y/1992/0274	Extension to dwelling, 99 Moneyreagh Road	Approval 03.09.1992
Y/1992/0435	Extension and alterations to shop, 99 Moneyreagh Road	Approval 29.03.1993
LA05/2015/0844/F	Lands immediately north of 61 Hillsborough Road and 10 Church Lodge, south east of 42 Church Road, south of Moneyreagh Community Centre and approximately 100 metres north west of 64 Hillsborough Road, Moneyreagh - Erection of 71 dwellings with single storey garages, landscaping, car parking, associated site works, access arrangements and highway infrastructure improvements comprising a realignment	Approval 14.09.2016

Application Reference	Description of Proposal and Address	Decision
	of Hillsborough Road and new junction arrangement at Moneyreagh Road (71 residential units in total)	

19. There is no specific planning history for the use of part of the site for car sales and vehicle repair workshop.
20. There is an historical reference to car sales on the former forecourt of the vacant retail unit. No material weight is afforded to the use of land for car sales or vehicles repairs in the absence of a history of planning permission or a Certificate of Lawfulness confirming an established use or immunity from enforcement action.

Consultations

21. The following consultations were carried out:

Consultee	Response
DfI Roads	Object on the grounds of road safety and traffic impact
NI Water	Insufficient information
Environmental Health	No Objection
NIEA Land Soil and Air	No Objection
NIEA NED	No Objection
NIEA Water Management Unit	Insufficient information
Rivers Agency	No Objection

Representations

22. Representations have been received from the occupiers of the following properties

Date Neighbour Comment Received	Neighbour Address
03/12/2018	6, Gortnamoyagh Road, Garvagh, Londonderry, Northern Ireland, BT51 5HA

Date Neighbour Comment Received	Neighbour Address
29/04/2019	Post Office, 1 Hillmount Drive, Moneyreagh, Down, BT23 6BE
29/04/2019	2 Chippendale Glen, Bangor, Down, BT20 4NU
21/08/2019	7 Wandsworth Dale, Bangor, Down, BT19 1UY
21/08/2019	47 Stonebridge Avenue, Conlig, Newtownards, Down, BT23 7QL
23/08/2019	47 Stonebridge Avenue, Conlig, Newtownards, Down, BT23 7QL
23/08/2019	4 Greer Park Drive, Ballydollaghan, Newtownbreda Belfast, Down BT8 7YQ
16/09/2019	Post Office, 1 Hillmount Drive, Moneyreagh, Down, BT23 6BE
11/02/2021	6A, NORTH STREET, NEWTOWNARDS, DOWN, Northern Ireland, BT234DE
07/04/2021	Post Office, 1 Hillmount Drive, Moneyreagh, Down, BT23 6BE

23. These representations are available to view on the Planning Portal via the following link

<https://epicpublic.planningni.gov.uk/publicaccess/applicationDetails.do?activeTab=externalDocuments&keyVal=PGDIB1SV30000>

24. The issues raised in these representations have been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

25. The relevant policy documents are:
- The Belfast Urban Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015,
 - Planning Strategy for Rural Northern Ireland

- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 3 – Clarification of Policy AMP 3: Access to Protected Routes
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 15 - Planning and Flood Risk

26. The relevant guidance is:

- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
- DCAN 15
- Parking Standards

Local Development Plan Context

27. 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.
28. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
29. As a consequence, the Belfast Urban Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
30. 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.
31. 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.*
32. 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.

33. 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

34. 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.

35. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
36. 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.
37. Paragraph 3.6 of the SPPS states that:
- when place-making, planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.*
38. 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.

39. 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.

40. Paragraph 6.71 states that development in the countryside must not mar the distinction between a settlement and the surrounding countryside, or result in urban sprawl.

41. Paragraph 4.11 of the SPSS states that

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

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.

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.

42. Paragraph 4.12 of the SPSS 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.

43. 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.

44. Paragraph 6.78 of the SPSS states:

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.

45. Paragraph 6.267 of the SPPS states that:

Town centres are important hubs for a range of land uses and activities and can have a positive impact on those who live, work and visit them. They provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses. Our town's high streets also play an important role in bringing people together and can foster a sense of community and place.

46. Paragraph 6.278 of the SPPS states:

that policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement.

47. Paragraph 6.279 states that:

Retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. However, as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside of settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities. Such retail facilities should be required to be located within existing buildings. All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.

48. Paragraph 6.280 states that:

A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

49. Paragraph 6.281 states that:

Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

- primary retail core;
- town centres;
- edge of centre; and

- out of centre locations, only where sites are accessible by a choice of good public transport modes.

50. Paragraph 6.282 states that:

In the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

51. Paragraph 6.283 states that:

All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need. This includes applications for an extension/s which would result in the overall development exceeding 1000 square metre gross external area. Where appropriate the planning authority may choose to apply a lower threshold taking into account local circumstances such as the size, role and function of their town centres. In preparing a LDP councils will have flexibility to set an appropriate threshold for their area, above which all applications for such development should be accompanied by an assessment of retail impact and need. This threshold can be up to, but must not exceed 2500 square metres gross external area.

Planning Strategy for Rural Northern Ireland [PSRNI]

52. Policy IC 15 - Roadside Service Stations states that:

The provision of roadside service facilities on the trunk roads network in the open countryside may be considered acceptable where there is a clear indication of need.

53. The amplification states:

that it is important to secure the adequate provision of roadside services for long distance travellers using trunk roads network. As part of the upgrading of the network, many settlements have been by-passed. It is not always appropriate for travellers to divert off major routes for services. On the other hand there has been pressure for new development, particularly petrol fillings stations in the open countryside. The pressure if left unchecked could result in a proliferation of development resulting in a loss of environmental quality along major routes.

54. It also states that:

Proposals for roadside services may be considered along the trunk roads network. New facilities will not be permitted unless:

- *There is a clear indication of need. In normal circumstances it is considered reasonable to expect a driver to travel at least 12 miles along the main traffic route network before reaching a petrol filling station or service centre (on either side of single carriageway roads). Proposals for new facilities within 12 miles of existing services will therefore not normally be acceptable;*
- *The access arrangements are satisfactory. Proposals which lead to traffic hazards will not be permitted. Stations should be designed for one-way working and should be accessible without dangerous right-turning movements across traffic flows. The pairing of stations/services on either side of the road is always preferable – on both single and dual carriageways. In general, sites adjacent to the main routes but which have access to a minor route may be preferable to sites with direct access, provided the facility is clearly indicated to on-coming traffic. Where direct access is permitted, the applicant will normally be required to provide any necessary improvements to the road layout, such as deceleration lanes; and*
- *The proposal is satisfactory in terms of location, siting and design as set out in policy DES 5.*

55. The amplification also states that:

In normal circumstances, proposals for petrol filling stations, and roadside services are unlikely to be acceptable in Green Belts, areas of Outstanding Natural Beauty and Countryside Policy Areas.

Along the trunk road network the Department considers there is a need not only for fuel provision but also for a wider range of services including toilet and catering services and picnic sites together with adequate parking. Favourable consideration will be given to applications for such service centres which meet the criteria outlined above. Where a route is already adequately serviced by existing petrol filling stations the creation of entirely new service centres will not normally be acceptable but proposals for the extension of facilities at existing filling stations may be considered. Such facilities will not be acceptable adjacent to existing filling stations – again a spacing of 12 miles between services is considered appropriate. Proposals for a grouping of services, by nature of their scale, can have a significantly greater impact on the rural environment. Proposals will therefore be carefully considered to ensure they can be satisfactorily integrated into the local landscape. Design should be of a high standard and landscaping used to screen the development, particularly any large areas of parking.

It is considered that on routes not forming part of the trunk road network there will normally be no necessity to locate petrol filling stations or roadside services in the open countryside. Such facilities will normally be directed to

existing settlements unless local circumstances indicate that such a policy would lead to undue hardship for the residents.

Upgrading of existing filling stations will normally be acceptable unless increased trade would create or exacerbate a road traffic hazard. Where a petrol filling station has been abandoned, the policy as set out above will be applied.

Most petrol filling stations now provide a wide range of retail goods in the associated shop. Many now function as the local shop or small supermarket serving the surrounding population. The important role of such retail provision is recognised such shops should however clearly remain secondary to the use of the petrol filling station. Proposals for larger units providing general retailing are not considered appropriate. Secondary uses such as vehicle sales or vehicle repairs will normally be unacceptable in countryside locations.

Where a new petrol station or roadside service centre is approved in a rural area conditions will normally be imposed to secure adequate parking and landscaping and to restrict the type of goods to be sold. The accumulation of signs will be resisted.

Sustainable Development in the Countryside

56. 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.

57. The preamble to the policy document states that

the policy provisions of this PPS will take precedence over PPS 4 insofar as it relates to proposals for farm diversification, and Policy BH 15 of PPS 6 insofar as it relates to buildings in the countryside.

58. It also states that

the policy provisions set out in Annex 1 of this PPS will also take precedence over the policy provisions of Policy AMP 3 – Access to Protected Routes of PPS 3 insofar as they relate to proposals seeking access to the category of roads highlighted as ‘Other Protected Routes – Outside of Settlement Limits’.

59. Annex 1 – Consequential amendment to Policy AMP 3 of PPS 3 – Access Movement and Parking states

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases:

- (a) *A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.*
- (b) *A Farm Dwelling – where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.*
- (c) *A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development set out in Policy CTY 7 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.*
- (d) *Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. Access arrangements must be in accordance with the Department’s published guidance.*
60. It advises that the remainder of Policy AMP 3 as set out in the October 2006 Clarification, including the justification and amplification, remains unaltered.
61. 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.*
62. Policy CTY 1 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. Proposals for such development will continue to be considered in accordance with existing published planning policies.

63. 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.

64. The policy also 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.*

65. 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.

66. The policy states that a new buildings 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.*

67. Policy CTY 15 – The Setting of Settlements states that:

Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

68. Paragraph 5.83 - 5.85 of the justification and amplification of this policy states that:

A settlement's identity can be as much as a result of its setting within the surrounding countryside, as the quality of its buildings. Landscapes around settlements have a special role to play in maintaining the distinction between town and country, in preventing coalescence between adjacent built-up areas and in providing a rural setting to the built up area.

69. 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.

70. 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.

Building on Tradition

71. Whilst not policy, and a guidance document, the SPPS states

that regard must be had to the guidance in assessing the proposal. This notes with regards to policy CTY 14 at page 131 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.

72. With regards to Policy CTY16 it further 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

73. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
74. 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.*

75. The policy 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.*

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

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

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

77. 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

78. 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.
79. 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.*

80. Paragraph 5.16 of the Justification and Amplification to Policy AMP 2 states that:

Development Control Advice Note 15 'Vehicular Access Standards' sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads. DCAN 15 also includes guidance on special requirements for access onto a Trunk Road. The current standards for access within new residential developments are set out in the 'Creating Places' design guide.

Access, Movement and Parking Clarification of Policy AMP 3: Access to Protected Routes

81. This document provides clarification to Policy AMP 3: Access to Protected Routes of PPS 3 'Access, Movement and Parking', published in February 2005, and must be read in conjunction with the policies contained within this PPS.
82. The policy as clarified states:

The Department will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and ByPasses – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:

- (a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.*
- (b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.*

Other Protected Routes – Within Settlement Limits

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

- (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.*

The distinction between the various categories of Protected Routes is illustrated on the Protected Routes map.

83. As mentioned above, Annex 1 of PPS 21 supersedes the policy test above insofar as it relates to Other Protected Routes – Outside Settlement Limits

Development Control Advice Note 15 – Vehicular Access Standards

84. 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.

Parking Standards

85. The purpose of this document is to clarify that the guidance contained in Parking Standards will continue to have effect (where relevant) unless and until such guidance is updated, revised or replaced by new Departmental guidance on this planning issue.
86. Paragraph 1 states:

that the document sets out the parking standards that the Department will have regard to in assessing proposals for new development. It includes parking standards for shops and petrol stations as detailed below.

Use Class ²	Description	Non-Operation Parking Space	Operational Parking Space	Cycle Parking Standard
Class A1: Shops	Food retail	1 space per 14 m ² GFA	1 lorry space per 750 m ² GFA	Minimum of 2 per unit or 1 per 500 m ² GFA which ever is greater
	Non food retail	1 space per 20 m ² GFA	1 lorry space per 750 m ² GFA	Minimum of 2 per unit or 1 per 500 m ² GFA which ever is greater
<i>Sui Generis</i>	<i>Petrol Filling Station</i>	<i>1 space per pump position, plus 1 waiting space per pump position not impeding entry or exit from the site or any other site facility plus appropriate located parking for retail shop as per shopping standard</i>	<i>Space of discharging petrol tanker. Retail as per shopping standard</i>	<i>Minimum of 2 per unit.</i>

Planning and Flood Risk

87. 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.

88. 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.

89. 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.*

90. It also states that:

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 flood plain, then Policy FLD 1 will take precedence.

91. 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.*

92. 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

93. The following assessment is made within the context of the planning policy tests set out above.

Roadside Service Station

Information from Applicant/Agent

94. Supporting information provided by the applicant set out that this proposal is consistent with the requirement of policy IC 15 of the PSRNI and argues that as the recommended 12 mile separation distance applies to service stations along the main traffic route the existence of a service station within 12 miles of the proposal but along a separate transport corridor is therefore irrelevant.
95. In addition, the view is expressed that the term 'normal' signifies that there is not a total embargo on the introduction of a new service station within the recommended 12 mile separation distance.
96. The supporting information submitted also states that

the application site is located along the A23 protected route and that a search on google maps shows that there are no other service stations along the entire A23 corridor stretching for 10 miles from Belfast to Ballygowan and then for another 6 miles along the entire Carrickmannon Road – a total of 16 miles.

97. The case is presented by the applicant/agent that this route is therefore not adequately served by existing service stations and that this signifies a clear indication of need.

Consideration of Road Side Service Station Evidence

98. It is agreed that as roadside services are proposed in the open countryside this part of the proposal must be considered against the policy tests associated with Policy IC 15 of the Planning Strategy for Rural Northern Ireland. However the policy only applies to proposals for new services on the trunk road network.
99. This site on located on the A23 Moneyreagh Road which is not identified in the Regional Strategic Transport Network Transport Plan 2015 as a trunk road this is distinguishable and different from the classification of the A23 as a protected route.
100. The policy is clear that roadside service are unlikely to be acceptable in the open countryside and the need test only bites if the proposed facility is on a trunk road. The applicant indicates an exception applies in respect of the distance between this site and other services.

101. It is advised that the proposal does not meet the first test and therefore an assessment of need and a consideration of the separation distance to other services is not applicable. Only very limited weight is attached to the need case as this is only relevant in the context of the retail unit which is considered later in this report.
102. The proposal is contrary to policy IC 15 as this is not a roadside service facility on the trunk road network.
103. In terms of access arrangements and as considered further below within the context of Access Movement and Parking considerations, DfI Roads have been consulted on the application and have found the access arrangements to be unsatisfactory. The reasons for this are dealt with later in this report.
104. The policy tests associated with DES 5 of the PSRNI are superseded by Policy CTY 13 of PPS 21 which is considered later in the report.

Retail and Town Centres

Sequential Test

105. Whilst it is accepted that there is an established retail use at the site as a much larger retail unit is proposed and the sale of petrol is a retailing activity this proposal is required to be tested against the policies specific to new retail proposals in the open countryside.
106. It outlined above it is stated at paragraph 6.279 of the SPPS that Retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. However, as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside of settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities.
107. This is not a proposal for a farm shop, craft shop or a shop serving a tourist or recreational need albeit there is an existing building with an established retail use that could meet this test.
108. The applicant suggests that this proposal be treated as an exception to policy and the proposal must be tested to ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.
109. Supporting information submitted by the applicant/agent advised that the scheme proposes demolition of existing buildings and erection of a service station and associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh.

110. It also advised that the site was presently occupied by a car dealership/repair garage and a small vacant convenience store and that the site was previously used as a petrol filling station (PFS). The view was expressed that this scheme proposes to restore the former petrol filling station on the site.
111. The supporting statement explains that the retail store will be located to the northern end of the site and that it will be single storey with sales/retail floor space, toilets and general storage space and staff facilities. The shop will have 375 square metres gross floor space with approximately 275 square metres net retail area.
112. It confirms that the petrol station canopy is located centrally within the site and there will be two islands and four petrol pumps. Twenty Seven designated parking spaces are proposed throughout the site with a further space provide at each of the pumps for customers purchasing fuel.
113. The supporting information advises that it is also proposed to improve the existing point of access/egress to Moneyreagh Road as necessary.
114. It confirms that a convenience store is proposed to operate as an independent shop supporting the PFS selling a range of top-up convenience goods and some non-convenience goods. It has also been indicated the store will provide ancillary goods such as national lottery, household fuel such as gas, coal, peat and oil.
115. With regard to the need for a sequential test, the application site is not in an existing centre nor is it in accordance with an up-to date LDP and as such, a sequential test must be applied.
116. A Planning, Retail and Alternative Site Assessment was submitted by the applicant/agent in support of the application. A synopsis of the argument advanced in the assessment is detailed below.
117. In terms of the retail context, the study associated with the assessment assumed a local catchment extending to a 5 minute drive time for the proposal. The approach adopted is predicated upon the small-scale nature of the development and general convenience retail shopping patterns.
118. The statement acknowledged that service stations also have a transient catchment i.e. those that are drawn to the site as they move directly through the area but would otherwise leave their place of residence to specifically avail of the services on offer. The assessment identified the local catchment only.
119. In relation to the sequential test the assessment confirms that the only settlements that fall either wholly or partly within the catchment are Moneyreagh and Ballygowan. All other land within the catchment is expressly rural.

120. The assessment also confirms that the main convenience store that the proposal will compete with is *Your Store* located at 1 Hillmount Drive, Moneyreagh.
121. This store is described as a small 143 square metre gross convenience store and local post office. It is located in the centre of Moneyreagh Village and has limited retail offering. There are no petrol filling stations within or adjacent to the village of Moneyreagh.
122. The assessment expresses a view that there are no petrol filling stations along the entire A23 corridor from the Belfast City Centre (located 10 km to the northwest of the site) to the village of Ballygowan (located 4 km to the southeast of the site).
123. It also notes that there are no other petrol filling stations along the B178 corridor from Carryduff (located 5.5 km to the southwest of the site) to Comber (located approximately 7 km to the northeast of the site).
124. The statement looks at the settlement of Ballygowan which is 4km south of the site and details that Ballygowan village is a minor service centre providing a range of retail facilities and remains attractive as a commuter village to Belfast.
125. Most of the villages' commercial activity is centred on the Square and Belfast Road. Several other convenience retail stores located within the catchment are noted as follows:
 - The garage (Texaco), 2 Saintfield Road, Ballygowan. This PFS has three islands and six pumps. It is located on the southern side of the A21 Saintfield Road within the heart of Ballygowan village. It has a shop of approximately 280 square metres (gross)
 - Costcutter: Convenience store of approximately 200 square metres (gross) located on the northern side of the A23 within the village centre
 - Craigs: A very small convenience store of approximately 65 square metres (gross) located within the Square in the centre of the village.
 - Dalzells Grocers: Greengrocers of approximately 65 square metres (gross) located on the northern side of the A23 within the village centre
 - Davidsons Off-Sales: Small integral Off Sales within Davidsons public house/hotel of approximately 20 square metres (gross). Located at the corner of The Brae and Railway Terrace within the village centre"

Need

126. Information has been provided to indicate that the redevelopment represents and investment of about £1.5 million in Moneyreagh. It is estimated that approximately 35 part time/full time jobs will be created by this development.

127. The supporting information also advises that a PFS must be located close to the road to allow for the store to function properly and for this reason, it is best that it is not identified as a main town centre use.
128. It is also advised that when looking at a town centre or primary retail core where stores and developments are required to have flexibility in terms of car parking and access a PFS has unique characteristics in that it is fundamentally linked to accessibility by car and visibility from the main route of travel, in the absence of any reference to PFS the information submitted argues there is a case that the SPPS does not apply this approval.
129. The information notes that the proposed shop measures 375 square metres gross and that this is significantly below the 1000 square metres threshold for undertaking a full assessment of retail impact.
130. The view is also expressed that the neighbouring settlements of Moneyreagh and Ballygowan do not include any policy protected retail centres and as such, the assessment demonstrates a proportionate assessment of need, retail impact and sequential site assessment.
131. The information provided notes there are no sites zoned for employment, business or mixed use purposes within the Moneyreagh or Ballygowan designated settlement development limits as set out in BMAP 2015.
132. It also notes that there are no derelict brownfield sites within the settlement limits falling within the identified catchment. There are no other brownfield or greenfield sites that are available for development within the settlement limits falling within the identified catchment.
133. There are no derelict brownfield sites or previously developed land available for development within the catchment immediately adjacent to the Moneyreagh and Ballygowan settlement limits.
134. Supporting information notes Moneyreagh settlement sits between the A23 arterial route to the northeast and Hillsborough Road to the south. The application site is located 60 metres to the immediate east of the designated Moneyreagh development settlement limit.
135. Indeed the argument could be made for the application site and small cluster of neighbouring residential properties to be included within the settlement limit in the new local plan.
136. The assessment focused on the need for this development in this location with a 5 minute drive time catchment identified. An argument is advanced that there is an overriding need for a PFS/convenience store facility in the direct vicinity of Moneyreagh which presently has no petrol station within a 4km radius and is served by a single convenience store.

137. Within this context, it is considered that even if a suitable brownfield site was identified within Ballygowan it could be argued that it is sequentially less preferable on account of the overriding demand for this facility.
138. The supporting information expresses the view that the proposed site is the most sequentially preferable location. That said, no alternative available sites have been identified in sequentially more preferable locations within the proposals catchment that would require the proposed development to be refused.
139. A synopsis of the information provided by the applicant/agent is as follows:

Committed Convenience Retail Turnover

140. The agent advised that an examination of the planning database in June 2019 indicated that there were no extant planning permissions for retailing within the identified catchment.
141. There is an existing vacant convenience store on the site of approximately 103 square metre net retail floor space. However this store will be demolished to facilitate the proposed development and will therefore have no implications when considering the cumulative impacts of the proposed development alongside any committed retail schemes.

Proposal Convenience Retail Turnover

142. Supporting information advises that planning permission is sought for a PFS and shop with a net retail area of approximately 275 square metres.
143. Turnover of this floorspace using the Mintel retailer sales figures adjusted according to location and football of each individual store.
144. This has been forecast to the base and forecast years using the Pitney Bowes forecast of 0.8% per annum. The turnover of this floorspace will be £1929, 142 in 2021.

Qualitative Need

145. The supporting information expresses the view that Moneyreagh is presently only served by a small convenience store with a very limited retail offering and that this shop does not meet the convenience retail needs of the growing population of Moneyreagh and surrounding hinterland.
146. In addition to the identified quantitative need there is clearly a need for an improved convenience retail offering within the immediate vicinity of Moneyreagh.

Conclusion given in support of application

147. The statistical analysis has identified that there is a significant outflow of convenience retail spend from the catchment area, demonstrating a clear demand for additional convenience retail floorspace within the area.
148. Within this context, the view is expressed that the proposed floorspace will deliver a high quality retail offering which will partly claw back the loss of trade from the catchment area and promote less travel and more sustainable shopping patterns.

Committed and Planned Development

149. A section in the supporting statement submitted makes reference to there being no committed retail or PFS developments within the vicinity. It references planning application LA05/2018/0665/O - an application for a petrol filling station on land 75 metres south west of 84 Hillsborough Road.
150. Despite this application was refused planning permission on 03 February 2020, the statement expresses the view that its siting in very close proximity to the settlement limit, its brownfield status and the fact that a PFS previously operated here it was sequentially the most preferable location.

Consideration of evidence submitted in support of the application

151. The application seeks to provide a petrol station and shop in the open countryside outside of the preferred locations identified in the SPPS and concern is expressed by third parties in relation to the nature and scale of the retail offering.
152. The proposed site is located outside of the settlement limit of Moneyreagh and within the open countryside in a rural location which is contrary to the SPPS which advises that retailing will be directed to town centres and that development of inappropriate retail facilities in the countryside must be resisted.
153. The retail unit is not proposed to be located within an existing building on site nor is it considered that this independent shop is not amongst those facilities listed at paragraph 6.279 of the SPPS as appropriate retail facilities outside of settlements.
154. Indeed Ballygowan is only 4km from the site has a host of retail offerings including a petrol filling station (PFS) and no consideration has been given to reopening or extending the existing small convenience store building already on site.
155. Moneyreagh has no defined primary retail core or town centre in either local development plan and as such, it is not accepted that the impacts of the

proposal upon the existing village store and post office which is located within the settlement limits of Moneyreagh have been fully and properly considered.

156. Furthermore, it has not been demonstrated that the proposal will not have an adverse impact on the vitality and viability of existing retail centres within the local area.
157. Whilst it is acknowledged that the proposed site is a brownfield site and that it was formerly a PfS (based on a review of a historic photograph was submitted with the application), it is considered that the former use as a PfS has long been abandoned and cannot be given determining weight in this assessment.
158. Furthermore it is also noted that the legitimate fall back position to the development proposed under this application comprises a small convenience shop and car sales. The two proposals are not directly comparable and the fall back is of limited weight for the following reasons.
159. There is no planning history record for the repair garage or the extent of the spread of the forecourt located to the north west of the application site and no certificate of lawfulness is before the Council to establish the use. As such, no weight is given to these business in this assessment.
160. For the reasons outlined, the scale of the operation cannot be considered as a reinstatement of the previous convenience store. Instead it is considered to represent a significant expansion of the retail offering.
161. With regard to the alternative sites, information provided states:

that no alternative available sites have been identified in sequentially more preferable locations within the proposals catchment that would require the proposed development to be refused.
162. It is not enough to make such a statement without supporting evidence. In the absence of evidence being provided, it cannot be established if an alternative sequentially preferable site or sites exist within the proposals whole catchment. The SPPS stated an application which proposes development on a less sequentially preferred site should be refused.
163. For the reasons outlined, it is considered that the site chosen for the development is set outside of the defined settlement limits is contrary to paragraphs 6.279 & 6.280 of the SPPS and it has not been demonstrated that the proposal will not have an adverse impact on the vitality and viability of existing retail centres within the local area or that suitable alternative sites are not available.
164. Concerns raised in relation to the application expressed the view that longer term development projects could offer the existing village store/post office an opportunity to relocate to larger premises within the village centre and that the development if approved would negatively impact on such an opportunity.

165. This application is considered on its own merits and it is considered that the information fails to demonstrate that the development will not have an adverse impact on the vitality and viability of other retail centres in the area.

Sustainable Development in the Countryside

166. As explained above, this is a proposal for the demolition of existing buildings and erection of service station and associated forecourt and parking in the open countryside.
167. It is considered a non-residential form of development within the context of Policy CTY 1.
168. Other planning and environmental matters associated with integration and design of buildings in the countryside, rural character, non mains sewerage and the setting of settlements are considered in the paragraphs below.

Integration and Design of Buildings in the Countryside

169. With regard to Policy CTY 13 and 14 the agent argues the scheme proposes the regeneration of a brownfield site located within an existing development cluster (comprising residential and business uses) and adjacent to the Moneyreagh settlement limit.
170. The view is expressed that the proposal is representative of a typical PFS development commonly found along the main road network and that the development would represent an improvement to the present site conditions which include a vacant convenience store and two storey building of commercial appearance.
171. The supporting information contended the proposed development will have negligible impact upon the character of the area and would integrate acceptably within the receiving landscape.
172. The proposed service station building is 7.1 metres high and 30.8 metres long. The proposed finishes for the building are powder coated aluminium colour grey walls with dark grey roofing finish.
173. The proposed boundary treatment to the north details the retention of existing post and wire boundary fence with a 1.8 metre high close boarded fence along the western boundary. No boundary detail is provided along the Moneyreagh Road. The remainder of the site comprises a large area of hardstanding with 27 car parking spaces and the petrol filling point forecourt area.
174. The proposed site is a roadside plot and it is considered the proposed new service station building and associated forecourt and parking area would result in a development which is poorly integrated and unduly prominent in the

landscape due to lack of enclosure. New buildings on a cluttered site is not in its own right is not an exception to policy.

175. No planting has been proposed to aid integration (Adequate screening by landscaping will normally be required). Furthermore new planting to define the curtilage would take time to establish and mature in order to provide any suitable degree of enclosure or screening.
176. Given the design and function of the proposed petrol station and its roadside location it is considered the proposal would not blend sympathetically with the landscape and would have a detrimental impact on the visual amenity of the area.
177. It is contended that the site lacks the necessary attributes to satisfy the integration requirements of Policy CTY13 and related guidance set out in Building on Tradition.
178. For the reasons outline, it is considered that the proposal would not satisfy the requirements of criteria (a), (b) and (c) of Policy CTY13 of PPS 21.

Rural Character

179. For reasons set out above, the proposed scale and massing of the new building which is relocated within the site would be unduly prominent in the landscape. Despite the number of existing buildings the area remains predominantly rural in character.
180. The development of a service station and associated forecourt and parking would introduce a form of development more suited to an urban setting, would be out of keeping and would cause a detrimental change to its rural character.
181. The proposed new building in addition to the ancillary works would be unduly prominent and would not respect the nature and visual appearance of the land and buildings in the area resulting in a detrimental change to erode the character of the area.
182. Furthermore the proposal would if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
183. For the reasons outlined above the proposal is considered to be contrary to criterion (a), (b) and (c) of Policy CTY 14.

The Setting of Settlements

184. The principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so as to maintain a clear distinction between the built-up area and surrounding countryside.

185. As explained, the application site is located in the open countryside beyond the designated settlement limit of Moneyreagh.
186. The application site is located some 60 – 80 metres to the east of the designated Moneyreagh development limit. It is bounded to the west by the residential dwellings at 49 Hillsborough Road and 53 and 55 Hillsborough Road.
187. Beyond this is the settlement limit of Moneyreagh. To the east of the proposed site is the junction of the Hillsborough Road and Moneyreagh Road. Beyond this surrounding land is mainly agricultural in nature with dispersed single dwellings in the countryside.
188. Given the sites location outside of the development limit of Moneyreagh it is considered that the development taking into account the built for which has planning permission and the establish boundary treatment to aid integration would if permitted mar the distinction between the defined settlement limit of Moneyreagh and the surrounding countryside and also result in urban sprawl contrary to Policy.

Development Relying on Non-Mains Sewerage

189. The planning application form indicates that surface water will be disposed of via storm drains and that foul sewage will be disposed off via mains connections.
190. NIEA Water Management Unit were consulted on the application advice received confirms that they have considered the impacts of the proposal on the water environment and on the basis of the information provided they are unable to fully determine the potential to adversely affect the surface water environment.
191. NI Water has also provided advice in relation to the status of receiving waste water treatment works there is available capacity. They advise that although Moneyreagh WWTW is operating above capacity this proposal can be approved on the basis of *no additional loading*.
192. As such it is contended that insufficient information in respect of sewage and water quality has been provided to enable an informed decision in relation to potential impacts on the environment and amenity.

Access, Movement and Parking

193. Concern in relation to traffic safety and congestion are expressed in third party representations along with a view that the proposal presented a dangerous option for customers visiting on foot as no footpath was proposed.

194. The A23 Moneyreagh Road is a Protected Route and the development proposal involves a direct access onto this road. Subsequent amendments have connected a two-metre wide footpath along the site frontage at the Moneyreagh Road into the newly augmented Hillsborough Road and associated footpath.
195. The proposal includes 27 parking spaces, including two disabled spaces. There are two sets of two petrol pumps under a modest flat canopy. A one way system is proposed to be accessed off the Moneyreagh road including separated entrance and exit points. There is a subsidiary access point onto Hillsborough Road adjacent to number 49. A right hand turning pocket is also proposed.
196. The information submitted in support of the application states the scheme proposes to utilise and modify the existing access onto the A23 Moneyreagh Road.
197. It indicates that it is proposed to upgrade the existing access as necessary in line with DCAN 15 standards.
198. Reference is made to the only other minor road adjacent to the application site being the Hillsborough Road which runs along the sites south eastern boundary.
199. The Hillsborough Road formerly connected onto the A23, but this was stopped up as part of road improvement works undertaken in association with a neighbouring residential development LA05/2015/0844/F. The view is expressed that the only feasible point of access therefore is via the A23.
200. A Transport Assessment Form and Site Access Plan are submitted in support of this application. These documents and demonstrate that the proposed development would result in an overall increase in traffic on the surrounding road network, although there would be a decrease in vehicular trips at both AM and PM peak hours.
201. The information argues that it has been demonstrated that the highway network is capable of supporting the predicted trips resultant from the proposed development and that the proposed access arrangements will not compromise the free and safe movement of traffic along the A23.
202. The supporting information contends as per the car parking standards 1 space will be provided per pump position plus 1 waiting space. For the food store car parking standards ask for 1 space per 14m² as the store is 375m² there would be 27 spaces provided.
203. It is indicated that the layout will incorporate appropriate access facilities in compliance with DCAN 11 requirements and the Disability Discrimination Act to

ensure the site is easily accessed by disabled users. A minimum of 4 % parking will be classified as disabled parking.

204. In consideration of the Transport information, a design review was completed by AMEY on behalf of DfI Roads which commented within the application, there are proposals to alter the road layout on the A23 Moneyreagh Road to introduce a right turn pocket into the proposed development, and another into Hillsborough Road (eastbound).
205. DfI Roads - Eastern Division has commissioned DfI Roads Consultancy Services and its partner Amey Consulting to undertake a further design review on the revised and resubmitted information in response to Amey's Design Review Report CO401700-AMEY-13-XX-TN-00001 (01) to ensure the proposed highway alteration works are in full compliance with all relevant highway design standards.
206. The key findings from Amey stated that within the applicants response letter, it is stated that:

we acknowledge Amey's view ... that it has been assumed that the proposals would intensify the use of the existing access. We therefore provide a completed Scheme Design Overview form and additional information with this letter, based on Amey's assumptions on intensification." As Amey has not been advised otherwise, the design review continues to assume that the application site will be subject to intensification of usage. This assumption should be validated by the relevant planning authority.

207. Amey comments that the applicant has completed a speed assessment for the A23 at this location and concluded that the associated 85th% speeds are 76kph northbound and 80kph southbound; consequently, a design speed of 85Akph has been specified for the proposals.
208. Advice is provided that this reduction in design speed impacts the geometrical requirements for the proposed ghost islands, right turning pockets and the visibility requirements to and from the proposed site.
209. It explains that DEM 118/16 Design Speed for Roads outlines the following policy for selecting design speeds for the design of both new roads and improvements / amendments to existing ones, stating "Unrestricted single carriageways i.e. those on which the National Speed Limit applies, shall be 100A kph." DEM 118/16 goes further to state that "Where it is proposed that the Design Speed deviates from the above pre-set values, agreement should first be sought from the Divisional Client", whose responsibility is it to "ensure that the selected Design Speed is not too low".
210. It also explains that DEM 118/16 states that
- approval for both the Design Speed and the method of calculation must be obtained from the Divisional Client". In summary, the application site is on a*

non-trunk road and speeds have been measured in line with current guidance. The Divisional Client, DfI Roads Eastern Division should confirm that the proposed deviation from a design speed of 100kph for this scheme is acceptable.

211. Further comments from Amey advise that several aspects of the geometry of the proposed pockets are not in line with the standards outlined in CD 123 notwithstanding the specified design speed of 85kph (note the following standards are for a design speed of 85kph for demonstration purposes; the same for 100kph are more onerous in each case).
212. These substandard features include deceleration lengths of 52m and 29m rather than 55m for the proposed access and Hillsborough Rd respectively, width of right turn lane restricted to 2.5m rather than the 3.0m minimum, development taper limited to a:12.5 rather than the 1:25 and formation of the ghost island asymmetrically.
213. These aspects of the proposed design are constrained by land ownership and proximity to the existing Hillsborough Rd junctions. It is noted that the existing right turn pocket for the recently realigned Hillsborough Road junction to the north west of the site has been formed with a turning lane width of 3m, deceleration length of 55m, direct taper of 15m and development taper of 1:20.
214. Amey also advise that junction visibility from proposed facility exit cannot be achieved in line with DCAN 15, which states the required visibility for a major road of design speed 85kph shall be 4.5m x 160m and 4.5m x 215m for a design speed of 100kph.
215. It is permissible that y-distance visibilities are interpolated and for the measured speeds of 76kph northbound and 80kph southbound the corresponding y-distances would be 147m northbound and 136m southbound.
216. Based on DCAN15 the required minimum x-distance is 4.5m. The visibility which can be achieved from the proposed access is limited to 4.5m x 35.9m to the north and 4.5m x 120.6m to the south, as shown on drawing 18-029-SK06.
217. As explained, these aspects of the design are constrained by the positioning of the proposed garage building to the north and land ownership to the south. It is noted that the visibility splay to the south would be restricted further if a vehicle was parked at the first fuel pump in the forecourt.
218. For vehicles approaching the site on the A23 northbound, forward visibility to the site exit is restricted to 169.8m, which is in line with the minimum standard outlined in CD109 for a design speed of 85kph, but below the required 215m for a design speed of 100kph.
219. Forward visibility to the site's proposed entrance is not shown on drawing 18-029-P-105 rev B but would be critical for vehicles approaching this location in the northbound direction to have adequate visibility of vehicles making the right

- turn into the site from the proposed ghost island and to enable the drivers making the right turn movement to do so safely.
220. Relaxation of the required object height to 1.05m would not be acceptable in line with DCAN 15 given the access is forecasted to carry over 250 vehicles per day (ref DCAN 15 paragraph 4.2).
221. Amey notes that vehicle tracking and clarification on servicing movements has been provided. However they advise that this shows over-run in a number of areas on A23 main line e.g. drg 18-029-SK008 viewports 2 and 3, and drg 18-029-SK007 viewport 2.
222. Finally Amey confirm traffic modelling has been undertaken to demonstrate that the proposed minimum turning length of 10m is acceptable.
223. In consideration of the submissions, meetings and several amended drawings over the processing to try and address ongoing concerns DfI Roads offered the following refusal reasons:
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to a road junction, namely Moneyreagh Road/Hillsborough Road where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.
 - The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 in that it would not be possible within the application site to provide an access with visibility, in accordance with the standards contained in the Department's Development Control Advice Note 15.
 - The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
224. Having considered the information submitted in support of the application and the advice from DfI Roads and their consultant team, there is no reason for the Council to disagree with the advice of the statutory consultee on road safety or traffic impact grounds. It is accepted that the proposal is contrary to policy AMP2 for the reasons stated above.
225. In respect of the access onto the protected route as an existing access onto a minor road exists and as there are road safety and traffic impacts associated with the operation of an access onto the A23 it is accepted that the policy criteria are not met and that there is no reason to treat this proposal as an exception to the consequential amendment to Policy AMP 3.

Natural Heritage

226. A Preliminary Bat Roost Assessment and Biodiversity Checklist were submitted in support of the application.
227. Advice from Natural Environment Division noted that within the Preliminary Bat Roost Assessment, the ecologist has assessed building 1 (the former shop) to be demolished as part of this application as having low bat roosting potential.
228. Building 2 (a commercial garage/office) is also identified to be demolished as part of this development, however the ecologist has assessed this building as having negligible bat roosting potential.
229. NED confirmed that it was in agreement with the ecologist that further survey work is required to assess whether building 1 is being utilised by roosting bats.
230. NED therefore requested a Bat Emergence/Re-entry Survey to NIEA specifications.
231. NED acknowledged receipt of a Bat Survey Report date stamped 31 July 2019 by Lisburn & Castlereagh City Council.
232. Based on a review of the additional survey information provided, NED confirmed that it was content that the buildings to be removed were unlikely to support roosting bats and therefore the proposed development is unlikely to significantly impact the local bat population.
233. Based on a review of the information and advice received it is accepted that the proposal is not likely to have an adverse impact on Natural Heritage features. The requirement of policy NH 5 are met.

Planning and Flood Risk

234. A Drainage Assessment carried out by Kevin McShane Limited was submitted in support of the application. The Drainage Assessment serves to provide an account of the sites existing and proposed surface water run-offs and the proposed drainage connections for the development. It also identifies potential impacts and mitigation for the development.
235. Section 2 advises that NI Water sewer record drawings indicate that there are no public foul or storm drains in the immediate vicinity of the site. It also indicates that there is a known undesignated water course culvert which passes through the site, and connect an existing open watercourse in the west to existing field drains in the east.
236. Section 3 provides details of drainage and flooding records. It indicates that no historical flooding has occurred at the proposed site and no present day floodplain river or sea flooding is shown in the vicinity of the site.

237. In terms of surface water mapping, the assessment indicates that the northern section of the proposed site is potentially subject to surface water ponding and as such, internal site drainage mitigation such as underground storm water attenuation is considered necessary.
238. Advice from Rivers Agency confirms that the site does not lie within the 1 in 100 year fluvial and as such, they have no specific reason to object to the proposed development from a drainage or flood risk perspective.
239. FLD 2 – Protection of Flood Defence and Drainage Infrastructure- Paragraph 6.32 states where a new development proposal is located beside watercourse it is essential that an adjacent working strip is retained to facilitate future maintenance by the riparian owners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.
240. Advice received also indicates that the indicative Drainage Layout appears to satisfy these requirements of Policy FLD 2 in that a working strip is retained to facilitate future maintenance by the riparian owners as necessary. Confirmation is also provided that Schedule 6 Consent to discharge surface water to the watercourse has been received and as such, the mitigation measure proposals are deemed to satisfy the policy requirements.
241. The proposal is to attenuate up to 24 cubic meters of surface water and limit/restrict the discharge rate to mimic the Greenfield run-off rate (using a vortex to 13 l/s) and discharge this surface water to the undesignated watercourse.
242. Evidence has been provided that a drainage system will be installed to meet the standards of the NI Water Sewers for Adaption 1st Edition for a 30 year storm events including an allowance for climate change.
243. DfI Rivers, while not being responsible for the preparation of the Drainage Assessment report accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors.
244. It is noted that there is an existing culverted undesignated watercourse flowing within the middle of the site. The drawings does not show any proposal to culvert any additional watercourses, therefore this would be acceptable.
245. The Development is not in the Proximity to Reservoirs and as such, no impact will arise.
246. Based on a review of the information and advice from Rivers Agency, it is accepted that the proposal satisfies the various policy requirements of PPS 15 - Planning and Flood Risk as detailed above are met in full.

Contaminated Land/Human Health

247. Advice received from DAERA – Regulation Unit [RU] on 2 November 2018 noted that previous activities at the application site and adjacent sites may have caused the land to be affected by contamination. They requested a comprehensive risk assessment is completed that identifies all unacceptable risks to the water environment given the proposed development plans for the site and if required, a remediation strategy should be agreed at the application stage to mitigate all risks.
248. A Ground Investigation Report provided by Causeway Geotech Limited was then submitted in support of this application on 19 March 2019. Comments from RU advised that this report provides geotechnical and basic environmental information for input to the design and construction of the proposed development. The potential risks to human health and environmental receptors associated with this development are not presented and are required.
249. A Preliminary and Generic Risk Assessment Report was submitted 9 August 2019
250. A further consultation with RU confirmed that the report identifies the underlying geology as unlithified peat deposits with the solid geology underlying this comprising of the Wacke and Mudstone of the Gala Group. It is confirmed that the Ballystockart River is located approximately 950 metres east of the site as the closest surface watercourse to the site
251. The report via the Conceptual Site Model identified potential on-site sources of contamination as reduced quality made ground / infilling and a former filling station and it identified potential off-site sources of contamination as a motor repair shop, a service station and a sewage works.
252. The GQRA is informed by site data from three boreholes (BH06, BH07, BH09) to a maximum depth of 4.00 metres below ground level (bgl). WYG in their GQRA report also refer to a Causeway Geotech ground investigation report from the subject site dated July 2018. This report is informed by five site boreholes (BH-01-BH05) which were advanced to depths between 2.50m and 4.50m bgl.
253. In total six soil samples (BH06, BH07 and BH09) and six groundwater samples (BH01, BH02, BH03, BH06, BH07 and BH09) were obtained by WYG for laboratory analysis.
254. In relation to groundwater the report confirms that no exceedances of the relevant screening values were identified from the six groundwater samples obtained and that the proposed development is unlikely to pose unacceptable risks to environmental receptors.
255. The Land and Groundwater Team within the RU note that reference is made in the report that the main structures associated with the former petrol filling station at the site may still be present. As a precaution, a condition associated

- with potential historical fuel tanks has been recommended should planning permission be granted.
256. RU concluded based on the information contained within the reports that they were content subject to conditions. This advice is accepted. .
 257. The Councils Environmental Health Unit also provided advice with regards potential impact on amenity and human health by way of noise and lighting for the proposal.
 258. In relation to contamination and in receipt of the reports mentioned above and also commented upon by RU, Environmental Health were content with similar conditions and informatives in this regard.
 259. At the outset Environmental Health also raised issue of potential loss of amenity due to noise and lighting.
 260. Through 8 separate consultations with Environmental Health and a number of amended plans, the final responses in relation to a letter dated 10 June 2019 and accompanying Lighting Reports which identify that the pre-curfew vertical lux values to the south/south-western boundaries of the site adjacent to residential/sensitive receptors are within the requirements of the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E2 (Rural) contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011. The proposed lux levels are therefore acceptable in terms of impact of light spill on the neighbouring properties subject to conditions.
 261. Environmental Health advised that the applicant should liaise with the Petrol Licencing Officer to ensure the proposal meets the requirements set out in the Association for Petroleum and Explosive Atmospheres (APEA) Blue Book 4th Edition. Thereafter, the application should provide an annotated drawing to address the points outlined above.
 262. Environmental Health also noted that the application does not include any external plant. External plant has the potential to impact on amenity with respect to noise, therefore, if external plant is required a subsequent application may be necessary.
 263. A Noise Impact Assessment was received and reviewed and Environmental Health noted that the only external equipment onsite are the fuel pumps and two external refrigeration units, and that the boundary shown as dashed on Drawing 03 date stamped 27 September 2018 is an acoustic barrier.
 264. Conditions in relation to acoustic barriers, hours of operation and hours of activities are recommended.

Conclusions

265. The application is presented with a recommendation to refuse as it is considered that it 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.
266. It is considered that the proposal is contrary to the SPPS and Policy IC 15 of the 'Planning Strategy for Rural Northern Ireland' in that the proposal is not located on the trunk road network and fails to establish a clear indication of need and satisfactory access arrangements.
267. It is also considered that the proposal is contrary to paragraphs 6.279 & 6.280 of the SPPS as it has not been demonstrated that the development will not have an adverse impact on the vitality and viability of existing retail centres in the Council area or that suitable alternative sequentially preferable sites are not available elsewhere.
268. Furthermore the proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would be unduly prominent as the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the development to integrate into the landscape and the proposal would rely primarily on the use of new landscaping for integration.
269. The proposal is also contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted be unduly prominent, would result in a suburban style build-up of development when viewed with existing buildings and would not respect the traditional pattern of settlement exhibited in the area and would therefore result in a detrimental change to the rural character of the countryside.
270. It is considered the proposal is contrary to the SPPS and Policy CTY15 of the Planning Policy Statement 21 Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Moneyreagh and the surrounding countryside and also result in urban sprawl.
271. Furthermore the proposal is contrary to paragraph 4.12 of the SPPS and Policy CTY 16 of PPS 21 - Development Relying on Non Mains Sewerage in that insufficient information in respect of sewage and water quality has been provided to enable the Council to make an informed decision in relation to potential impacts on the environment and amenity.
272. In addition, the proposal is contrary to the SPPS and policy, Policy AMP 2 of Planning Policy Statement 3 - Access, Movement and Parking, in that it would, if permitted, prejudice the safety and convenience of road users since the

proposed access is located in close proximity to a road junction, namely Moneyreagh Road/Hillsborough Road where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.

273. The proposal is also contrary to the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 in that it would not be possible within the application site to provide an access with visibility, in accordance with the standards contained in the Department's Development Control Advice Note 15.
274. Finally, the proposal is contrary to the SPPS and the consequential amendment to Policy AMP 3 of Planning Policy Statement 3 - Access, Movement and Parking, , in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Recommendations

275. It is recommended that planning permission is refused.

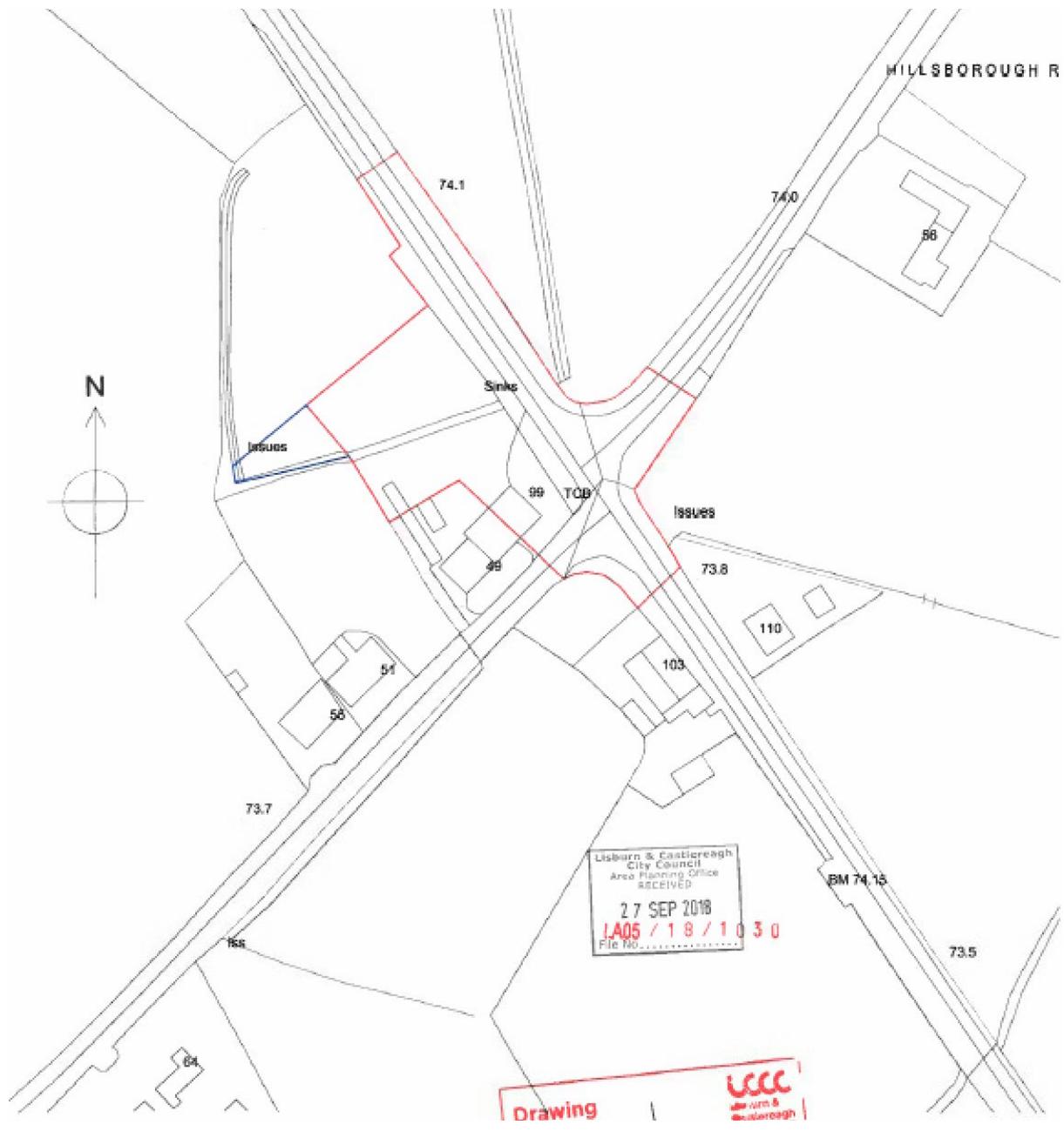
Refusal Reasons

276. The following refusal reasons are recommended:
1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 2. The proposal is contrary to paragraphs 6.279 & 6.280 of the SPPS as it has not been demonstrated that the proposal will not have an adverse impact on the vitality and viability of existing retail centres within the local area or that suitable alternative sites are not available.
 3. The proposed development is contrary to the SPPS and Policy IC 15 of the 'Planning Strategy for Rural Northern Ireland' in that the proposal is not located on the trunk road network and fails to establish a clear indication of need and satisfactory access arrangements.
 4. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would be unduly prominent and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the development to integrate into the landscape

and the proposal would rely primarily on the use of new landscaping for integration.

5. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted be unduly prominent, would result in a suburban style build-up of development when viewed with existing buildings and would not respect the traditional pattern of settlement exhibited in the area and would therefore result in a detrimental change to the rural character of the countryside.
6. The proposal is contrary to the SPPS and Policy CTY15 of the Planning Policy Statement 21 Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Moneyreagh and the surrounding countryside and also result in urban sprawl.
7. The proposal is contrary to paragraph 4.12 of the SPPS and Planning Policy Statement 16, Development Relying on Non Mains Sewerage in that insufficient information in respect of sewage and water quality has been provided to enable the Council to make an informed decision in relation to potential impacts on the environment and amenity.
8. The proposal is contrary to the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to a road junction, namely Moneyreagh Road/Hillsborough Road where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.
9. The proposal is contrary to the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 in that it would not be possible within the application site to provide an access with visibility, in accordance with the standards contained in the Department's Development Control Advice Note 15.
10. The proposal is contrary to the SPPS and the consequential amendment to policy AMP 3 of Planning Policy Statement 3 - Access, Movement and Parking, in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Site Location Plan – LA05/2018/1030/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	09 May 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0800/RM
Date of Application	08 October 2020
District Electoral Area	Downshire West
Proposal Description	12 dwellings and associated works, (including retention of works on site)
Location	6 Lisburn Road, Hillsborough
Representations	Eighteen
Case Officer	Grainne Rice
Recommendation	APPROVAL

Summary of Recommendation

1. Approval of the matters reserved is recommended in that all the relevant conditions of the outline planning permission have been fully and properly addressed in this application and the proposed buildings in terms of their siting, design and external appearance and landscaping will provide for a quality residential environment consistent with the policy tests of QD1 of PPS 7 (insofar as they are related to the matters reserved) and the associated guidance detailed in the Creating Places document.
2. The broad concept agreed at the outline planning application stage is followed by the applicant. The impacts of the proposed layout and general arrangement of the buildings on the amenity of residents living in adjacent residential properties is considered in the context of policy QD 1 of PPS 7 and associated guidance in the Creating Places document. It is accepted on balance that the distance between the existing and proposed buildings is adequate to protect the amenity of residents from the impact of overlooking and overshadowing. None of the proposed dwellings are considered to be overbearing.

3. The details of the proposed access arrangements will also provide for a safe means of access in accordance with the planning condition attached to the outline permission. The detail of the access design is in accordance with policy AMP 2 of PPS3 and the associated design guidance in DCAN 15. The internal road layout and parking arrangements are in accordance with the guidance in the Creating Places document.
4. The detail of the design, material finishes and proposed landscaping has been considered in the context and the detail demonstrates that the proposed development will not adversely affect the setting of a listed building and that the siting and orientation of buildings within the site respects the character of the setting of the building in accordance with the requirements of policy BH11 of PPS 6.

Description of Site and Surroundings

Site

5. The application site is located at 6 Lisburn Road, Hillsborough and formerly comprised the buildings and curtilage of a detached and a field to the front of the property.
6. The site boundaries are comprised of a mixed species hedgerow along the western edge, mixed hedgerow and scattering of mature trees to the south, fencing with a retaining wall and close boarded fence to the north and a retaining wall and palisade fencing to the east.
7. The site is accessed from the Lisburn Road from a private driveway located along the southern boundary of the site.
8. The area surrounding the site is primarily residential in character with the suburban housing developments at Kilwarlin Mews and Marquees Court located to the north of the site.
9. Immediately adjoining the proposed site along the northern boundary are a pair of semi-detached dwellings at 3 and 4 Kilwarlin Mews, three detached dwellings at 1 Marquees Court, 10 Lisburn Road and a 12 Lisburn Road (a grade 1 listed building). Located to the south of the site is a detached dwelling at 4a Lisburn Road.
10. To the rear of the site are playing facilities which serve the Downshire Primary School and the Hillsborough Village Community Centre.
11. The land within the site is sloping increasing in height from the Lisburn Road towards the rear boundary of the site.

Surroundings

12. Beyond the immediate context of the proposed site land is predominantly residential in character and comprised of a variety house types in different sizes of plot. Some in-depth residential development in the local area indicates a changing character as older larger plots are redeveloped.
13. Further to the south towards the centre of the village the land uses are mixed with the Presbyterian Church & Manse, some residential properties and local services such as shops, restaurants and public houses.

Proposed Development

14. This is an application for approval of reserved matters and seeks development of 12 dwellings and associated works in accordance with the concept master plan agreed at the outline application stage.
15. As development is commenced part of the proposed development is retrospective. It is understood that site works have been carried out and building works and at a least one dwelling is constructed.
16. Reports submitted in support of this application include:
 - A Bat Survey Report;
 - Landscape Management Plan; and
 - Drainage assessment
17. The area of the site is 1 hectare and as such the development falls within the scope of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
18. As the development is within Category 10 (B) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017 the Council is obliged under Regulation 12 (1) of these Regulations to make a determination as to whether the application is for EIA development.

It is considered that the planning application does not require to be accompanied by an Environmental Statement and that discrete environmental issues can be assessed through the normal development management process.

19. The Council was first advised that development had commenced on site on 23 June 2001. The developer was made aware any works carried out were at the developers own risk. An amended description of development and updated plans were received to take account and reflect the retrospective elements.

20. This assessment is based on the latest set of amended drawings all of which are considered to be accurate. The main issues to consider in the determination of this planning application are whether:
- Sufficient detail has been submitted to deal with the matters reserved in the outline planning application
 - The submitted plans demonstrate that the proposed scheme when constructed will result a quality residential development.

Relevant Planning History

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

Application Reference	Description of Proposal & Address	Decision
LA05/2017/0218/O	Lands at 6 Lisburn Road, Hillsborough Proposed demolition of existing two storey detached dwelling and erection of thirteen dwellings and associated site works	Approval 20.11.2017

22. The outline permission confirmed the principle of residential development, provided for the demolition of existing two storey detached dwelling and the erection of thirteen dwellings and associated site works in general accordance with an concept drawing.
23. The principle of development is not revisited in this report and the assessment is confined to the detail of matters reserved and whether the detail of the proposal is in accordance with the relevant policies and guidance.

Consultations

24. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
Environmental Health	No objection
NI Water	No objection
NIEA (Natural Heritage)	No objection

Consultee	Response
HED (Built Heritage)	No objection
DfI Rivers	No objection
Conservation Officer	No objection

Representations

25. Representations have been received from the occupiers of the following properties

Date Neighbour Comment Received	Neighbour Address
19/10/2020	1 Marquess Court, Hillsborough, Down BT26 6GB
20/10/2020	12 Lisburn Road, Hillsborough, Down BT26 6AA
21/10/2020	2 Lisburn Road, Hillsborough, Down BT26 6AA
28/10/2020	12 Lisburn Road, Hillsborough, Down BT26 6AA
13/11/2020	Knockeen, 10 Lisburn Road, Hillsborough, Co Down, BT26 6AA
21/06/2021	3 Kilwarlin Mews, Hillsborough, Down BT26 6GY
08/07/2021	10, Lisburn Road, Hillsborough, Down, Northern Ireland, BT26 6AA
02/09/2021	3 Kilwarlin Mews, Hillsborough, Down BT26 6GY
10/09/2021	Nord Anglia International School Dublin, South County Business Park, Leopardstown Dublin 18, Ireland, D18 T672
15/09/2021	No address identified

Date Neighbour Comment Received	Neighbour Address
02/12/2021	1 Marquess Court, Hillsborough, Down BT26 6GB
08/12/2021	3 Kilwarlin Mews, Hillsborough, Down BT26 6GY
12/12/2021	1 Marquess Court, Hillsborough, Down BT26 6GB
06/01/2022	10, Lisburn Road, Hillsborough, Down, Northern Ireland, BT26 6AA
18/01/2022	Nord Anglia International School Dublin, South County Business Park, Leopardstown Dublin 18, Ireland, D18 T672
18/01/2022	12 Lisburn Road, Hillsborough, Down BT26 6AA
19/01/2022	3, Kilwarlin Mews, Hillsborough, Down, Northern Ireland, BT26 6GY
10/03/2022	3, Kilwarlin Mews, Hillsborough, Down, Northern Ireland, BT26 6GY

26. These representations are available to view on the Planning Portal via the following link:

<https://epicpublic.planningni.gov.uk/publicaccess/applicationDetails.do?activeTab=externalDocuments&keyVal=QHVZ4ESV30000>

27. The issues raised in these representations have been considered as part of the assessment of this application. It is not common practice for the officer to provide comment on individual matters of objection.
28. The issues raised by third parties are considered in the assessment of the application with advice sought from relevant consultees as appropriate.

Planning Policy Context

Relevant Policy and Guidance Documents

29. The relevant policy documents are:

- The Strategic Planning Policy Statement (SPPS), published in September 2015,
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage
- Planning Policy Statement 7 – Quality Residential Environments
- Planning Policy Statement (Addendum) – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 15 – Planning and Flood Risk

30. The relevant guidance is:

- Guidance of DCAN 8: Housing in Existing Urban Areas
- Guidance of DCAN 15: Vehicular Access Standards
- Guidance of Creating Places
- Hillsborough Conservation Area booklet
- Parking Standards

Regional Policy Context

31. 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.

32. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.

33. 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.

34. 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.

35. 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.

36. With regard to housing, the SPPS states

that the policy approach must be to facilitate and promote more sustainable housing development within the existing urban area along with the provision of mixed housing development with homes in a range of sizes and tenures.

37. Strategic policy states

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

Natural Heritage

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

39. 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.*

40. 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.*

41. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that

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

- *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.*

42. 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

43. 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.

44. 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.*

45. Paragraph 5.16 of the Justification and Amplification to Policy AMP 2 states that

Development Control Advice Note 15 'Vehicular Access Standards' sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads. DCAN 15 also includes guidance on special requirements for

access onto a Trunk Road. The current standards for access within new residential developments are set out in the 'Creating Places' design guide.

Development Control Advice Note 15 – Vehicular Access Standards

46. 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.

Parking Standards

47. The purpose of this document is to clarify that the guidance contained in Parking Standards will continue to have effect (where relevant) unless and until such guidance is updated, revised or replaced by new Departmental guidance on this planning issue.

48. Paragraph 1 states that

the document sets out the parking standards that the Department will have regard to in assessing proposals for new development. It includes parking standards for residential development previously published in Creating Places – Achieving Quality in Residential Developments.

49. Annex A provides for Residential Parking Standards as follows:

Table 8 - Total number of parking spaces per dwelling required for houses that have in-curtilage parking provision.

No of in curtilage space provided	Dwelling size (bedrooms)	Total no. of parking spaces required per dwelling			
		1	2	3	4
Terrace Houses	1 bed	1.75	2.25		
	2 and 3 bed	2	2.25		
Semi detached houses	3 bed	2.25	2.5	3.25	4.25
	4 bed	2.5	2.75	3.5	4.25
Detached Houses	3 bed	2.5	2.75	3.5	4.25
	4 bed	2.75	3	3.75	4.5

	5 bed	3	3.25	3.75	4.5
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Planning Archaeology and Built Heritage

50. PPS 6 - Planning Archaeology and Built Heritage sets out the Department's planning policies for the protection and conservation of archaeological remains and features of the built heritage.
51. Policy BH 11 - Development affecting the Setting of a Listed Building states that

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

- (a) *the detailed design respects the listed building in terms of scale, height, massing and alignment;*
- (b) *the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and*
- (c) *the nature of the use proposed respects the character of the setting of the building.*

Quality Residential Environments

52. PPS 7 - Quality Residential Environments sets out the Department's planning policies for achieving quality in new residential development.
53. Paragraph 1.18 of the policy states that Creating Places – Achieving Quality in Residential Developments (May 2000) is the principal guide for use by intending developers in the design of all new housing areas.
54. The guide is structured around the process of design and addresses the following matters:
 - the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.
55. Paragraph 1.19 of the policy advises that Development Control Advice Note 8 Small Unit Housing – New Development in Existing Residential provides specific guidance to intending developers on two main areas: the development of brownfield sites in urban areas; and housing development within established residential areas. It is important to note that this advice note is superseded by a revised DCAN 8 – Housing in Existing Urban Areas.

56. Policy QD 1 - Quality in New Residential Development states

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

All proposals for residential development will be expected to conform to all of the following criteria:

- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*
- (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;*
- (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;*
- (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;*
- (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;*
- (f) adequate and appropriate provision is made for parking;*
- (g) the design of the development draws upon the best local traditions of form, materials and detailing;*
- (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and*

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

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

Creating Places – Achieving Quality in Residential Developments

57. Paragraph 8 of the document states

that the guide constitutes supplementary planning guidance and that such a document may be especially relevant in respects such as

- *The design character of the development*
- *The protection of existing trees and other important natural or topographical features*
- *The protection of archaeological remains and historic sites or buildings*
- *Access routes for pedestrians, cyclists, public transport and other vehicles*
- *Requirements for open space provision;*
- *Requirements of the provision of local neighbourhood facilities*
- *Building density or mixture of dwelling types and tenures to be provided*
- *The amount of provision to be made for parking.*

Housing in Existing Urban Areas

58. DCAN 8 - Housing in Existing Urban Areas provides advice which will help to ensure that urban and environmental quality is maintained, amenity preserved, and privacy respected when proposals are being considered for new housing development within existing urban areas.

59. *Paragraph 5 of the advice note states*

that the following detailed design principles need to be considered:

- *creating a safe environment;*
- *clearly defining public and private space;*
- *ensuring adequate privacy and daylight;*
- *providing appropriate garden and amenity open space;*
- *creating an attractive landscape setting;*
- *responding to opportunities created by corner sites;*
- *providing for enhanced public transport, walking and cycling facilities; and*
- *accommodating car parking and determining the appropriate level.*

60. Paragraph 6 states

that proposes for housing in established residential areas need to illustrate that they have taken these design principles into account, clearly demonstrate an appreciation of context and reinforcing local character. This is particularly important in relation to:

- *Building lines;*
- *Boundary treatments*
- *Scale and built form; and*
- *Varied roof lines.*

Planning and Flood Risk

61. 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.

62. 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.

63. 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.*

64. It also states that

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 flood plain, then Policy FLD 1 will take precedence.

65. 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.*

66. Policy FLD 5 Development in Proximity to Reservoirs states

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 of Reserved Matters

67. An application for approval of reserved matters is made in accordance with the conditions of the outline for the reasons detailed in the following paragraphs. .

- **Condition 1 - Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-**
 - i. **the expiration of 5 years from the date of this permission; or**
 - ii. **the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.**

68. This reserved matters application was made to the Council on 24 September 2020 which was before the expiry date of 15 November 2020.

- **Condition 2 - Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.**

69. Information has been received in relation to the siting, design and external appearance of the buildings, the means of access thereto and the landscaping

of the site. It is this detail that is now assessed against the prevailing policy tests specified above.

Siting

70. The proposed site lies within an established residential area. It involves the redevelopment of the proposed site. The site is also located on the outside the Hillsborough Conservation Area which is located to the south of the site but impacts on the sitting. There is a grade 1 listed building located to the north.
71. The buildings are sited broadly in accordance with concept approved at outline stage with the exception that the detailed layout has a pair of semi-detached dwellings located centrally and a detached dwelling at either side.
72. The total number of units proposed is reflective (indeed less than) what was granted at outline however some of the proposed dwellings are larger in footprint.
73. The building line is adhered to and the setting of the listed building is respected. The remainder of the buildings are arranged in standard suburban plots typical of the context.
74. All units have rear gardens above the 70 square metres referred to in Creating Places. By way of example site 9 has 188 square metres site 12 has 232 square metres. The majority of properties have separation distance of more than 10 metres to the common rear boundary with adjacent existing properties, as well as having an adequate front gardens and driveways for in curtilage parking. All of the sites are designed in accordance with the requirements of the Creating Places document.
75. Concerns are expressed by neighbours in relation to the potential impact the building at site 9 has on properties at 3 & 4 Kilwarlin Mews. It is detailed in the objections that the window lanterns in the roof of the sun lounge would be visible above the existing fence at 3 and 4 Kilwarlin Mews creating a visual intrusion during the day and a light intrusion at night.
76. It is further indicated that the relationship between the side elevation of the new dwelling in relation to the existing pair of semi-detached dwellings is dominant and results in a loss of daylight.
77. In consideration of the detail of these objections the gable elevation of the building at site 9 is located 3.93 metres off the boundary fence with the semi-detached dwellings located at 3 and 4 Kilwarlin Mews and is set approximately one to one and a half metres lower than the finished ground level of the neighbouring properties at Kilwarlin Mews.
78. There is no guidance in the Creating Places document that deals with back to side relationships. It is a matter for the planning authority to consider whether significant and demonstrable harm will be caused to the amenity of the existing

residents at Kilwarlin Mews on the basis of the submitted information and observations from the site visit.

79. A contextual elevation and site section clearly shows the extent of the separation between the side elevation and the rear elevation of the sun lounges built to the rear of the pair of semi-detached properties behind.
80. An existing retaining wall with a close boarded fence on the boundary between the site and the existing dwelling extends along the full length of the plot. The only windows in the side gable of site 9 at first floor level are to two en-suite bathrooms and these are shown to be obscurely glazed.
81. The roof lanterns are not at eye level and this is an urban location where there is an expectation that there will be some visual impact associated with the development of land. As there is little or no capacity for someone to look directly into the neighbouring property from the lantern it would be difficult to sustain a refusal of permission solely on the grounds of a loss of visual amenity.
82. There is no overlooking or perception of overlooking into the properties at Kilwarlin Mews from site 9 and a refusal of permission could not be sustained solely on these grounds as there is no overlooking of the private areas of the existing dwellings. Site 9 is also at a lower finished ground level and this assists in mitigating any perceived impact.
83. The submitted street elevation and site also assists in assessing whether the proposed dwelling at Site 9 results in loss of amenity as a consequence of a loss of daylight and sunlight.
84. It has been previously explained there is no guidance that deals with back to side relationships. In this context the height of the building in respect of the levels and the distance between the side elevation of the new dwelling and the rear elevation of the sun lounges to the existing dwellings are all material considerations to be weighed in the assessment.
85. An angle of 25 degrees drawn from eye level at the rear elevation of the sun lounge demonstrates that there is adequate separation distance between the buildings to prevent a loss of daylight and sunlight consistent with the advice at page 65 of the Creating Places document. The difference in level is also a mitigating factor.
86. The Creating Places document does not provide any guidance on the assessment of dominance but given the new building is set down and off the boundary and there is good separation between the boundary and the existing sun lounges (which allows good daylight and sunlight in the rear garden) the gable wall of the dwelling at site 9 is not considered to be dominant and overbearing or to have a significant detrimental impact on the amenity of the neighbouring properties.

87. The detailed layout as submitted is therefore accepted to be in accordance with the requirements of policy QD 1 of PPS7 for the reasons set out above.

Design and external appearance of the buildings

88. The dwellings are two-storey in height and designed with the proportions and massing of suburban houses found in the local context.
89. The buildings have a traditional pitched roof and the materials are natural slate to roofs, render finishes and hardwood painted or aluminium windows to ensure the use of sympathetic materials in the setting of a listed building and the conservation area.
90. The house designs of units 1 & 2 have also been amended to remove the front dormers so that the dwellings present to the Lisburn Road as two storeys consistent with condition 10 on the outline permission.
91. The detailed design and external appearance of the buildings as submitted is accepted to be in accordance with the requirements of policy QD 1 of PPS7 for the reasons set out above.

Means of access

92. In terms of access arrangements, all the proposed dwellings with the exception of one are accessed from a service road along the southern side of the site.
93. DfI Roads has offered no objection in relation to the proposed access arrangements and as such it is accepted that the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic in accordance of policy AMP 2 of PPS 3.
94. The access arrangements can be provided in accordance with published standards and the internal service road is designed to the standards detailed in the Creating Places document.
95. Each dwelling has a minimum of two in-curtilage parking spaces as required in accordance with the guidance set out in the Creating Places document.

Landscaping

96. An updated landscaping plan (Drawing 01N) shows all existing trees and those proposed to be removed and replaced.
97. The plan also provides a comprehensive landscaping proposal for the boundaries and within the application site. Compensatory planting is also proposed in accordance with the requirements of the condition of the outline planning permission.

98. The plan also provides clarity in terms of trees to be retained. The trees numbered 36 and 38 are proposed to be replaced by extra heavy standard, native deciduous trees that will enhance the visual amenity of the area.
99. For the reasons outlined above, it is accepted that the siting, design and external finishes of the proposed dwellings along with the means of access thereto and the landscaping proposed are acceptable and that the development will provide for a quality residential development in accordance with policy QD 1 of PPS 7.
- **Condition 3 - The approved development shall be carried out in accordance with the design concept statement date stamped received on 13th March 2017 or as may be modified by agreement in writing with the Council to achieve similar design objectives.**
100. The design concept drawing submitted at outline provided an indicative layout associated for the development of thirteen dwellings within the site.
101. For the reasons outlined in the preceding paragraphs, it is accepted that the requirements of condition 3 have been met in full and the proposed design, layout and arrangement of the buildings is acceptable.
102. Condition 4, 5, 6, 7 & 8 are relate to roads conditions aimed at ensuring that a satisfactory means of access and adequate parking provision in the interests of roads safety and the convenience of roads users is provided. These conditions are considered together in the paragraphs below:
- **Condition 4 – A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.**
 - **Condition 5 - The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The development shall be in accordance with the requirements of Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.**
 - **Condition 6 - Notwithstanding the provisions of the Planning (General Development) Order (NI) 2011 no garages shall be sited closer than 6.0 metres from the back of the footway or the near edge of a shared surface carriageway.**
 - **Condition 7 - At Reserved Matters Stage parking and servicing shall be in accordance with the requirements of the current published Parking Standards.**

- **Condition 8 – Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.**
103. An appropriately scaled drawing was submitted in accordance with the details on the RS1 form conditioned as part of the outline permission and is agreed by DfI Roads.
104. Private Street details have also been determined by DfI Roads to ensure there is a safe and convenient road system to serve the development in compliance with the provisions of the Private Streets (Northern Ireland) Order 1980.
105. The detail submitted on the site layout drawings demonstrates that adequate provision has been made for parking and circulating of vehicles within the site consistent with policy requirements. Each dwelling has a minimum of two in curtilage parking spaces as required by parking standards.
106. Based on a review of the detail design provided and advice received from DfI Roads, it is considered that policy requirements of AMP 2 of PPS 3 are met in full and that the conditions of the outline planning permission are met.
- **Condition 9 – An updated bat survey to NIEA specifications must be submitted at Reserved Matters.**
107. An update bat survey was submitted in accordance with this condition to enable any potential impacts on wildlife to be considered further to original consultation with NIEA at outline stage.
108. NED acknowledged receipt of the survey report and noted that two bat roosts were identified within the buildings to be removed and as such, a Wildlife Licence must be sought prior to the removal of these buildings.
109. The recommendation from NED was that there shall be no demolition works carried out on the buildings with known bat roosts prior to the granting of a Wildlife Licence. To minimise the impact of the proposal on bats.
110. The planning agent having considered this advice confirmed that the buildings on site had been removed. These actions in the absence of a wildlife licence having been obtain would amount to a wildlife crime.
111. Within the content of the condition, it is considered that an updated bat survey was submitted and as such, the condition has been complied with.
- **Condition 10 – Levels to proposed dwellings shall be as shown on A3 Contextual Elevations, bearing the date stamp 7th June 2017. The dwellings otherwise shall be commensurate with 2 storey format to**

front of site frontage buildings shall be set behind building line of listed building and shall have traditionally pitched roofs.

- **Condition 11 - Materials shall be Natural slate to roofs and hardwood painted or aluminium windows.**
112. Condition 10 and 11 seek to ensure that the proposed development respects the wider setting of the listed building at 12 Lisburn Road which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011 and will be considered together.
113. Advice is sought from Historic Environment Division [HED] and the Council's Conservation Officer as detailed above.
114. HED advised that the current proposal adhered to the requirements of Condition 10 in relation to ridge and eaves level, but that the finished floor levels have not been shown in the submission.
115. In consideration of the advice received from HED, it is considered that the change in finished floor level is not significant and does not alter the overall form, scale and height to the proposed building to the extent it would do harm to the setting of the listed building.
116. The requirements of condition 10 of the outline approval are considered to be met in every other regard in relation to the ridge and eaves level and that a refusal reason on the basis not adhering to the finished floor levels only could not be sustained.
117. HED has offered no objection to the detail of the design and the proposed materials and finishes. As such, the requirement of this condition is met in full.
118. Based on a review of the detail and the advice received, it is considered that the proposal satisfies the requirements of policy BH 11 of PPS6 and that the proposed development will not adversely affect the setting of a listed building.
- **Condition 12 – Landscaping proposal for screening and setting purposes shall be submitted to LCCC with any reserved matters or full application.**
 - **Condition 13 – The existing natural screenings of the site. shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.**
 - **Condition 14 – If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it 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.

- **Condition 15 - No Development shall commence until a landscape management and maintenance plan has been submitted to and approved by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.**
 - **Condition 16 - All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the in accordance with a programme to be agreed with the Council**
 - **Condition 17 - 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.**
119. Conditions 12 to 17 relate to the matters reserved for landscaping in order to ensure that the setting of the listed building is maintained and to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality and will considered together whilst ensuring the successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity
120. With regards to Condition 12, a landscaping plan (Drawing 01N) showing all existing trees on the site and those proposed to be removed and replaced has been submitted.
121. The plan also provides detail of a written planting specifications a schedule of plant and trees and a landscape management plan in accordance with Condition 13.
122. Whilst it is acknowledged that the proposal will result in a loss of existing trees, the proposed site is located outside of the Conservation Area and existing trees are not protected by a Tree Preservation Order. Furthermore the approved concept plan was not definitive about tree retention/removal.
123. NED have been consulted and have no objection to the landscaping subject to a condition that landscaping proposals shall be completed within 6 months of

first use of the development or by the end of the first planting season (November to March).

124. On balance it is considered that adequate explanation is provided to justify the loss of existing trees and that the compensatory planting is acceptable. The details on the landscaping plan would ensure that sufficient planting screening of the site is provided to protect the amenity of neighbouring properties.
125. The matter of the principle of landscaping on the site has been dealt with at the outline stage. Consequently it is considered the submissions accompanying the proposal are in compliance with Conditions 12 to 17 of the outline permission.

Other Matters

Drainage

126. A Pre Development Enquiry is submitted and approved by NI Water to discharge into the existing 250mm diameter NI Water storm sewer on Lisburn Road.
127. This will be attenuated using large diameter pipes and Hydro Brake within the site, and will be restricted to the green field run off rate of 10 l/SHA).
128. Consultation with NIW indicated available capacity for connection to mains public water supply foul and surface water.

Procedural Matters

129. Other matters raised by way of third party representations relate to matters that sit out with assessment of the application for approval of reserved matters. These include an inability to locate any maps or drawings associated with the application on the system and that the planning portal is clunky and slow.
130. Whilst all drawings are available to view on the Planning Portal website, copies of information has been made available on request to assist third parties in understanding the scope and content of the application.
131. Concerns regarding the commencement of works on site have been raised with the view expressed that the developer cannot be allowed to make an unlimited number of applications and that the developer appears to have little regard for the process. Reference is made to potential legal action being taken against the Council for failing to enforce the regulations.
132. As explained earlier in the report, this matter was brought to the attention of the Council in June 2021. An enforcement case was opened and an at risk letter was issued to the developer. The developer was advised that any works carried out were at the developers own risk.

133. An amended proposal description and plans were submitted to address the retrospective elements. It is considered that due process has been followed in this regard.
134. Issues were also raised regarding the neighbour notification process. Internal checks have confirmed that all relevant neighbours have been notified in accordance with the statutory requirement of the Planning (General Permitted Development) Order (NI) 2015.
135. An issue was raised that the dwelling at 3 Kilwarlin Mews was purchased in late 2018 and that the outline initial planning permission for this site was not on the property certificate.
136. This is a matter outside the scope of the application process and something for the third party to discuss with their legal adviser in terms of the conveyancing process.
137. Concern is also raised that the field in front of what was 6 Lisburn Road is not in the development plan. The site is located inside the settlement of Hillsborough and whilst not zoned this does not mean it cannot be developed or redeveloped for housing subject to meeting normal planning and environmental considerations.

Conclusions

138. The assessment above demonstrates that all the relevant conditions of the outline planning permission have been fully and properly addressed in this application and the proposed buildings in terms of their siting, design and external appearance and landscaping will provide for a quality residential environment consistent with the policy tests of QD1 of PPS 7 (insofar as they are related to the matters reserved) and the associated guidance detailed in the Creating Places document.
139. The broad concept agreed at the outline planning application stage is followed by the applicant. The impacts of the proposed layout and general arrangement of the buildings on the amenity of residents living in adjacent residential properties is considered in the context of policy QD 1 of PPS 7 and associated guidance in the Creating Places document. It is accepted on balance that the distance between the existing and proposed buildings is adequate to protect the amenity of residents from the impact of overlooking and overshadowing. None of the proposed dwellings are considered to be overbearing.
140. The details of the proposed access arrangements will also provide for a safe means of access in accordance with the planning condition attached to the outline permission. The detail of the access design is in accordance with policy AMP 2 of PPS3 and the associated design guidance in DCAN 15. The internal road layout and parking arrangements are in accordance with the guidance in the Creating Places document.

141. The detail of the design, material finishes and proposed landscaping has been considered in the context demonstrates that the proposed development will not adversely affect the setting of a listed building and that the siting and orientation of buildings within the site respects the character of the setting of the building in accordance with the requirements of policy BH11 of PPS 6.

Recommendations

142. It is recommended that approval of Reserved Matters is granted.

Conditions

143. The following conditions are recommended:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 5 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

2. The vehicular accesses, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No. C101 Rev. N, bearing the LCCC Planning Office date stamp 01 November 2021 prior to the occupation of dwellings hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradients shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. C101 Rev. N, bearing the DfI Roads determination date stamp 13 December 2021.

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

5. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no. C101 Rev. N, bearing the date stamp 01 November 2021, to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking within the site.

6. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

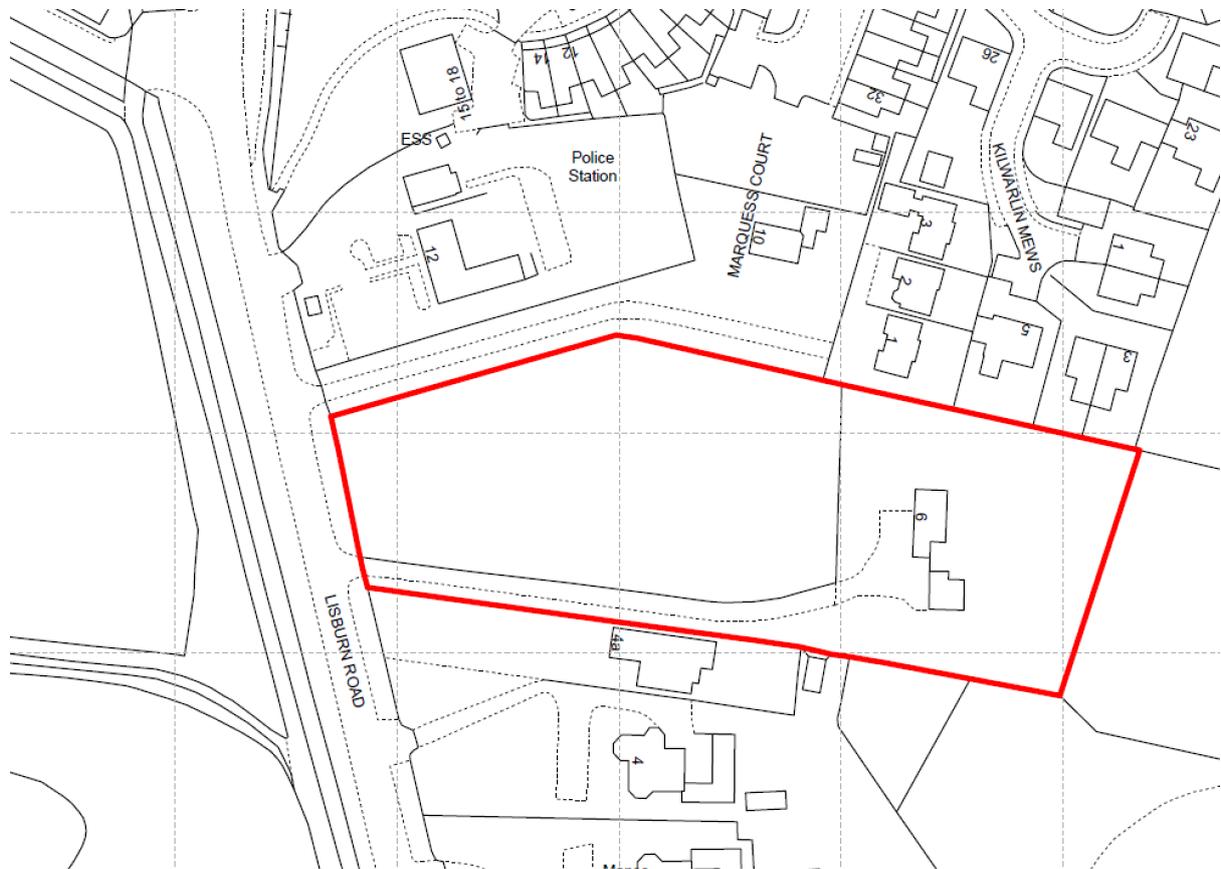
7. No dwelling(s) shall be occupied until that part of the service road, which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of (each phase / the development).

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

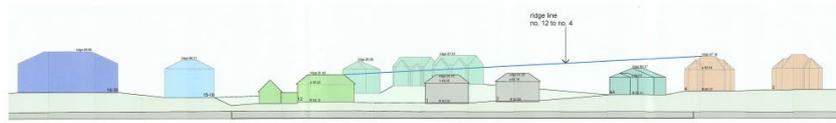
8. All landscaping shall be as detailed on Landscape Proposals planning drawing date stamped 04th January 2022 and the planting scheme shall be completed within 6 months of first use of the development, or by the end of the first planting season (November to March) whichever is sooner

Reason: to ensure that the landscaping is appropriate to the setting of the listed buildings, in compliance with PPS6 BH11 & SPPS para 6.12.

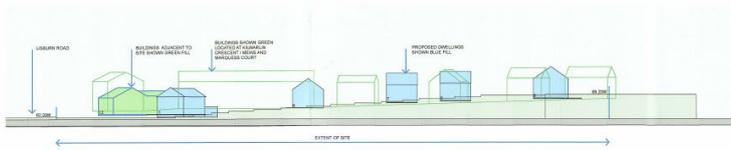
Site Location Plan – LA05/2020/0800/RM



Site Context Map – LA05/2020/0800/RM



LISBURN ROAD CONTEXT ELEVATION



SITE CONTEXT SECTION



LISBURN ROAD CONTEXT MAP

Client: BARRY LYONS/BOGO	MOOREHEAD ARCHITECTS
Project: LISBURN ROAD/SHILLBROUGH	Architect: MOOREHEAD ARCHITECTS
Drawing: PROPOSED CONTEXT ELEVATIONS AND PLAN	Scale: 1:100
Scale: ELEVATIONS 1:500 MAP 1:1000	Date: 11.10.2020
Project No: 2119/19	Rev: 01/08/2020



Planning Committee

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 2 - Planning Statistics for Quarter 3 (October to December 2021)

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 DfI published the Northern Ireland Planning Statistics covering the third quarter of 2020/21 on Thursday 31 March 2022.
2. The Bulletin provides an overview of planning activity across Northern Ireland and a summary of 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.

3. A copy of the bulletin and the documents used to collate the report can be accessed via the link:

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2021>

4. As standard, the Bulletin provides information on the overall planning activity, Departmental activity, activity in respect of major and local developments, compliance and enforcement and renewable energy.
5. Two hundred and forty seven local applications were received by LCCC in Q3 with two hundred and twenty five decisions issued during the same period.
6. The average processing times for local applications across Northern Ireland was 18.4 weeks for Q3. Average processing times for local applications in LCCC during Q3 was 17.0 weeks which represents an improvement of 4.8 weeks compared with previous year.
7. For the year to date, seven hundred and eighty four local applications were received (April – December) with six hundred and eighty two decisions issuing in the same period.
8. Members should note that there is now a slight backlog in applications as a consequence of ongoing issues with the operation of the Planning Portal which has experienced software failures repeatedly over a three week period in January 2022 and issues specific to a number of the recent judicial review challenges.
9. Four Major Applications were received by LCCC in Q3 with three major decisions issuing during the same period. Average processing times for major applications during Q3 was 120 weeks.
10. As explained previously, there has been little opportunity to perform against the statutory target for major applications as a number of proposals brought forward were subject to Section 76 planning agreements. However Members will note that the actual planning determination comes many weeks ahead of the Section 76 agreement. It is also worth noting the requirement to change the Council's Standing Orders as a result of the Hartlands Case which impacts on the turnaround time for a minority of the applications. In respect of the latter a proposal will come forward through Corporate Services in due course.
11. For the year to date, five major applications have been received (April – December) with six decisions issued in the same period. There remains a focus on processing major applications.

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 given 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 – Planning Statistics for Quarter 3 (October – December 2021)****HAS IT BEEN SUBJECT TO CALL IN TO DATE?**

No

If Yes, please insert date:



Northern Ireland
Statistics and Research Agency
Gníomhaireacht Thuaisceart Éireann
um Staitisticí agus Taighde



Department for
Infrastructure

An Roinn
Bonneagair

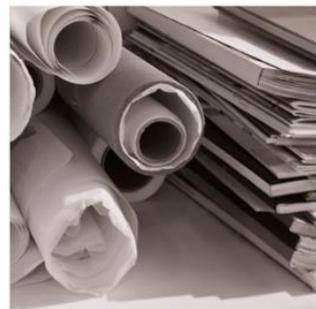
www.infrastructure-ni.gov.uk

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NORTHERN IRELAND PLANNING STATISTICS

Third Quarter 2021/22 Statistical Bulletin

October to December 2021: Provisional Figures



Theme: People and Places
Coverage: Northern Ireland
Frequency: Quarterly
Date of Publication: 31 March 2022

Published by: Analysis, Statistics &
Research Branch
Department for Infrastructure
Room 4.13c, Clarence Court
Adelaide Street, Belfast, BT2 8GB

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Any enquiries regarding this document should be sent to us at ASRB@nisra.gov.uk.

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 in 2020/21 and the first three quarters of 2021/22 were impacted by the restrictions put in place due to the coronavirus pandemic. This should be borne in mind and caution should be taken when interpreting these figures and when making comparisons with other time periods.**
- There were 3,163 planning applications received in Northern Ireland (NI) during the third quarter of 2021/22; a decrease of nearly five percent on the previous quarter and down by nearly twelve percent on the same period a year earlier. This comprised 3,132 local, 30 major and one regionally significant application.
- In the third quarter of 2021/22, 3,238 planning applications were decided upon; down by nearly one percent from the previous quarter but up by over eight percent from the same period a year earlier. Decisions were issued on 3,206 local and 32 major applications during the most recent quarter.
- The average processing time for local applications brought to a decision or withdrawal during the first nine months of 2021/22 was 16.8 weeks across all councils. This exceeds the 15 week target and represents a decrease of 1.0 week from the same period a year earlier. Three of the 11 councils were within the 15 week target after the first nine months of 2021/22.
- The average processing time for major applications brought to a decision or withdrawal during the first nine months of 2021/22 was 55.9 weeks across all councils. This represents a decrease of 5.9 weeks compared with the same period a year earlier but is still considerably higher than the 30 week target.
- Across councils over 70% of enforcement cases were concluded within 39 weeks during the first nine months of 2021/22. This meets the statutory target of 70% and represents an increase from the rate reported for the same period in 2020/21 (69%). Individually, eight of the 11 councils were within target after the first nine months of 2021/22.

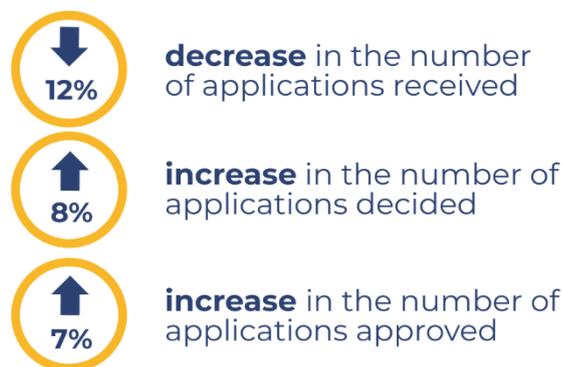
Planning activity and processing performance during 2020/21 and the first three quarters of 2021/22 were impacted by the restrictions put in place the coronavirus pandemic. This should be borne in mind when interpreting these figures or making comparisons with other periods.

Overall planning applications

Applications received, decided & approved



Comparing Q3 2021/22 with Q3 2020/21:

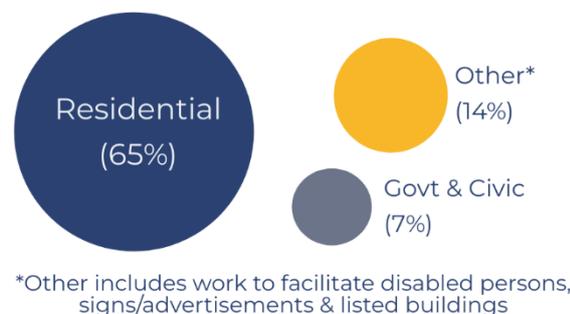


Applications received Q3 2021/22

A total of **3,163** planning applications were received during Q3 2021/22:



3 largest development types

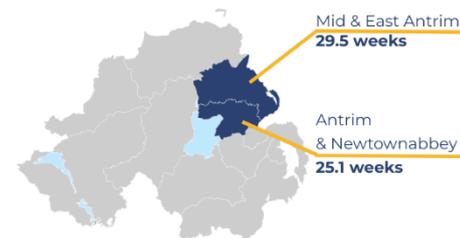


Planning statutory targets April - December 2020 and 2021

Average processing times (weeks) - major



Councils within major target



Average processing times (weeks) - local



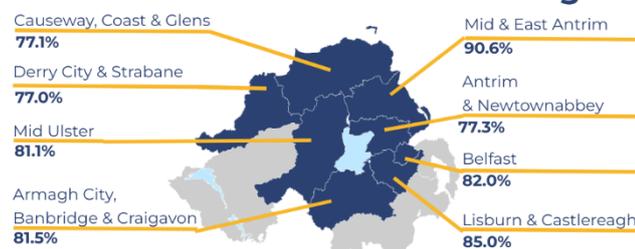
Councils within local target



% of enforcement cases concluded within 39 weeks



Councils within enforcement target



Northern Ireland Planning Statistics: Third Quarter 2021/22 Statistical Bulletin

Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure during the third quarter of 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 the third quarter of 2021/22, the detailed tables also include comparable data from previous periods. Commentary will be mainly focussed on changes over the last quarter and comparing the current quarter with the same period a year earlier. Please note that these quarterly figures for 2021/22 are provisional and will be subject to scheduled revisions ahead of finalised annual figures, to be published in July 2022.

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 finalised annual report for 2021/22 is due to be published in July 2022. 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. 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) has published [an action plan](#), detailing how and by when these requirements were met. This includes a forward work plan which outlines scheduled work and further developments over the coming years, and this will be updated on an ongoing basis.

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 April 2022 and it is anticipated that the new system will be phased into operation in summer 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 one council has chosen to move forward independently and develop their own system. ASRB have held initial discussions with this council and will continue to engage to try and ensure that this system continues to 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 edition of this report, 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 October 2021 to 31 December 2021.

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 have continued to be in place up to December 2021.

Planning activity and processing performance has been impacted by these restrictions but in the last nine months the number of planning applications received and decided has exceeded activity levels recorded for the same period in 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 the first three quarters of 2021/22 when compared to the same period in 2020/21, there has been a notable reduction during the last two quarters in the number of planning applications received and enforcement cases opened. Therefore caution should continue to be taken when interpreting figures and when making comparisons with other time periods.

The ongoing impact of the coronavirus pandemic will continue to be assessed in future Northern Ireland Planning Statistics reports.

The data for this report were collected while 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

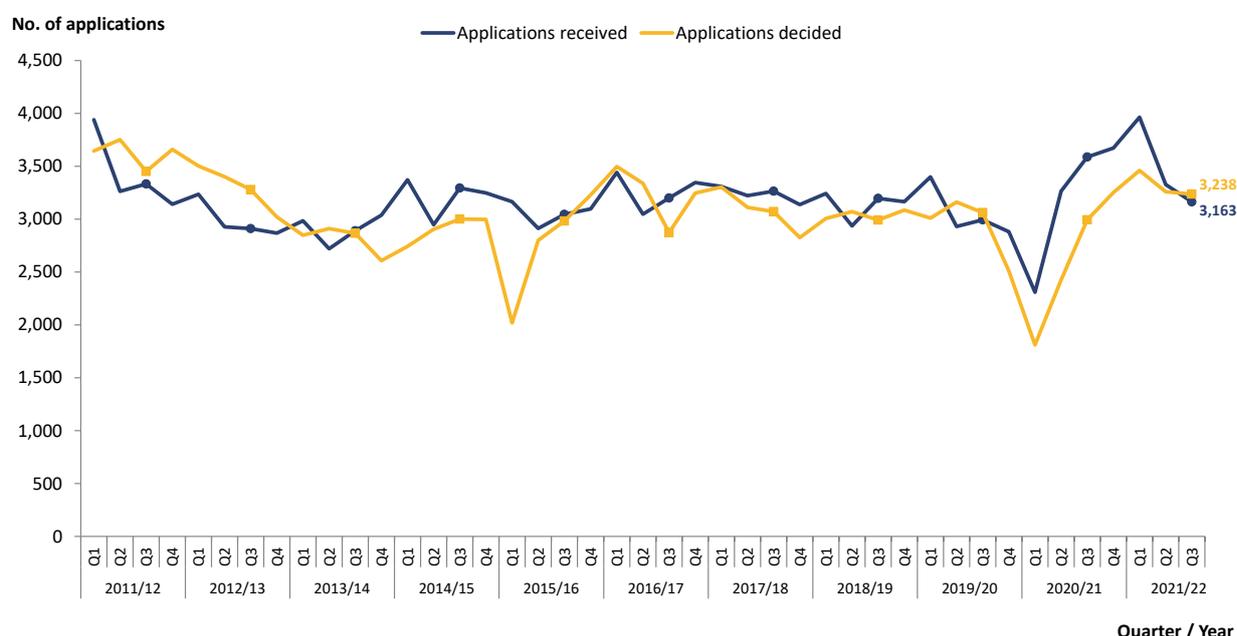
The volume of planning applications received in the third quarter of 2021/22 has decreased from the previous quarter and from the same period last year. For applications processed (i.e. decided or withdrawn) the volume processed has decreased slightly from the previous quarter but remains higher than the levels that were recorded during the same period the previous year when the effects of the coronavirus and associated restrictions were most significant.

The pandemic continues to have an impact on planning activity and processing performance which is evident from the information presented in this report (for the first nine months of 2021/22) and the regular feedback received from planning authorities. **Caution should continue to be taken when interpreting these figures and when making comparisons with other time periods.**

Applications received

The number of planning applications received in Northern Ireland (NI) by councils and the Department in the period October to December 2021 (Q3) was 3,163; decreases of 4.9% on the previous quarter (3,327) and 11.8% on the same period a year earlier (3,587). ([Figure 1.1](#)). [Refer to Table 1.1](#).

Fig 1.1 NI planning applications, quarterly, April 2011 to December 2021



During Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, the number of applications received was 2,309. This was the lowest number received in any quarter since the series began in April 2002. The following four quarters recorded consecutive increases peaking in Q1 2021/22. The number of planning applications received decreased in Q2 2021/22 with a further decrease recorded in Q3.

Just under three-quarters of the planning applications received in Q3 2021/22 were for full planning permission (74.7%); down over the quarter (75.7%) and same period a year earlier (76.1%).

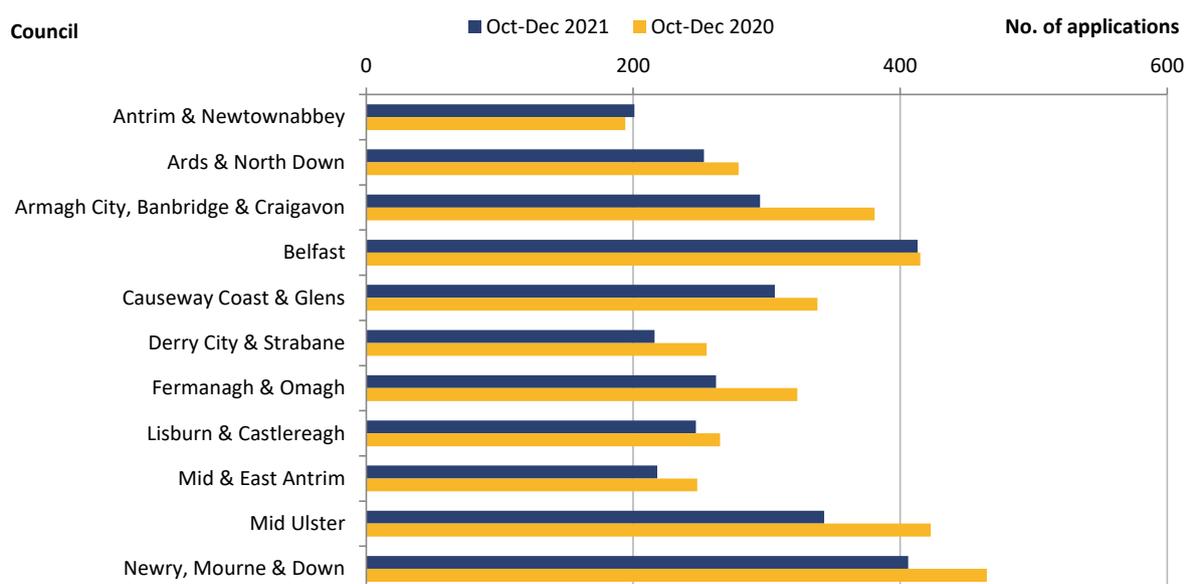
In Q3 2021/22, the number of planning applications received varied across councils, ranging from 413 in Belfast (accounting for 13.1% of all applications received across NI) to 201 in Antrim and Newtownabbey (6.4% of all applications received).

Eight councils reported a decrease in the number of planning applications received in Q3 2021/22 compared with the previous quarter, with the decrease greatest in Derry City and Strabane (-24.2%). Three councils reported an increase over the quarter with the increase greatest in Belfast (7.0%).

Comparing Q3 in 2021/22 with the same period in 2020/21, ten councils reported a decrease in the number of applications received, with the greatest decrease reported by Armagh, Banbridge and Craigavon (-22.6%). Antrim and Newtownabbey were the only council to report an increase over the same period (3.6%) ([Figure 1.2](#)).

[Refer to Tables 1.1, 1.2, 5.6.](#)

Fig 1.2 Applications received by council, October to December 2020 & 2021



Applications decided

The number of planning **decisions issued** during Q3 2021/22 was **3,238**; down by 0.7% on Q2 2020/21 (3,260) but up by 8.1% when compared with the same period a year earlier (2,994) ([Figure 1.1](#)).

Over three quarters of planning decisions in Q3 2021/22 (76.9%) were for full planning permission; this was down over the quarter from 79.0% but similar to the same period a year earlier (77.0%).

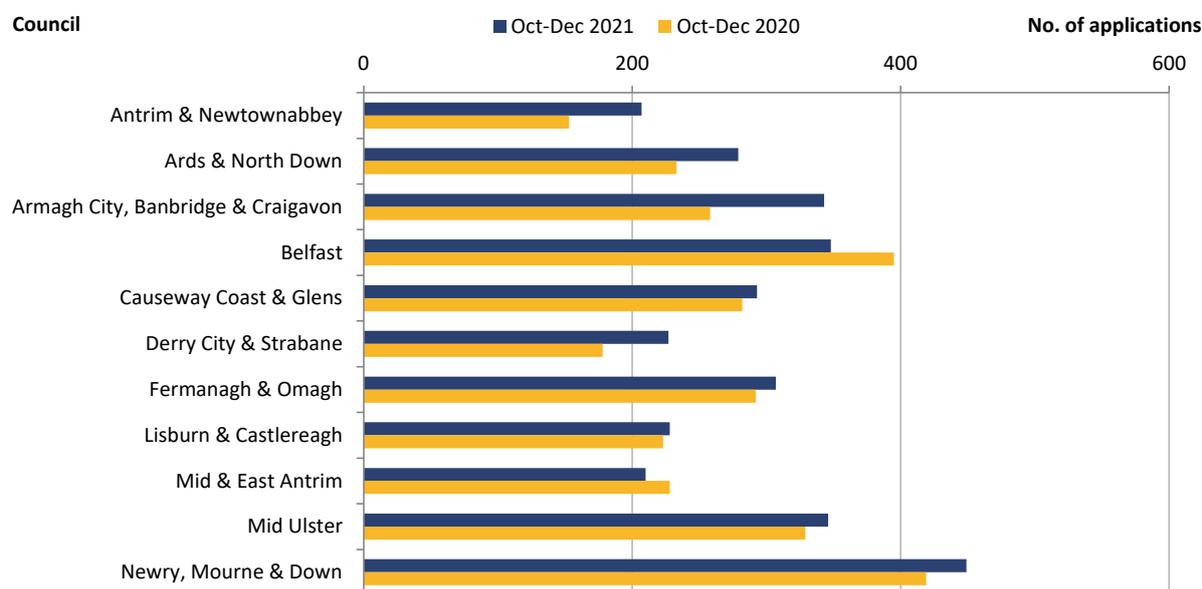
Across councils the number of decisions issued during Q3 2021/22 ranged from 449 in Newry, Mourne and Down (accounting for 13.9% of all decisions across NI) to 207 in Antrim and Newtownabbey (6.4% of all decisions).

During Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, the number of applications decided was 1,811. This was the lowest number decided in any quarter since the series began in April 2002. During the following four quarters, however, there were consecutive increases in the number of applications decided, with the 3,460 decided in Q1 2021/22 the highest number reported for any quarter since Q1 2016/17. There number of decisions issued declined during the latest two quarters with 3,238 decisions being issued in Q3 2021/22. [Refer to Table 1.1.](#)

Six of the 11 councils reported a decrease in the number of applications decided in Q3 2021/22 compared with the previous quarter, with the decrease greatest in Antrim and Newtownabbey (-21.3%). The number of decisions issued increased over the quarter in five councils, with the largest increase reported in Armagh City, Banbridge and Craigavon (27.4%).

Comparing Q3 in 2021/22 with the same period in 2020/21, nine councils reported an increase in the number of applications decided, with the highest percentage increase recorded in Antrim and Newtownabbey (35.3%). Two councils reported a decrease over the same period with Belfast reporting the largest decline (-11.9%). ([Figure 1.3](#)).

Fig 1.3 Applications decided by council, October to December 2020 & 2021



The number of applications received exceeded the number of decisions issued in four out of the 11 councils during Q3 2021/22.

In Q3 2021/22, **173** applications were **withdrawn**; a decrease of 16.9% on the previous quarter (148) but up by 17.7% when compared with the same period a year earlier (147).

Overall, the number of applications processed (i.e. decided or withdrawn) in Q3 2021/22 was 3,411; similar to the previous quarter (3,408) but up by 8.6% when compared with the same period a year earlier (3,141).

[Refer to Tables 1.1, 1.2, 5.6.](#)

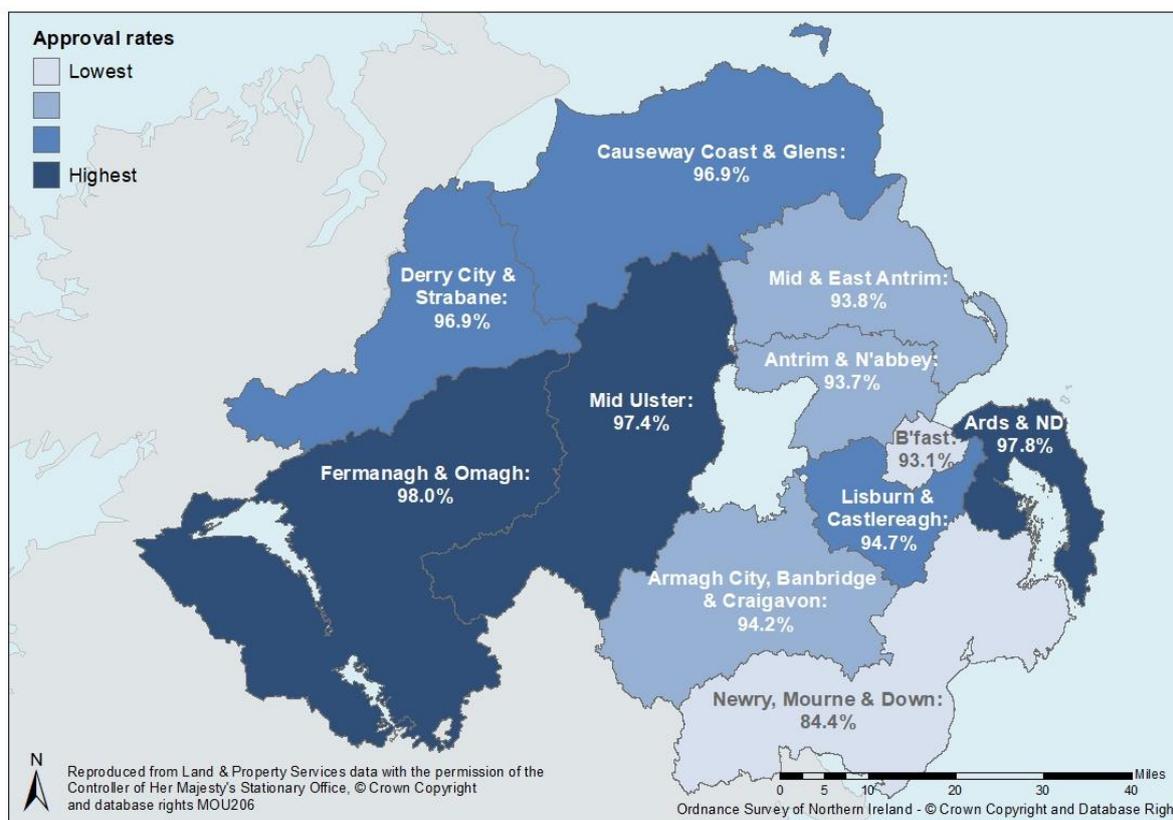
In addition to processing applications, planning authorities deal with a range of other planning related work. For example, during Q3 2021/22 they processed to decision or withdrawal: 270 certificates of lawfulness; 248 discharge of conditions; 112 non-material changes; and 69 tree preservation orders. 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 **94.2%** in Q3 2021/22; a decrease from the rates reported for the previous quarter (95.5%) and for the same period a year earlier (95.3%). [Refer to Table 1.1.](#)

Approval rates varied across councils during Q3 2021/22, from 98.0% in Fermanagh and Omagh to 84.4% 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, October to December 2021



In Q3 2021/22 eight councils reported a decrease in approval rate when compared with the same period a year earlier (Q3 2020/21), with the largest decrease occurring in Mid and East

Antrim (down from 97.4% to 93.8%). Approval rates increased over this period in the remaining three councils, with Causeway Coast and Glens (up from 95.0% to 96.9%) reporting the largest decrease. [Refer to Table 1.2.](#)

Live applications

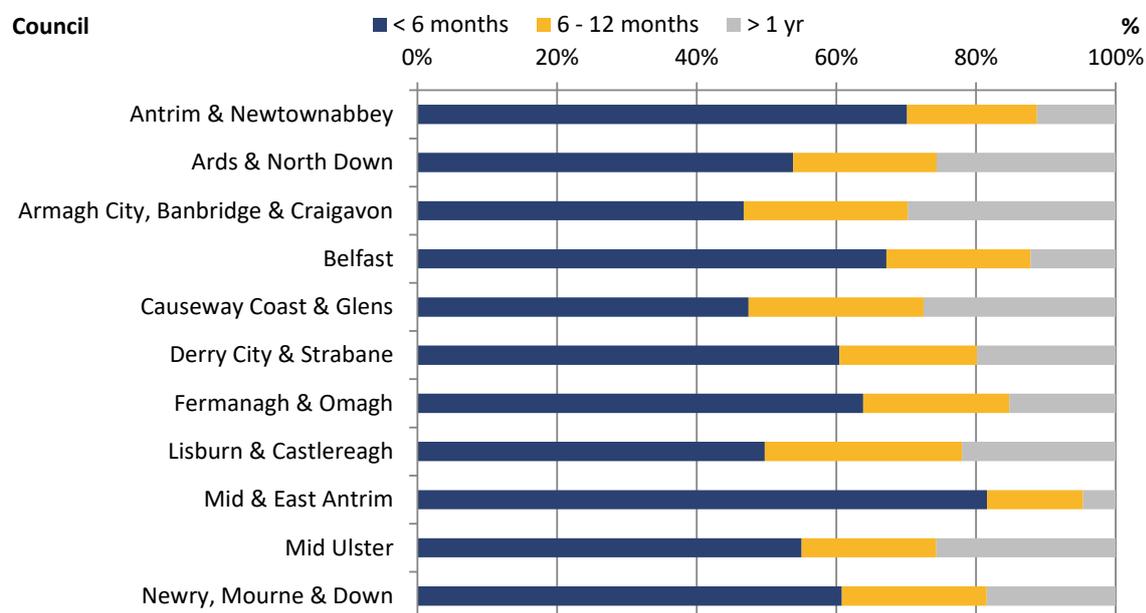
There were 8,200 live applications in the planning system across NI at the end of December 2021; an increase of 2.8% from 7,978 at the end of December 2020, but a decrease of 2.9% from 8,448 at the end of the previous quarter.

An 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. The increase in the live count over the year suggests that the coronavirus pandemic and resulting restrictions have had a greater impact on the ability of planning authorities to process applications, alongside the high volume of applications being received in recent quarters.

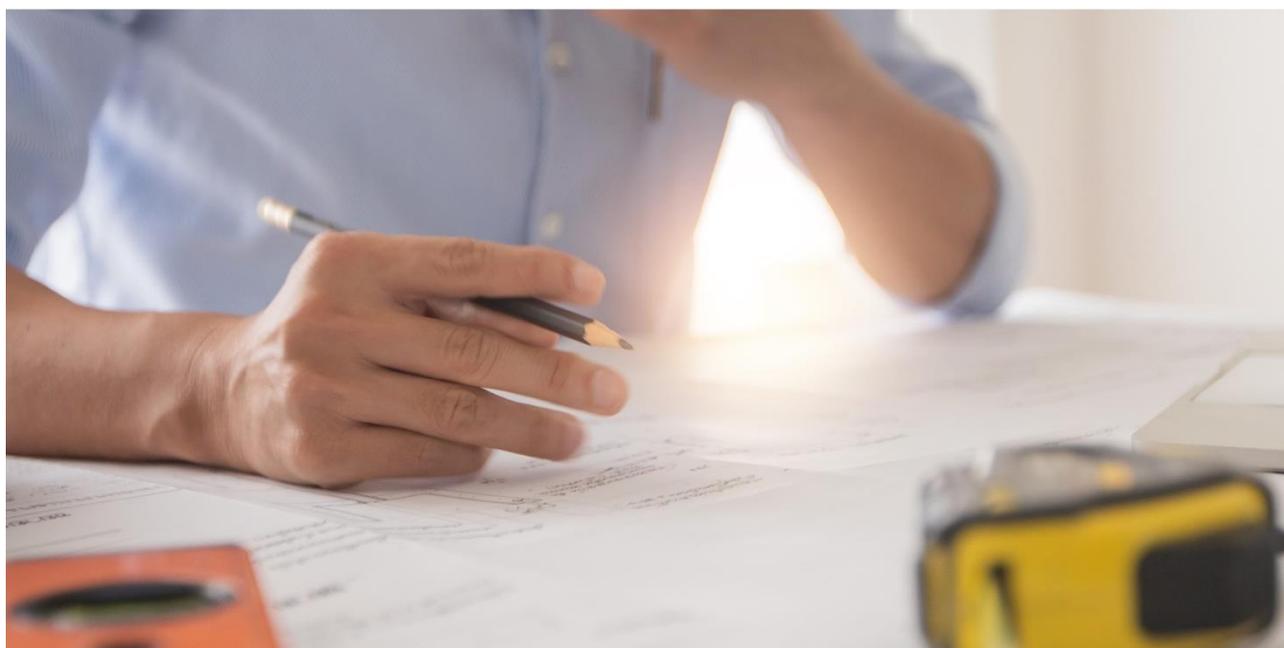
Over one-fifth of all live applications in the planning system at the end of December 2021 were over one year old (21.6%); a slight increase from the proportion reported for the end of December 2020 (19.9%). [Refer to Table 1.3.](#)

The proportion of live applications over one year old at the end of December 2021 varied across councils, ranging from 29.8% in Armagh City, Banbridge and Craigavon to 4.7% in Mid and East Antrim ([Figure 1.5](#)).

Fig 1.5 Live applications by council & time in the planning system at end of December 2021



Comparing the end of December 2021 with the same point a year earlier, the proportion of live cases in the system for over a year increased across six councils, with the increase greatest in Antrim and Newtownabbey (up from 5.1% to 11.3%) and Armagh City, Banbridge and Craigavon (up from 23.7% to 29.8%). The remaining five councils reported a decrease in the proportion of live cases over the year with the decrease greatest in Mid and East Antrim (down from 9.9% to 4.7%). [Refer to Table 1.4.](#)



Chapter 2: Departmental activity

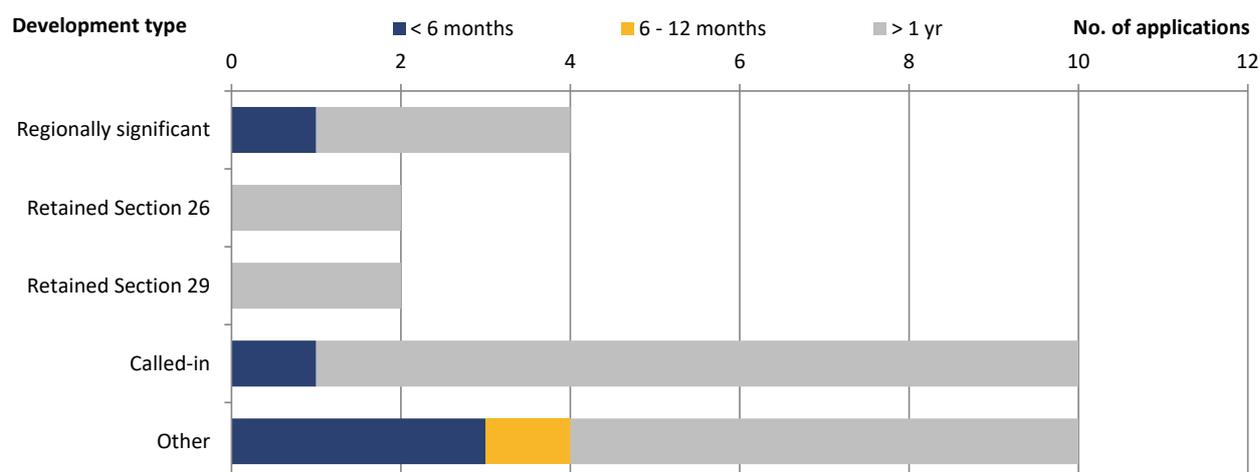
Chapter 2: Departmental activity

Departmental planning activity

During Q3 2021/22 there were four applications received by the Department. There was one application received during the previous quarter and three during the same period a year earlier. The Department reached a **decision** on one 'Other' application during the third quarter of 2021/22, with the application being approved. This compares to two decisions during the previous quarter and four decisions during the same period a year earlier, with five out of these six decisions approvals. There was no applications **withdrawn** during Q3 2021/22.

At the end of December 2021 there were 28 live Departmental applications: **four** ongoing RSD applications; **four retained** applications; **10 called-in** applications; and **10 other** applications. The vast majority of these applications (22 out of 28) were in the planning system for over a year at the end of December 2021 ([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 December 2021



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 December 2021, 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

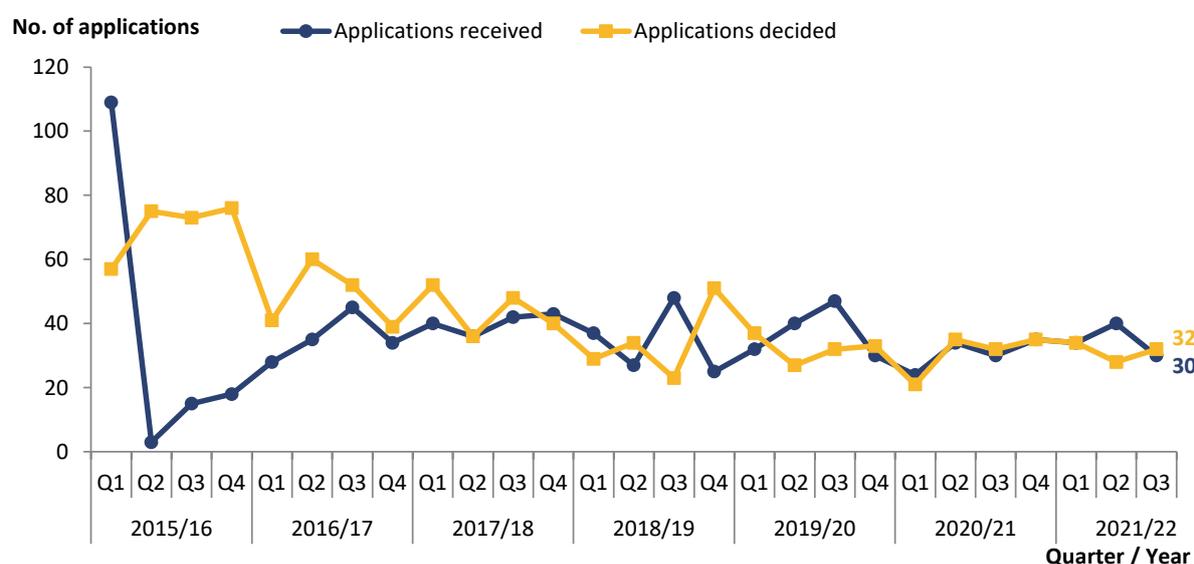
Chapter 3: Major development planning applications

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 **30 major** planning applications were **received** in NI during Q3 2021/22; down from the previous quarter (40) but the same as Q3 2020/21 (30) ([Figure 3.1](#)).

Fig 3.1 Major development applications, quarterly, April 2015 to December 2021



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.

Q2 2015/16 had the lowest number of major applications received across the whole series but this can be attributed to the introduction of the community consultation requirement. From Q3 2015/16, the number of major applications received steadily increased quarter-on-quarter until Q3 2016/17. Since then, the number of major applications received each quarter suggests something of a levelling out, with some quarterly fluctuations over the last five years.

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 has subsequently been extended until 31 March 2022¹.

¹ For more information, see the [Departmental website](#).

Eight councils received major planning applications during the third quarter of 2021/22, with Belfast receiving the most (nine).

Major applications decided

During Q3 2021/22, **32 major** planning applications were **decided**; up from 28 decided in the previous quarter and the same as the number decided during the third quarter of 2020/21 (32) ([Figure 3.1](#)). There was one major applications **withdrawn** during the Q3 2021/22.

Ten councils issued decisions on major applications during Q3 2021/22, with Belfast issuing the most (ten).

Thirty-one of the 32 major applications decided upon in NI during Q3 2021/22 were approved, meaning the overall approval rate was 96.9%. Of the ten councils that issued decisions on major applications during the quarter; in nine of these, 100% of the major applications decided upon were approved. [Refer to Tables 3.1, 3.2.](#)

Major planning applications statutory target

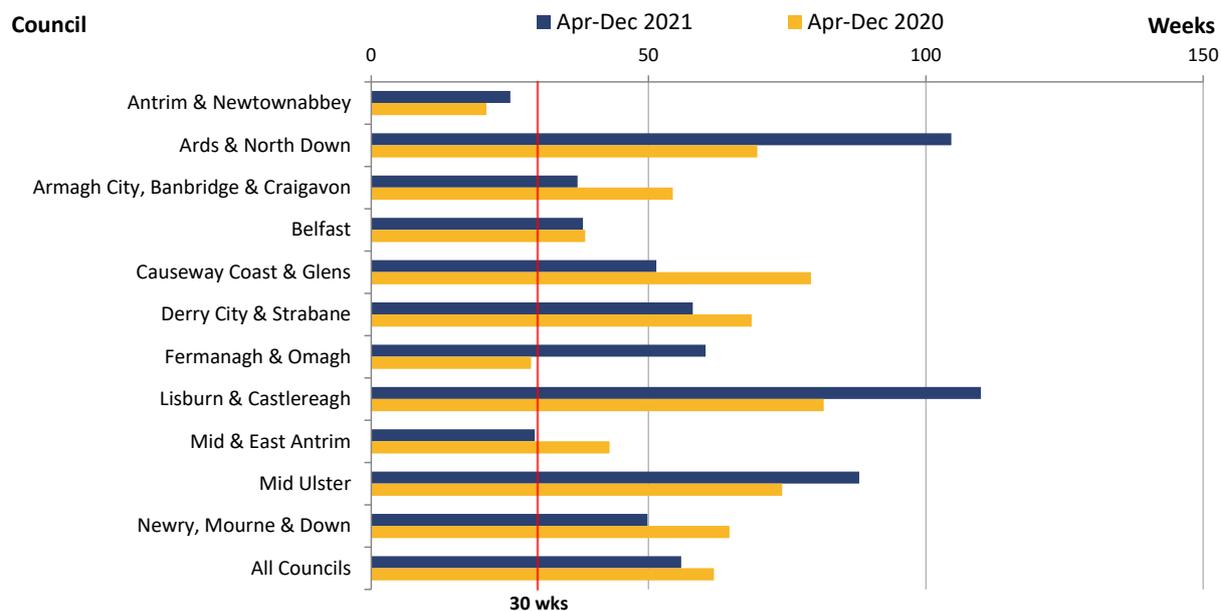


It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.

[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 the first nine months of **2021/22** was **55.9 weeks** across all councils. This represents a decrease of 5.9 weeks compared with the same period in 2020/21 (61.8 weeks) and is considerably higher than the 30 week target.

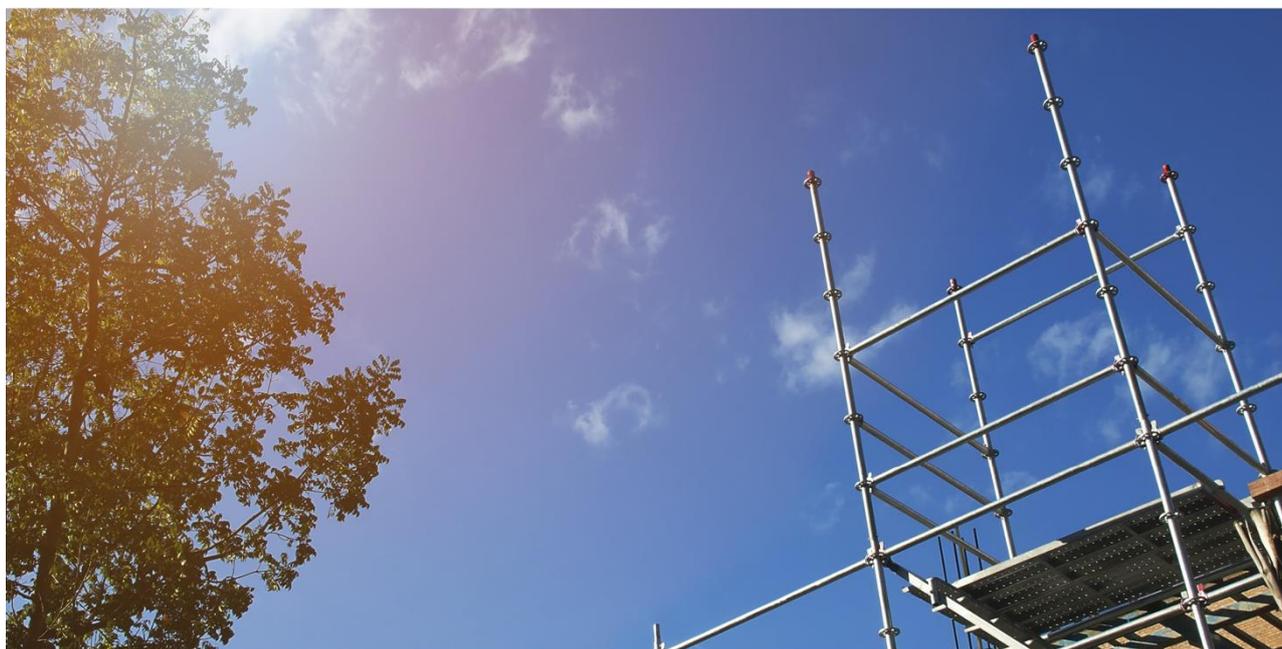
Whilst [Figure 3.2](#) below has been provided for completeness, across councils there was an insufficient number of major applications processed to decision or withdrawal during the first nine months of both the current and previous year to allow any meaningful assessment of their individual performance. Comparison against the target and across councils becomes more robust as the year progresses, with more applications being processed. With this in mind, two councils were within the 30 week target time in the first nine months of 2021/22, Antrim and Newtownabbey (with an average of 25.1 weeks across 6 applications) and Mid and East Antrim (with an average of 29.5 weeks across 6 applications).

Fig 3.2 Major development average processing times by council, April to December 2020 & 2021



[Refer to Table 3.2 for further information.](#)

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 Q3 2021/22 was **3,132**; a decrease of 4.7% on the previous quarter (3,287) and down by 11.9% on the same the same period a year earlier (3,557) ([Figure 4.1](#)).

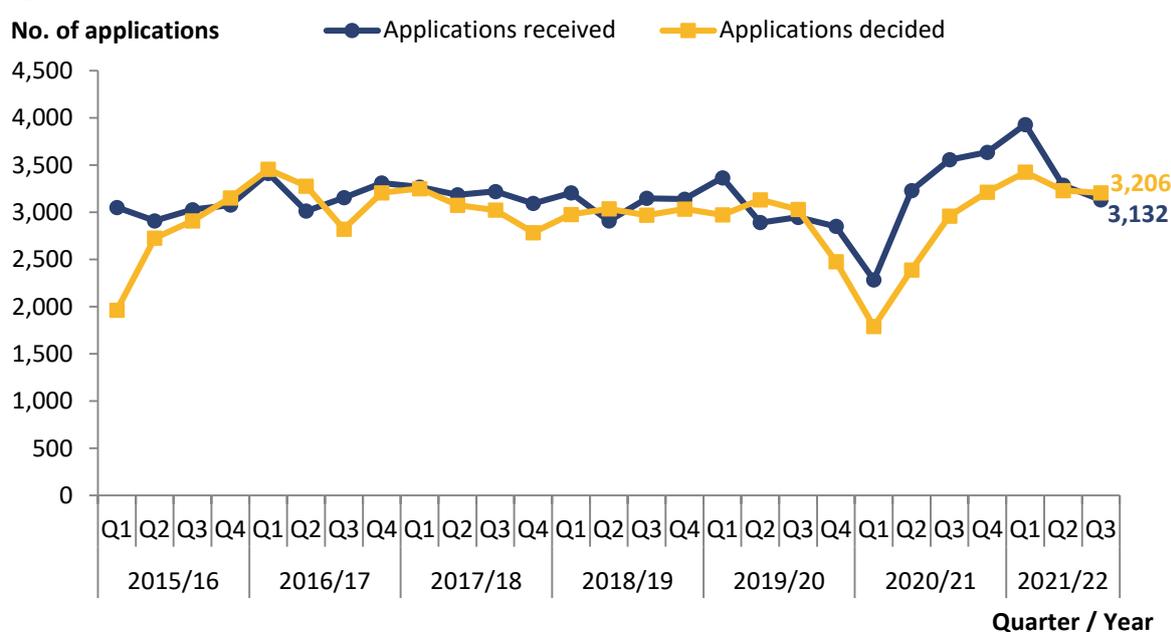
Local applications received

In Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, the number of local applications received was 2,284. This was the lowest number received in any quarter since the transfer of planning powers. During the following four quarters there were consecutive increases in the number of local applications received, with the 3,930 received in Q1 2021/22 the highest quarterly total since transfer. The number of local applications received in the most recent two quarters reported have declined from this peak. [Refer to Table 4.1](#).

Across councils the number of local applications received during Q3 2021/22 ranged from 406 in Newry, Mourne and Down to 199 in Antrim and Newtownabbey.

Seven councils reported a decrease in the number of local applications received in Q3 2021/22 compared with the previous quarter. The decrease was greatest in Derry and Strabane, where the number of local applications received was down by nearly one quarter (24.6%). Over the same period three councils reported an increase with the largest increase reported in Belfast (8.3%). There was no change in Mid and East Antrim over the quarter.

Fig 4.1 Local development applications, quarterly, April 2015 to December 2021



Comparing Q3 in 2021/22 with the same period in 2020/21, ten councils reported a decrease in the number of local applications received, with the largest decrease reported in

Armagh, Banbridge and Craigavon, where the number of local applications received was down by nearly one quarter (23.2%). Antrim and Newtownabbey were the only council to report an increase over the same period (4.2%)

Local applications decided

The number of **local** applications **decided** in Q3 2021/22 was **3,206**; down by 0.8% on Q2 2021/22 (3,232) but up by 8.3% compared with the same period a year earlier (2,961). Refer to [Figure 4.1](#).

In Q1 2015/16, immediately following the transition of planning functions to councils, the number of local applications received was much higher than the number of decisions made. In 2016/17 this gap narrowed substantially. From Q3 2016/17 the number of local applications received has generally exceeded the number decided. Since the start of the coronavirus pandemic the gap between the numbers received and decided has been wider than any quarter since Q1 2015/16, suggesting that the pandemic and resulting restrictions have had a greater impact on the ability of planning authorities to issue decisions on local applications. During Q2 2021/22 the gap between the number of applications received and decisions made lessened considerably. In the most recent quarter, for the first time since Q3 2019/20 the number of applications decided (3,206) has exceeded the number of applications received (3,132) during the same period. ([Figure 4.1](#)).

During the third quarter of 2021/22 the number of local planning decisions issued across councils ranged from 446 in Newry, Mourne and Down to 206 in Antrim and Newtownabbey.

Six of the 11 councils reported a decrease in the number of local applications decided in Q3 2021/22 compared with the previous quarter, with the decrease greatest in percentage terms in Antrim and Newtownabbey (-20.8%). In the remaining five councils the number of decisions issued on local applications increased over the same period, with the greatest increase in Ards and North Down (up 27.1%).

Comparing Q3 in 2021/22 with the same period in 2020/21, nine of the 11 councils reported an increase in the number of local applications decided, with the increase greatest in Armagh City, Banbridge and Craigavon (36.4%). Two councils reported a decrease over the same period, with the decline greatest in Belfast (-12.4%).

In Q3 2021/21, **172** local applications were **withdrawn**; an increase of 16.2% on the previous quarter (148) and up 17.8% when compared with the same period a year earlier (146).

The **overall Northern Ireland approval rate** for **local** applications was **94.1%** in Q3 2021/22; a decrease from the rates reported for the previous quarter (95.5%) and for the same period a year earlier (95.3%).

[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 the most recent quarter (Q3 2021/22) was 18.4 weeks, this is up over the quarter from 16.2 weeks, and up when compared to the same period the previous year (17.0 weeks). With exception of Q2 2020/21 this is the highest quarterly processing time for local applications since 2015/16.

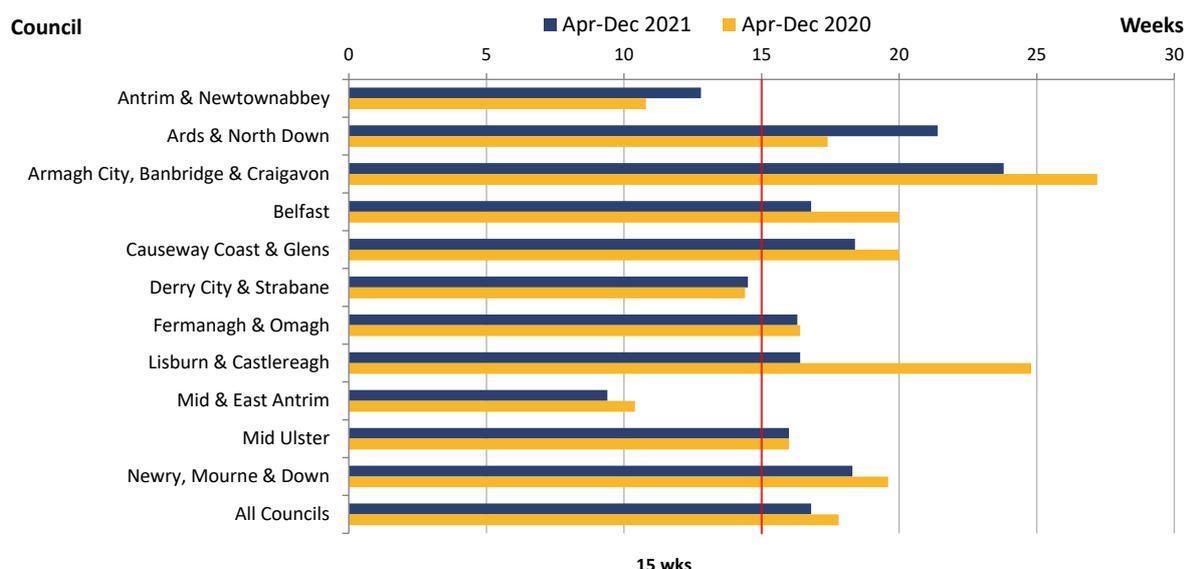
When comparing Q3 2021/22 with the same period in 2020/21, in seven of the 11 councils processing times during October to December 2021 were lower than they were for the same period a year earlier, three councils reported an increase and one remained the same.

For target monitoring the **average processing time** for **local** applications brought to a decision or withdrawal during the first nine months of 2021/22 was **16.8 weeks** across all councils. This exceeds the statutory target of 15 weeks but represents a decrease of 1.0 week from the same period a year earlier (17.8 weeks). Seven of the 11 Councils report a decrease from the same period a year earlier.

Three of the 11 councils were within the 15 week target after the first nine months of 2021/22: Mid and East Antrim (9.4 weeks); Antrim and Newtownabbey (12.8 weeks) and Derry City and Strabane (14.5 weeks).

[Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, April to December 2020 & 2021



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 Q3 2021/22, **residential** applications accounted for nearly **two-thirds (64.7%)** of all planning applications received in NI; a decrease on the proportions reported for the previous quarter (66.8%) and the same period a year earlier (67.4%).

Residential applications accounted for the majority of applications received in each council during the third quarter of 2021/22; ranging from over seven-tenths (71.4%) in Mid Ulster to just over half (51.1%) in Belfast.

The overall number of planning applications received during Q3 2021/22 was 3,163; a decrease of 11.8% on the same period a year earlier (3,587). While the number of applications received decreased across a number of development types during this period, the largest decrease was in residential, which accounted for most of the decline (down 15.2% from 2,416 to 2,048).

Over the quarter the number of planning applications received also decreased (down 4.9%), this again was largely driven by the decline in residential applications received (down 7.8%; from 2,222 to 2,048).

[Refer to Tables 5.1, 5.2.](#)

Consistent with previous quarters, a higher proportion of applications received in Belfast (26.2%) and Derry City and Strabane (20.8%) were categorised as 'other'² in Q3 2021/22, compared with the other councils. See [Appendix 1 – Definitions](#) for a description of the types of applications included in this category.

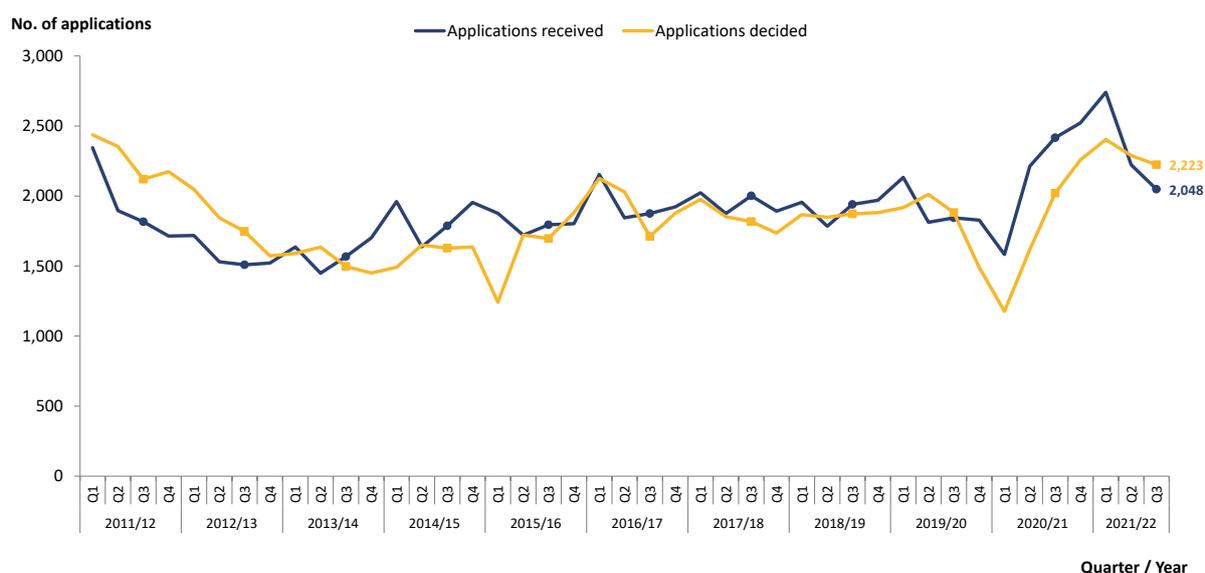
Residential applications received

The overall number of **residential** planning applications **received** in NI during Q3 2021/22 was **2,048**; decreases of 7.8% over the quarter (from 2,222) and 15.2% from the same period a year earlier (from 2,416). [See Figure 5.1.](#)

In Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, the number of residential applications received was 1,583; the lowest number received in any quarter since Q3 2013/14. During the following four quarters (from Q3 2020/21) there were consecutive increases in the number of residential applications received, with the 2,741 received in Q1 2021/22 the highest number reported for any quarter since Q2 2010/11. The number of residential applications received have declined in the last two quarters with Q3 2021/22 reporting a substantial decrease from the Q1 peak. [Refer to Table 5.3.](#)

² See [Appendix 1 – Definitions](#) for a description of the types of applications included in this category

Fig 5.1 NI Residential applications, quarterly, April 2011 to December 2021



Residential applications decided

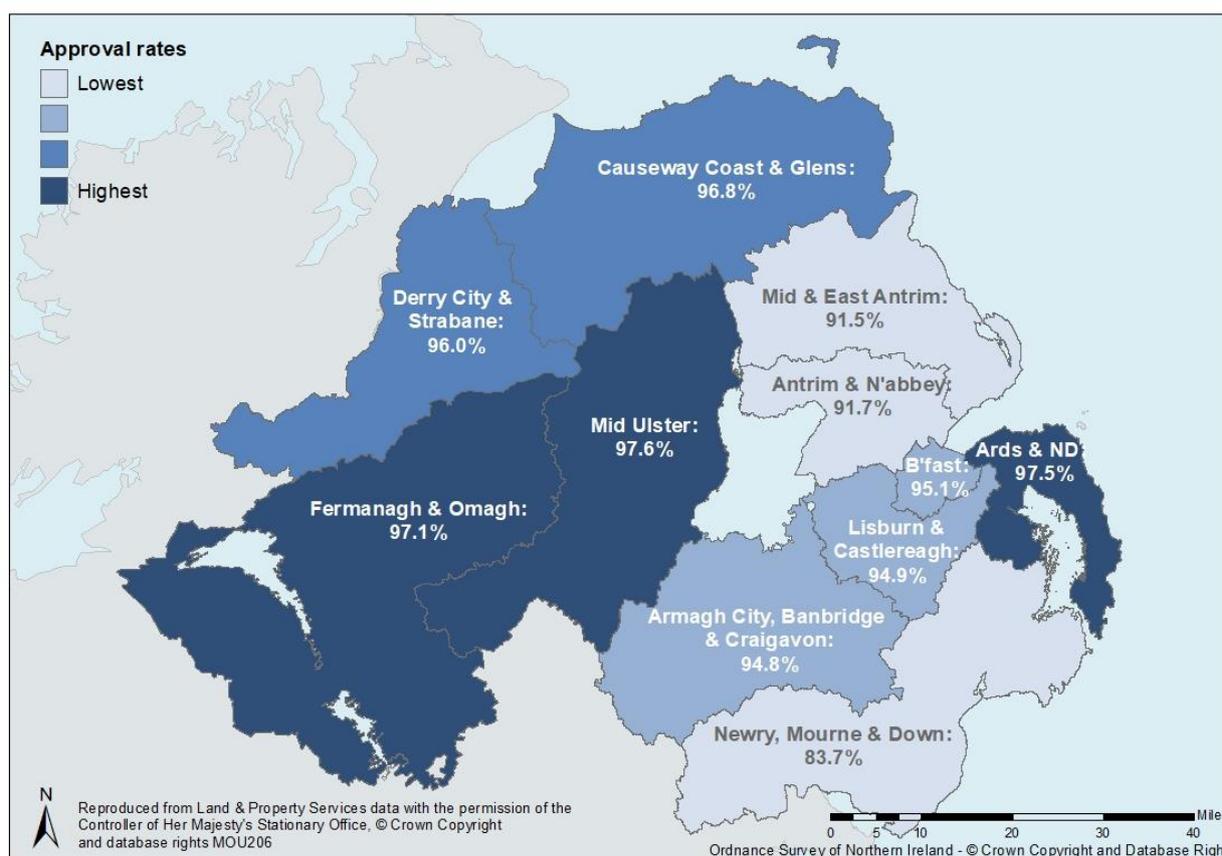
There were **2,223 residential** planning applications **decided** during the third quarter of 2021/22; a decrease of 2.8% over the quarter (2,288) but 10.0% more than the same period the previous year (2,021). [See Figure 5.1.](#)

In Q1 2020/21, decisions were issued on 1,177 residential planning applications; the lowest number of decisions issued in any quarter since the series began in April 2002. Consecutive increases in the number of residential applications decided were recorded during the following four quarters, with the 2,403 decisions issued in Q1 2021/22 the highest number reported for any quarter since Q1 2011/12. The number of decisions issued on residential applications has declined in the latest two quarters. [Refer to Table 5.3.](#)

The **Northern Ireland approval rate for residential** planning applications was **93.9%** in Q3 2021/22; down from the rates for previous quarter (95.9%) and the same period a year earlier (95.6%).

Approval rates for residential planning applications varied across councils in the most recent quarter, ranging from 97.6% in Mid Ulster to 83.7% in Newry, Mourne and Down ([Figure 5.2](#)).

Fig 5.2 Residential approval rates by council, October to December 2021



In Q3 2021/22 approval rates for residential planning applications decreased in nine councils when compared with the same period in 2020/21, with the largest decrease occurring in Newry, Mourne and Down (down from 90.4% to 83.7%). Two 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 Q3 2021/22, 105 residential applications were withdrawn across NI; an increase on the previous quarter (93) and the same period a year earlier (87).

[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 Q3 2021/22 was 680; a decrease from the previous quarter (down 2.6%; from 698) and the same period a year earlier (down 10.6%; from 761).

In rural areas, within settlements of less than 5,000 population, there was a decrease in the number of residential applications received in Q3 2021/22 (224) compared with the previous quarter (down 23.5%; from 293) and the same period a year earlier (down 30.2%; from 321).

In the open countryside (outside population settlements), the number of residential applications received in Q3 2021/22 (1,144) also decreased over the quarter (down 7.1%; from 1,231) and the same period a year earlier (down 14.2%; from 1,334).

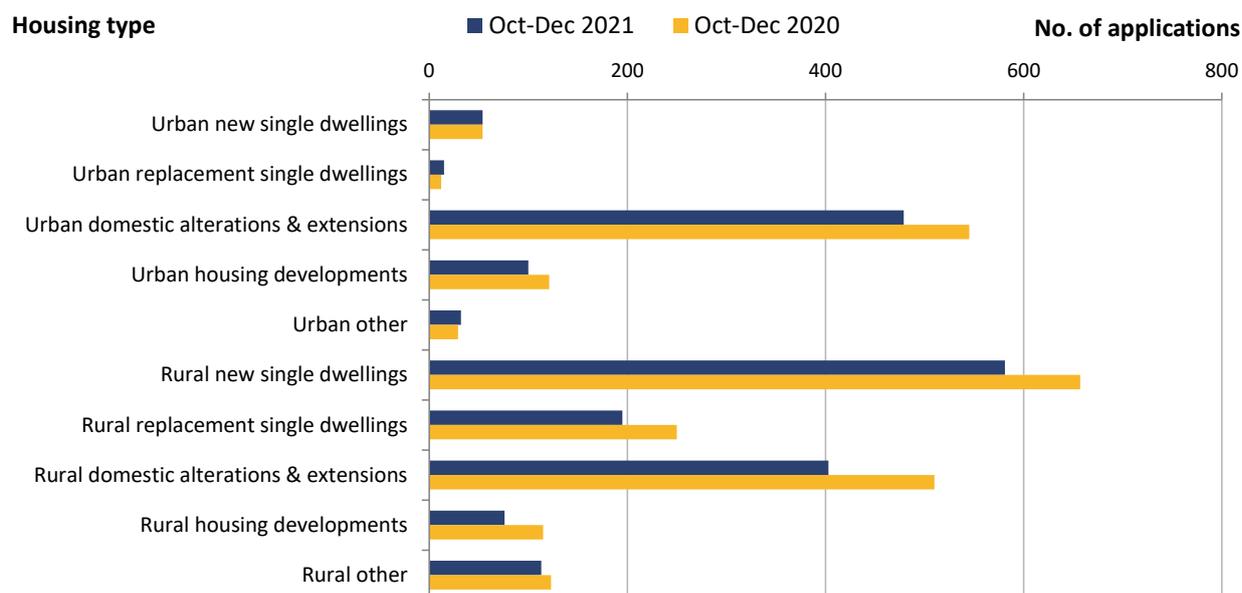
Residential applications – urban and rural

Figure 5.3 shows the number of residential applications received in the third quarter of both 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 (581) and alterations/extensions in urban areas (479) continue to be the most common types of residential application, together accounting for over half (51.8%) of all residential applications received during the third quarter of 2021/22.

Comparing Q3 in 2021/22 with the same period in 2020/21 the number of residential applications received decreased (-15.2%). Decreases were reported across the majority of housing types with the largest decrease in rural domestic alterations and extensions (down 21.0% from 510 to 403), see Figure 5.3.

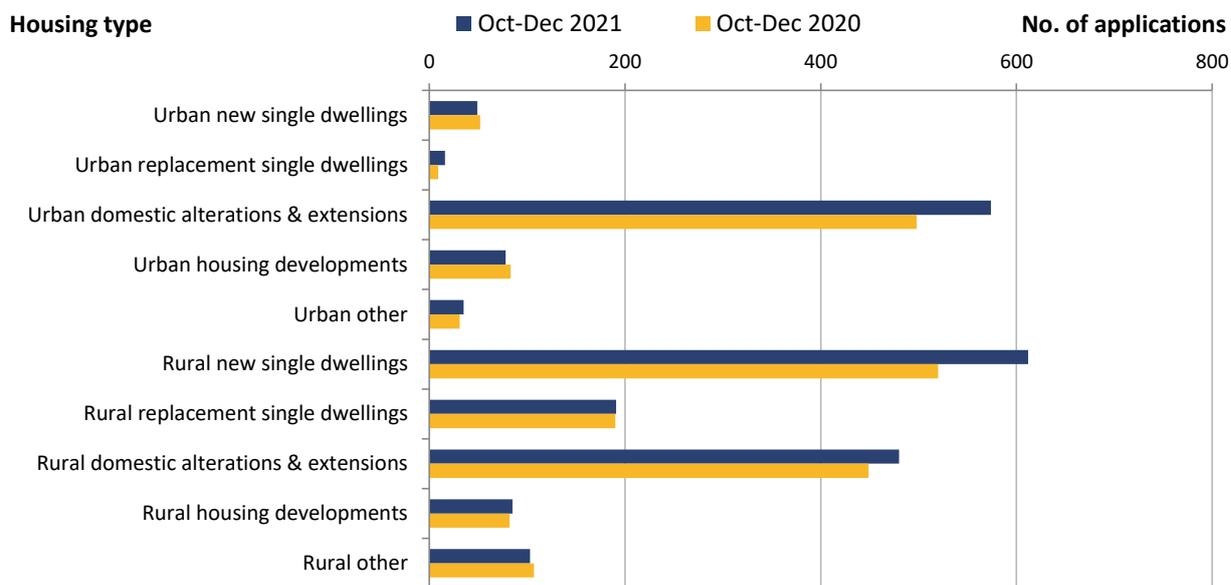
Fig 5.3 NI Residential applications received by urban/rural, October to December 2020 & 2021

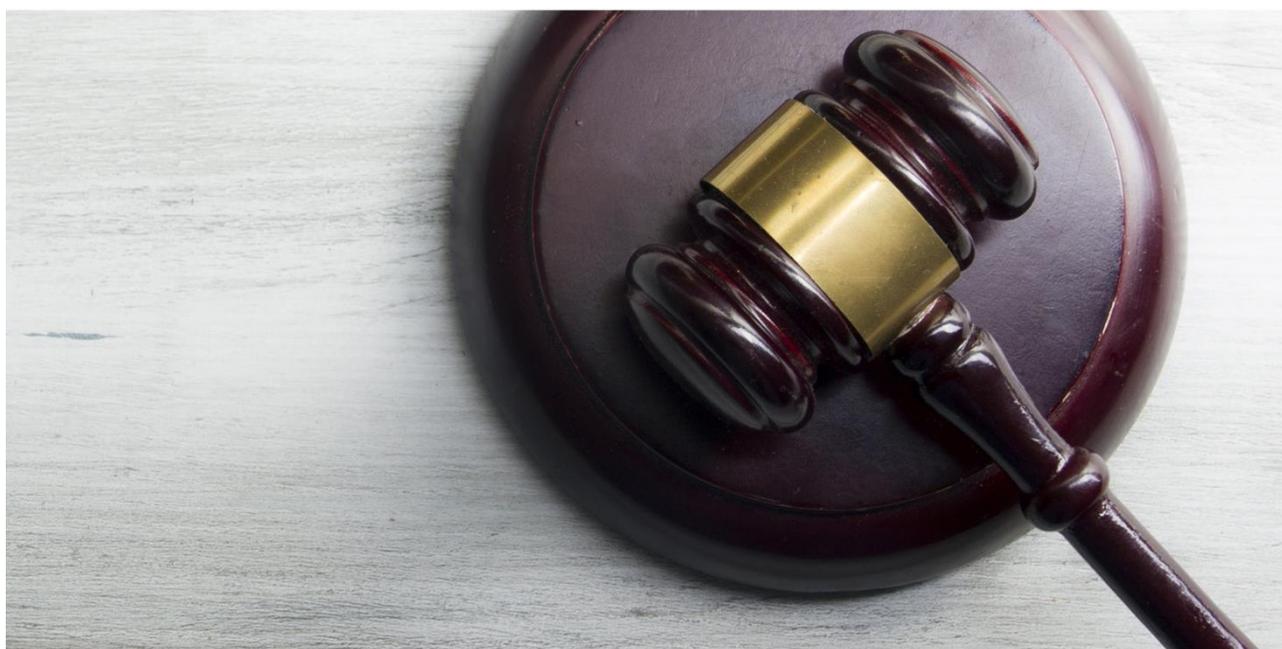


Comparing Q3 in 2021/22 with the same period in 2020/21 the number of residential applications decided increased (10.0%). This was driven in large part by increases in the number of decisions issued on new single dwellings in rural areas (up 17.7%; from 520 to 612) and domestic alterations and extensions in urban areas (up 15.3%; from 498 to 574).

Refer to Table 5.5 and Figure 5.4.

Fig 5.4 NI Residential applications decided by urban/rural, October to December 2020 & 2021





Chapter 6: Compliance and enforcement activity

Chapter 6: Compliance and enforcement activity

Enforcement cases

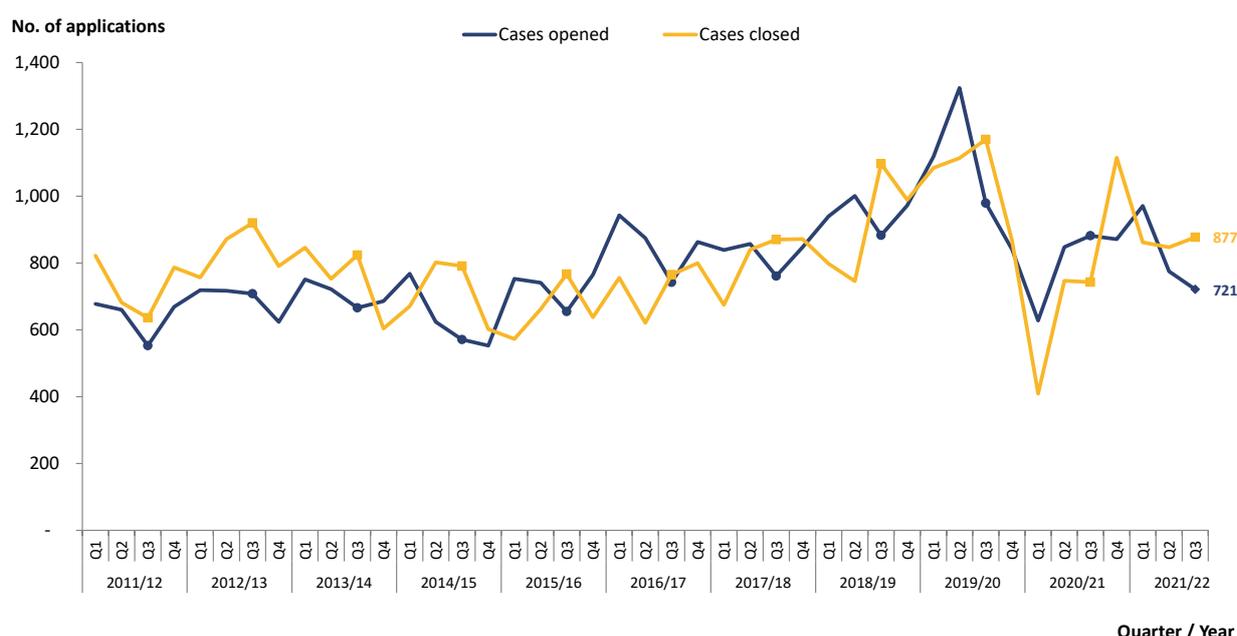
The number of **enforcement cases opened** in NI during the third quarter of 2021/22 was **721**; down by 7.0% over the quarter (775) and down by 18.3% from the same period a year earlier (882) ([Figure 6.1](#)).

During Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, 628 enforcement cases were opened; the lowest number opened in any quarter since Q4 2014/15. The levels recorded over the last six quarters have all exceeded this, with Q1 2021/22 being the highest number opened in any quarter since Q3 2019/20. The number of enforcements opened during the last two quarters has declined with Q3 2021/22 reporting the lowest number of cases opened in any third quarter since Q3 2015/16. [Refer to Table 6.1](#).

Across the councils, the number of enforcement cases opened in Q3 2021/22 ranged from 109 in Belfast to 26 in Fermanagh and Omagh. The number of enforcement cases opened decreased in five of the 11 councils between Q3 2020/21 and the same period in 2021/22, with the decrease greatest in Antrim and Newtownabbey (down 60.2%; from 176 to 70). Five councils reported an increase in the number of enforcement cases opened over the same period, with Derry City and Strabane reporting the greatest increase in percentage terms (up 38.9%; from 36 to 50). Armagh, Banbridge and Craigavon reported no change with 94 enforcements opened in both periods.

The number of **enforcement cases closed** during Q3 2021/22 was **877**; up by 3.5% over the quarter (847) and up by 18.0% from the same period a year earlier (743) ([Figure 6.1](#)).

Fig 6.1 Enforcement cases opened & closed, quarterly from April 2011 to December 2021



The number of cases closed in Q3 2021/22 varied across councils, ranging from 168 in Newry, Mourne and Down to 31 in Mid Ulster. Six of the 11 councils reported an increase in the number of enforcement cases closed in Q3 2021/22 compared with the same period a year earlier. This increase was greatest in Antrim and Newtownabbey, where the number of cases closed increased from 11 to 131. Five councils reported a decrease in the number of cases closed with the greatest of these in percentage terms in Armagh City, Banbridge and Craigavon down 46.5% (from 101 to 54).

The most common reasons for enforcement cases closing in Q3 2021/22 were that no breach had actually occurred (36.4 %) or that the case had been remedied or resolved (20.4%). Together these accounted for nearly three-fifths (498; 56.8%) of the 877 cases closed during the quarter.

A total of **897 enforcement cases were concluded³** during the third quarter of 2021/22; an increase of 7.8% from the previous quarter (832) and up by 14.6% from the same period a year earlier (783). Across councils, the number of cases concluded during Q3 2021/22 ranged from 178 in Newry, Mourne and Down to 30 in Mid Ulster.

Six councils recorded increases in the number of enforcement cases concluded in Q3 2021/22 compared with the same period the previous year, with the greatest increase occurring in Antrim and Newtownabbey, up from 12 to 128. Five councils reported a decline in the number of enforcement cases concluded over the same period with the largest percentage decrease reported in Armagh, Banbridge and Craigavon (down 45.8%; from 107 to 58).

[Refer to Tables 6.1, 6.2.](#)

During Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, 394 cases were concluded. Consecutive increases in the number concluded were recorded during the following three quarters with 1,098 cases concluded in Q4 2020/21. Numbers concluded have declined from this level in the first three quarters of 2021/22, ranging from 832 to 897 being concluded quarterly.

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, **70.0%** enforcement cases were concluded within 39 weeks during the first nine months of 2021/22, meeting the statutory target of 70%. This represents an increase from the rate reported for the first nine months of 2020/21 (69.0%).

Performance against the target was most affected during Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, when less than two-thirds (59.6%) of enforcement cases were concluded within 39 weeks across all

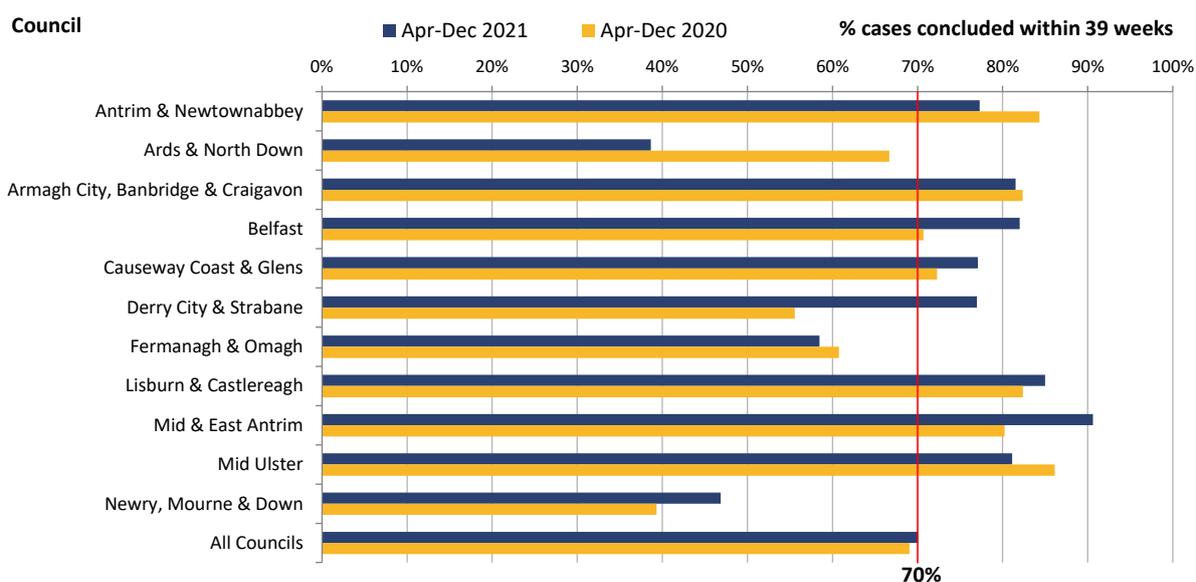
³ Refer to [User Guidance – Enforcement activity](#) for definitions of closed and concluded enforcement cases.

councils. Whilst this has improved in the latest six quarters with the target being achieved overall in four out of the last six quarterly periods there has been a decline in the most recent quarter to 65.8%.

During the first nine months of 2021/22 eight of the 11 councils were meeting the statutory target ([Figure 6.2](#)).

[Refer to Table 6.2.](#)

Fig 6.2 Percentage of cases concluded within 39 weeks by council, April to December 2020 & 2021



The number of **live enforcement cases** at the end of December 2021 was **3,710**. Examining the last seven quarters in more detail, however, reveals that the number of live enforcement cases increased during the first three quarters of 2020/21, as the number of cases opened exceeded the number closed. The number of live enforcement cases peaked at the end of December 2020 with 4,074 live cases. In the quarters that followed the number of live cases have fluctuated, with the live number reducing to 3,710 at the end of December 2021. Over the last six months the number of enforcement cases opened was lower than the number closed, therefore leading to a reduction in the live load.

The number of **cases over two years old** stood at **1,216** at the end of December 2021, accounting for 32.8% of all live cases. This compared with 27.4% of live cases at the end of December 2020.

[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 December 2021 (739), with almost one-half (48.2%) of these in the system for over two years.

Mid and East Antrim had the smallest number of live cases (85) at the end of December 2021, with 20.0% of these in the system for over two years.

The number of live enforcement cases decreased in five of the 11 councils between the end of December 2020 and the end of December 2021. The decrease was greatest in Antrim and Newtownabbey, where the number of live cases decreased by 66.3% over the year (from 398 to 134).

The overall decrease in the enforcement live count recorded across the year was offset by increases reported in the remaining six councils, with the greatest of these in percentage terms reported in Lisburn and Castlereagh (up 28.6%; from 199 to 256).

[Refer to Table 6.5.](#)

Compliance activity

There were eight prosecutions initiated during Q3 2021/22, across three councils, with Causeway Coast and Glens initiating the most (five).

During the third quarter of 2021/22, there were six convictions across NI. Two councils recorded convictions during this period, with Causeway Coast and Glens recording the most (four).

[Refer to Tables 6.1 and 6.3.](#)



Chapter 7: Renewable energy activity

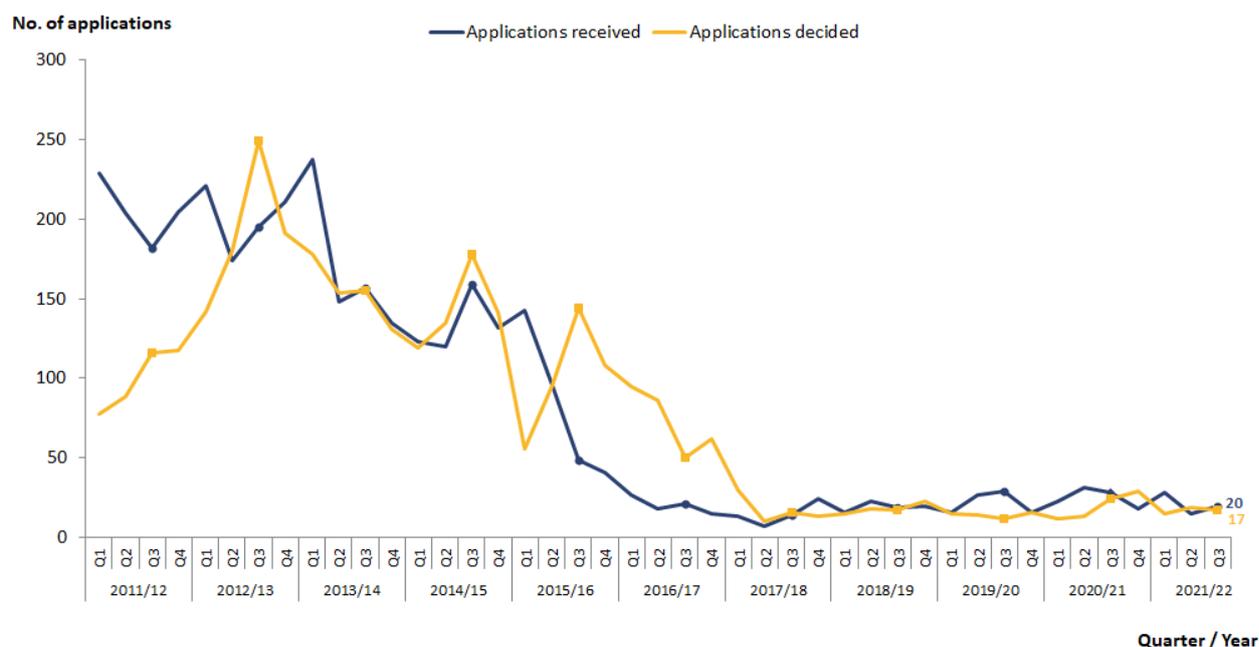
Chapter 7: Renewable energy (RE) activity

Renewable energy applications received

Twenty renewable energy applications were **received** in Q3 2021/22; up from the previous quarter (15) but down when compared to the same period the previous year (28).

The number of applications received during October to December peaked in 2010/11 at 196. 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 **89.8%** decrease from 196 applications in Q3 2010/11 to 20 applications in Q3 2021/22) 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, quarterly from April 2011 to December 2021



Renewable energy applications decided

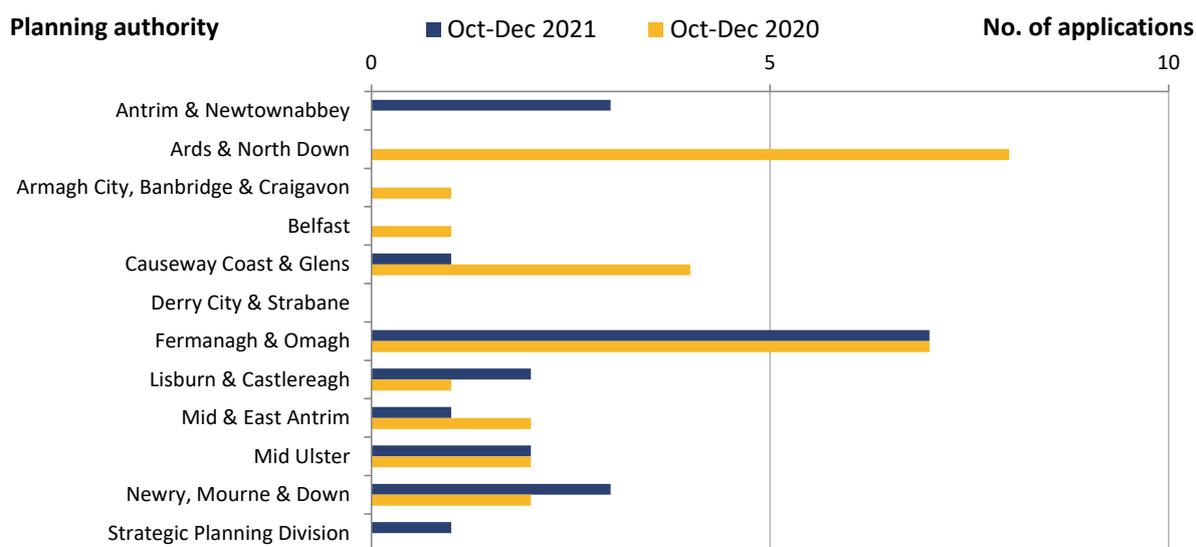
The number of renewable energy applications **decided** during Q3 2021/22 was **17**; down over the quarter (19) and the same period a year earlier (24), and a **93.2%** decrease from the series’ third quarter peak of 249 applications decided in 2012/13 ([Figure 7.1](#)). **Four** renewable energy applications were **withdrawn** during Q3 2021/22. [Refer to Table 7.1.](#)

The average processing time for the 21 renewable energy applications brought to a decision or withdrawal during the third quarter of 2021/22 was 33.8 weeks across NI; with processing times decreasing over the latest quarter (from 44.6 weeks) and the same period a year earlier (from 63.2 weeks).

Single wind turbines continue to be the most common renewable energy application, accounting for 16 out of 20 applications received during Q3 2021/22. In addition, 14 of the 17 renewable energy decisions issued during the most recent quarter were for single wind turbines. [Refer to Table 7.2.](#)

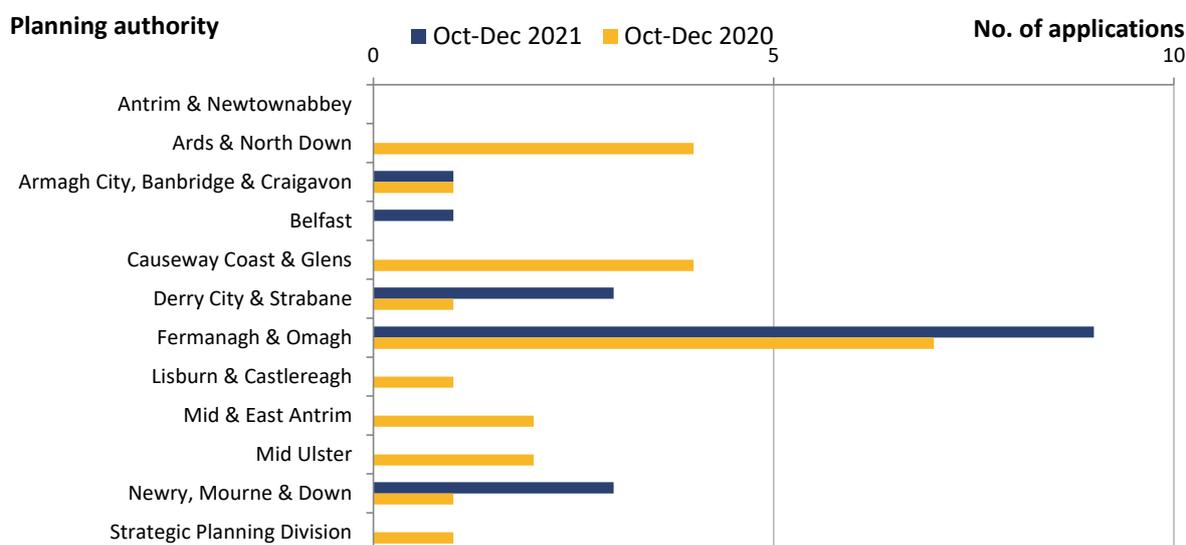
[Figure 7.2](#) shows the distribution of renewable energy applications received across the different planning authorities, with Fermanagh and Omagh (seven) receiving the most in Q3 2021/22.

Fig 7.2 Renewable Energy applications received by authority, October to December 2020 & 2021



[Figure 7.3](#) shows the distribution of decisions issued on renewable energy applications across the different planning authorities, with Fermanagh and Omagh (nine) issuing the most during the third quarter of 2021/22.

Fig 7.3 Renewable Energy applications decided by authority, October to December 2020 & 2021

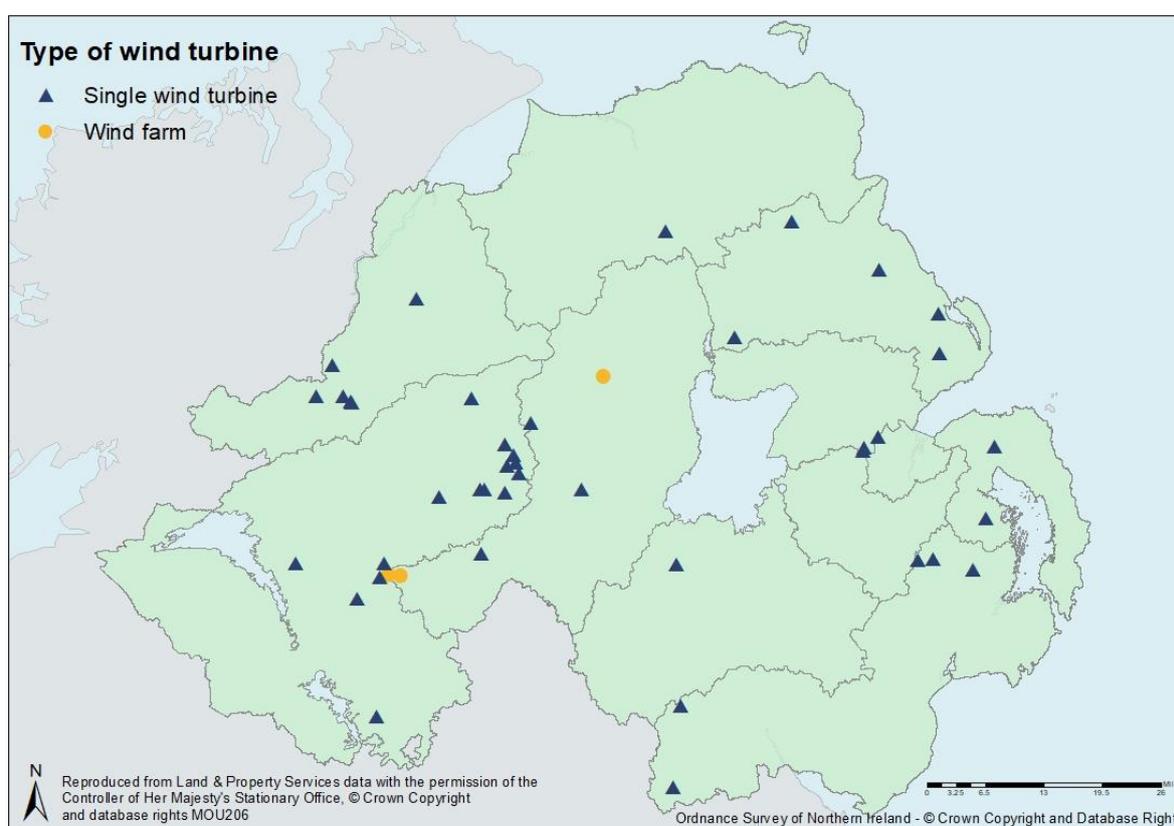


At the end of December 2021, there were **123 live renewable energy applications** in the planning system across NI; over seven tenths of these (71.5%, 88 of 123) were for single wind turbines. Of these 123 live applications, 48.8% were in the planning system for over a year; an increase from the proportion reported for the same point in 2020 (36.4%).

The **NI approval rate** for renewable energy applications was **88.2%** in Q3 2021/22, with 15 out of the 17 decisions issued during this period being approvals.

[Figure 7.4](#) displays the locations of wind energy applications approved during the first nine months of 2021/22. A total of 41 single wind turbines and three wind farms were approved during this period.

Fig 7.4 Location of approved wind energy applications by council, April to December 2021



[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 December 2021 were transferred in January 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 February 2022. Quarterly data for 2021/22 are regarded as provisional and will retain this status until the annual report of the 2021/22 is published in July 2022.

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 has subsequently been 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 has subsequently been 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 2022/23.

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

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Planning Committee

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 3 - Statutory Performance Indicators – March 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 March 2022.

2. This data is invalidated management information and 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 March 2022 was 10.8 weeks.
4. A slight backlog in the number of applications being issued this month is again evident. This is as a consequence of issues specific to a number of the recent judicial review challenges.
5. In year performance to date is 16.2 weeks which is a significant improvement in the timeliness of decision making for this category of application when compared to the previous year.
6. In year performance in relation to major applications is 106.8 weeks. As explained previously, there has been little 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. In total, 8 major application have been presented to the Planning Committee for determination this business year to date.

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

N/A

Option 2

N/A

Option 3

N/A

Screen out without mitigation

Screen out with mitigation

Screen in for a full EQIA

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 given 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:

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 – Statutory Performance Indicators – March 2022

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:



Statutory targets monthly update - March 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	-	0.0	0.0%	103	71	14.4	50.7%	36	19	25.4	84.2%
May	3	1	66.8	0.0%	95	74	15.1	50.0%	40	34	13.5	88.2%
June	1	-	0.0	0.0%	96	108	16.1	47.2%	41	36	20.5	83.3%
July	0	-	0.0	0.0%	83	63	19.4	38.1%	22	10	22.0	100.0%
August	0	1	106.8	0.0%	80	76	16.1	47.4%	18	42	16.2	90.5%
September	1	1	89.2	0.0%	80	93	15.4	47.3%	23	33	28.1	81.8%
October	0	2	116.5	0.0%	87	87	16.6	43.7%	31	29	34.0	75.9%
November	0	1	164.2	0.0%	95	87	18.4	43.7%	22	27	26.0	81.5%
December	0	-	0.0	0.0%	65	58	16.6	46.6%	12	23	27.9	87.0%
January	0	1	106.8	0.0%	85	55	14.2	52.7%	25	13	28.4	84.6%
February	1	1	26.2	100.0%	89	60	22.6	43.3%	18	26	25.5	84.6%
March	1	-	0.0	0.0%	81	53	10.8	60.4%	27	24	38.2	70.8%
Year to date	7	8	106.8	12.5%	1,039	885	16.2	47.2%	315	316	25.8	83.9%

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

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 4 - Appeal Decision in respect of planning application LA05/2020/0419/O

Background and Key Issues:

Background

1. An application for the erection of two detached dwellings and garages on lands between 38 and 36B Killultagh Road, Lower Ballinderry, Lisburn was refused planning permission in February 2021 as it was considered that there were no overriding reasons for this development to be located in the open countryside.
2. It was also considered that the development failed to meet the provisions for an infill dwelling as the application site did not respect the existing development pattern along the frontage in terms of size, scale siting and plot size and that it would if permitted, result in the additional of ribbon development.
3. The development would also result in a suburban style build-up of development when viewed with existing and approved buildings resulting in a detrimental change to the rural character of the countryside.
4. An appeal was lodged with the Planning Appeals Commission on 14 June 2021. The procedure followed in this case was written representation with Commission site visit on 7 March 2022. The main issue in the appeal was whether the proposed development was acceptable in the open countryside and the impact the proposed development would have on rural character.

5. A decision received on 04 April 2022 indicated that the appeal was dismissed and all refusal reasons had been sustained.

Key Issues

1. At paragraph 8 of the report the Commission acknowledge that there was no dispute between the parties that there is a substantial and continuously built-up frontage and that this comprises 38 to the north west, 36B, 36C, 36D and 36 to the south east of the appeal site.
2. At paragraphs 9 to 11 the Commission deals with the variances in plot sizes and the Commissioner expresses a view at paragraph 11 that the gap site could accommodate more than two dwellings when assessed against the established pattern of development and given the size, scale, siting and plot size of the adjacent six dwellings.
3. With regard to impact on rural character, the Commissioner explains at paragraph 14 that the proposed dwellings would read with six existing dwellings and that this would accentuate the sense of suburban build-up of development in the area and extend a ribbon of development.
4. The decision by the Commission to refuse planning permission confirms the proper application and interpretation of policy in this case and that the Council continue to exercise good judgement in cases for infill development in the open countryside.

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
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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?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No
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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 - LA05/2020/0419/O

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

294

Appeal Reference:	2021/A0048
Appeal by:	Mr D Moore - Lough Shore Ltd
Appeal against:	The refusal of outline planning permission
Proposed Development:	Erection of 2 no detached dwellings and garages (infill development)
Location:	Lands between 38 and 36b Killultagh Road, Lower Ballinderry, Lisburn
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2020/0419/O
Procedure:	Written representations and Commissioner's site visit on 7 March 2022
Decision by:	Commissioner McShane, dated 4 April 2022.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are:
 - whether the proposed development is acceptable in principle in the countryside; and
 - its impact on rural character.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. As the Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal in May 2017, the Lisburn Area Plan 2001 (LAP) operates as the LDP for the area. The draft Belfast Metropolitan Area Plan (dBMAP) remains a material consideration. The appeal site is located outside any designated settlement development limit identified in the plans. There are no plan policies relevant to this proposal.
4. The appeal site is in the open countryside, therefore Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) provides the relevant policy context. PPS 21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.
5. Policy CTY 1 of PPS 21 lists 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. A number of instances when planning permission will be granted for an individual dwelling are listed. The Appellant

argues that the proposed development would constitute an infill opportunity in accordance with Policy CTY 8.

6. Policy CTY 8 entitled 'Ribbon Development' states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Such development is regarded as detrimental to the character, appearance and amenity of the countryside. Notwithstanding that this form of development has been consistently opposed, policy goes on to state that an exception will be permitted for the development of a gap site providing four elements are met. Namely, the gap site must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.
7. The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built-up frontage present. For the purpose of policy this "includes a line of three or more buildings along a road frontage". A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road.
8. The parties agree that there is a substantial and continuously built-up frontage. This comprises No.38, which stands north-west of the appeal site, and Nos.36B, 36C, 36D 36A and 36 standing to its south-east. The first element of the policy is met.
9. The second step in determining whether an infill opportunity exists is whether the gap site is small; that is sufficient only to accommodate up to a maximum of two houses. The policy's amplification text at Paragraph 5.34 refers to gaps between houses or other buildings.
10. Notwithstanding that this is an outline application, the proposed Block Plan shows the 0.6 has appeal site split in half with the dwellings and their detached garages centrally located on each part. The proposed plot frontage of each dwelling measures approximately 65m, plot depth varies between 40m and 50m; plot sizes are 2972m² and 2642m² respectively. The gap between No.38 and No.36B measures 150m.
11. The gap site could accommodate more than two dwellings while respecting the existing pattern of development within the frontage, given the size, scale, siting and plot size of the immediately adjacent 6 dwellings. The pattern of development on other areas of Killultagh Road or nearby roads is not of determining weight. Accordingly, the second element of the policy is not met and there is no infill opportunity. The Council has sustained its second reason for refusal based upon Policy CTY 8.
12. Policy CTY 1 states that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No persuasive evidence was submitted in this respect. The proposal fails to comply with Policy CTY 1 and is unacceptable in the countryside. Accordingly, the Council has sustained its first reason for refusal based upon Policy CTY 1.

13. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Five criteria are listed wherein a new building will be unacceptable. Criterion (b) references suburban build-up of development when viewed with existing and approved buildings. Criterion (d) relates to the creation of or addition to a ribbon of development and references Policy CTY 8. Paragraph 5.32 of the Justification and Amplification text points out that ribbon development has been consistently opposed as it creates and reinforces a built-up appearance to roads.
14. From Killultagh Road, the two proposed dwellings would read with six existing dwellings. This would accentuate the sense of suburban build-up in the area and would extend a ribbon of development. The proposed development would be detrimental to the character, appearance and amenity of this rural area. Accordingly, the Council has sustained its third reason for refusal based upon Policy CTY 14 of PPS 21.
15. I have not been persuaded that the proposed development would have an unacceptable impact on protected species. The additional concerns of the Third Party Objector in this respect are not determining.
16. The Council has sustained its three reasons for refusal based upon Policies CTY 1, CTY 8 and CTY 14. Accordingly, the appeal must fail.

This decision is based on the following drawings:-

- LPA Drwg No.01: Site Location Map (Scale 1:2500)
- LPA Drwg No.02/1: Proposed Block Plan (Scale 1:500)

COMMISSIONER MCSHANE

List of Documents

Planning Authority:-	"LPA 1": Statement of Case and Appendices "LPA 2" Rebuttal Statement (Lisburn and Castlereagh City Council)
Appellant:-	"APP 1" Statement of Case and Appendix "APP 2" Rebuttal Statement (NI Planning Permission)
Third Party:-	"TPO 1" Statement of Case (Mr E Beckett)



Planning Committee

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 5 - Appeal Decision in respect of planning application LA05/2020/0255/O and LA05/2020/0256/O

Background and Key Issues:

Background

1. The following applications were refused planning permission on 26 January 2021:
 - LA05/2020/0255/O – Dwelling and garage including improvements to access adjacent and 30 metres south of 98 Saintfield Road, Lisburn; and
 - LA05/2020/0256/O – Dwelling and garage, including improvements to access 60 metres south of 98 Saintfield Road, Lisburn.
2. In both cases, it was considered that there were no overriding reasons why the development should be located in the open countryside and that the sites were not considered to be small gaps in an otherwise substantial and continuously built up frontage.
3. The sites were considered to lack long established natural boundaries and unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape without relying primarily on the use of new landscaping.
4. The buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement

exhibited in the area and, if permitted, would add to a ribbon of development which would therefore result in a detrimental change to (further erode) the rural character of the countryside.

5. It was also considered that the developments if permitted would result in intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
6. Appeals were lodged with the Planning Appeals Commission on 26 May 2021. The procedure followed in this case was written representations with a site visit on 31 March 2022.
7. Decisions received on 12 April 2022 indicated that the appeals were dismissed and that the Council had sustained all five refusal reasons in both cases.

Key Issues

1. The main issues in each appeal were whether a single dwelling and garage:
 - Was acceptable in principle in the countryside;
 - Would visually integrate into the surrounding landscape;
 - Would harm rural character; and
 - Would prejudice road safety.
2. The Commissioner gives consideration to the first part of policy CTY 10 at paragraphs 9 to 17 and concludes that the dwelling at 102 and its associated farm buildings have a frontage to the laneway but neither 98 or 102A have frontage to the laneway because only their access adjoins the laneway and an access alone does not constitute frontage within the meaning of the policy.
3. The Commissioner then goes on to state at paragraph 18 of the report that the arrangement of the outbuildings in relation to the dwelling at site 102 comprise one plot which is approximately twice the size of each appeal site.
4. Likewise and despite having concluded that 98 and 102A do not have a frontage, they are larger plots approximately twice the size of the appeal sites and as such, neither appeal site would respect the existing development pattern.
5. The Commissioner sets out at paragraphs 20 – 21 her observation that lack of enclosure was not critical from the eastern view point and that the existing hedges along the laneway mean that it would not rely on new landscaping for new building to be integrated into the sites. That said, the view was expressed that the development would suffer from a lack of enclosure to the north and west when viewed from the Saintfield Road, particularly when travelling around the bend on in the road in a south easterly direction.
6. The Commissioner also agreed that the proposed development would if permitted result in a suburban style build-up of development when viewed with existing buildings and that it

would not respect the traditional pattern of settlement exhibited in the area and that they would create a ribbon of development.

7. Finally with regard to the fifth refusal reason, the Commissioner at paragraph 26 explains that the proposals involve the improvement of an existing vehicular access as there is no alternative access available from a minor road. That said, as the proposals are considered unacceptable in principle, the access proposals associated with each application are contrary to revised Policy AMP 3.
8. The decision by the Commission to refuse planning permission for both applications confirms the proper application and interpretation of policy in this case and that the Council continue to exercise good judgement in cases for infill development in the open countryside

Recommendation:

It is recommended that the Committee notes the decision of the Commission in respect of these two planning appeals

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 5 – Appeal Decision LA05/2020/0255/O and LA05/2020/0256/O

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



Appeal Decisions

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
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Appeal Reference: 2021/A0036 (Appeal 1)
Appeal by: Mr Alan Martin
Appeal against: The refusal of outline planning permission
Proposed Development: Dwelling and garage, including improvements to access
Location: Adjacent and 30m south of 98 Saintfield Road, Lisburn
Planning Authority: Lisburn and Castlereagh City Council
Application Reference: LA05/2020/0255/O
Procedure: Written representations and Commissioner's site visit on 31st March 2022
Decision by: Commissioner Gareth Kerr, dated 12th April 2022

Appeal Reference: 2021/A0037 (Appeal 2)
Appeal by: Mr Alan Martin
Appeal against: The refusal of outline planning permission
Proposed Development: Dwelling and garage, including improvements to access
Location: 60m south of 98 Saintfield Road, Lisburn
Planning Authority: Lisburn and Castlereagh City Council
Application Reference: LA05/2020/0256/O
Procedure: Written representations and Commissioner's site visit on 31st March 2022
Decision by: Commissioner Gareth Kerr, dated 12th April 2022

Decisions

1. Appeal 1 is dismissed.
2. Appeal 2 is dismissed.

Reasons

3. The main issues in each appeal are whether a single dwelling and garage:-
 - are acceptable in principle in the countryside;
 - would visually integrate into the surrounding landscape;
 - would harm rural character; and
 - would prejudice road safety.
4. Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the local development plan (LDP), so far as material to the applications, and to any other material considerations. Where regard is to be had to the LDP,

Section 6 (4) of the Act requires that the determinations must be made in accordance with the plan unless material considerations indicate otherwise.

5. The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) unlawful on 18th May 2017. This means the previous Lisburn Area Plan 2001 (LAP) acts as the LDP for this area. The draft Belfast Metropolitan Area Plan (dBMAP), published in 2004, is a material consideration. In both LAP and dBMAP, the sites are located in the countryside and are zoned as green belt. However, the preamble of PPS 21 states that its policy provisions will take precedence over green belts designated in existing statutory development plans. As the green belt policy of the LDP is now outdated, no determining weight can be attached to it. Both the LAP and dBMAP indicate that the A49 Saintfield Road, from which the sites are accessed, is a Protected Route.
6. Regional planning policies of relevance to these appeals are set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS) and other retained policies within Planning Policy Statement 3 – Access, Movement and Parking (PPS 3) and Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21). There is no conflict between the provisions of the SPPS and the retained policies on the issues raised in these appeals. In accordance with the transitional arrangements set out in paragraph 1.12 of the SPPS, the appeals should be determined in accordance with the retained policies.
7. Policy CTY1 of PPS 21 sets out a range of types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted for an individual dwelling house in six specified cases. 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. One of the acceptable types of development is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
8. Policy CTY8 is entitled 'Ribbon Development' and it states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, the policy permits as an exception the development of a small gap site sufficient only to accommodate a maximum of two houses within an otherwise substantial and continuously built up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The appeals are being considered together as it is argued by the appellant that they meet the above exception in the policy for development of a small gap site with up to two houses.
9. To establish whether the appeal sites are valid infill opportunities, it is first necessary to determine whether they are within a substantial and continuously built up frontage. The policy defines a substantial and continuously built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear. Paragraph 5.33 of the Justification and Amplification text states that for the purposes of this policy, a road frontage includes a footpath or private lane.

10. The appeal sites are rectangular plots measuring approximately 0.19 hectares each. They sit side-by-side within a larger agricultural field which slopes downwards towards the north. The sites are positioned between a recently constructed two storey dwelling at 98 Saintfield Road and a single storey dwelling at 102A Saintfield Road. These dwellings, along with 102 and its associated farm buildings, are accessed via a private laneway from the A49 Saintfield Road.
11. The private laneway comes off the Saintfield Road at an angle and travels along the rear of the dwelling at 102. It then curves round an agricultural building located to the south west of the dwelling. The laneway then takes a sharp turn to the south leading to the plot of 102A. Access to the dwelling at 98 is located at the sharp turn by travelling straight on instead of turning left. The appeal sites front onto the southern section of the laneway leading to the dwelling and garage at 102A. This part of the laneway is enclosed by a hedge to both sides.
12. The Council contended that the southern part of the route leading to 102A (from the sharp corner to the point where it enters the curtilage of 102A) was an access driveway rather than a private laneway. This section of the laneway only serves 102A. They referred to appeal decision 2018/A0084 relating to two proposed infill dwellings at Old Coach Road, Hillsborough. In that case the proposed sites were between buildings within a single residential curtilage. In dismissing the appeal, the Commissioner drew a distinction between a private laneway and a private driveway serving a single curtilage and concluded that the policy required a shared laneway which serves at least two separate curtilages. The Council pointed to the sharp turn into the driveway leading to 102A and that part of it was gravelled rather than concreted. Notwithstanding the fact that the area which was formerly gravelled had been concreted by the date of my site visit, I am not persuaded that either argument would prevent it from being properly described as a private lane within the terms of Policy CTY8. Although there is a sharp turn in the laneway, it is a continuous route to the point of access to the plot of 102A and also serves two other existing dwellings. It is therefore a shared laneway and does not stand on all fours with the above appeal decision where all the buildings to be assessed stood on land within a single curtilage.
13. The appellant argued that the private laneway continues past the eastern side of the dwelling at 102A and that it therefore has frontage to the laneway. In the Council's opinion, the area that has been stoned along the eastern side of the plot of 102A is not part of the private laneway. Submitted aerial imagery shows that this stoned area was not in place in April 2019. The Council highlighted that the kerbed driveway leading to 102A curves into the site towards the hardstanding around the dwelling. They provided copies of planning approval S/2003/0356/RM relating to the dwelling at 102A. This shows the driveway curving in towards the dwelling broadly as constructed. A separate farm laneway is shown along the southern and western sides of the plot (which was not constructed), but from the drawing, there was to be no continuation of the laneway along the eastern boundary.
14. At my site visit, I observed an area of dropped kerbing at the curve of the laneway where the stoned area meets it. It appears that the ground level has been lowered and an area has been stoned running the length of the eastern boundary of the dwelling at 102A's original plot leading to a field gate at the southern end of this boundary. Fencing has been erected to separate the stoned area from the

remainder of the plot. A gate has been erected at the northern end of the stoned area where it meets the curve of the laneway.

15. The appellant states that the extension to the laneway provides access to some of his farm land at the southern end of the lane. However, the blue line on the submitted site location plan does not indicate that the appellant owns any land to the south beyond the specific field which is accessed through the gate. I observed on site that there are other existing gates into the same agricultural field including one at the access point from the Saintfield Road and a double gate direct from the farmyard near the sharp corner on the laneway.
16. I have no information on the status of the stoned area and there is no certificate indicating that it is lawful. However, the planning history provided by the Council shows that the land on which it sits was part of the approved residential curtilage for the dwelling at 102A. It is not therefore agricultural land. The fact that the stoned area is fenced and gated off from the remainder of the plot of 102A indicates that the plot has been sub-divided. While the stoned area may be used as an agricultural access, my observations on site indicate that it is not part of the private laneway which serves the three dwellings, as suggested on the annotated concept plan. It is a separate agricultural access. The private laneway terminates at the point where it enters the plot of the dwelling and garage at 102A and begins to curve in towards the hardstanding around the dwelling. Accordingly, I do not consider the separate gated-off stoned area to the east of the dwelling and garage at 102A to be part of the private laneway for the purposes of considering whether the appeal sites are within a substantial and continuously built up frontage.
17. The exception in Policy CTY8 requires a small gap in an otherwise substantial and continuously built up frontage. I agree with the Council that a building has a frontage to a laneway if the plot on which it stands abuts or shares a boundary with the laneway. On this basis, 102 and its associated farm buildings have frontage to the laneway. However, neither 98 nor 102A have frontage to the laneway because only their access points adjoin the laneway and an access alone does not constitute frontage. As I have found that the dwelling at 102A does not have frontage to the laneway, the appeal sites (which do have frontage to the laneway) are not within a substantial and continuously built up frontage as set out in the policy. As there is no small gap in a substantial and continuously built up frontage, the appeal proposals would not comply with the fundamental requirement of the exception permitted in Policy CTY8. Instead, the development of one or both sites would create a ribbon of development by visually linking the buildings at 102A with the existing development to the north of the appeal sites.
18. The exception in Policy CTY8 also requires that the proposals respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. I have already found that only dwelling 102 and its associated outbuildings has frontage to the laneway. The arrangement of the outbuildings in relation to the dwelling is such that I consider them to comprise a single plot approximately twice the size of each appeal site. Even if I were to accept the appellant's argument that 98 and 102A have frontage to the laneway, they also sit on larger plots approximately twice the size of each appeal site. Accordingly, neither of the appeal proposals for single dwellings and garages would respect the existing development

pattern. If this was a substantial and continuously built up frontage, the gap would only accommodate one dwelling and garage.

19. A further requirement of the exception test for the infilling of a small gap with up to two houses in Policy CTY8 is that the proposals meet other planning and environmental requirements. Other such requirements of relevance to this appeal are set out in Policies CTY13 and CTY14 of PPS 21.
20. Policy CTY13 deals with the integration and design of buildings in the countryside. Criterion (b) thereof states a new building in the countryside will be unacceptable where 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. Criterion (c) states that a new building must not rely primarily on the use of new landscaping for integration. The only natural boundary of the appeal sites is the eastern hedge boundary with the laneway. Additional screening would be provided by the hedge on the opposite side of the laneway when viewed from Saintfield Road to the east. The laneway runs up a ridge with the fields falling away from it to either side.
21. The appellant has prepared two photomontages illustrating the potential impact of the dwellings from the Saintfield Road to the east and the north. These suggest that only the upper portion of the gable of each dwelling would be visible from the eastern viewpoint. They would benefit from the screening provided by the hedges and some taller trees along the laneway. The photomontage from the northern viewpoint suggests that more of the buildings would be visible past the dwelling at 98. From my observations on site, the lack of enclosure is not critical from the eastern viewpoint and the existing hedges along the laneway mean it would not rely on new landscaping for integration to this side. However, the development would suffer from a lack of enclosure to the north and west sides when viewed from the Saintfield Road to the north west, particularly when travelling around the bend in the road in a south-easterly direction. There is no view from this point in the submitted photomontages. The proposed buildings would appear on the skyline when viewed from this location and would rely on new landscaping for integration. Accordingly, the Council has sustained its third reason for refusal in both appeals.
22. Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I have already found that the proposals would not respect the settlement pattern due to their plot size and that they would create a ribbon of development. The Council also argued that they would result in a suburban style build-up of development when viewed with existing and approved buildings. I consider that there is already a build-up of development to the north of the appeal sites and that the appeal proposals, particularly when viewed from Saintfield Road to the north and north west would add to this undesirable effect. They would therefore result in a detrimental change to the rural character of the countryside. Accordingly, the Council has sustained its fourth reason for refusal in both appeals.
23. As I have found that the proposed infill sites are not located in a small gap in a substantial and continuously built up frontage, that they do not respect the existing development pattern, that they do not meet other planning and environmental requirements and that they would create a ribbon of development, the appeals are contrary to Policy CTY8. As no other overriding reasons why the proposals are

essential have been presented, they are also contrary to Policy CTY1. Accordingly, the Council has sustained its first and second reasons for refusal.

24. The appeal proposals include improvements to the existing access from the Saintfield Road by moving it approximately 15 metres to the north west to provide better visibility and to enable it to meet the road at right angles. As the A49 Saintfield Road is a Protected Route (as per the map in Annex B of PPS 3), Policy AMP3 of PPS 3 is applicable. The preamble to PPS21 indicates that the policy provisions set out in Annex 1 thereof will take precedence over the provisions of Policy AMP3 of PPS 3 insofar as they relate to proposals seeking access to the category of road highlighted as "Other Protected Routes – Outside Settlement Limits". Accordingly, the "Consequential amendment to Policy AMP3 of PPS 3 Access, Movement and Parking" set out in PPS 21 must be considered.
25. The revised Policy AMP3 indicates that planning permission will only be granted for a development proposal involving access onto a Protected Route in four specified cases. Of relevance to this appeal is criterion (d) – other categories of development – which states that approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.
26. In this case, the proposals involve the improvement of an existing vehicular access as there is no alternative access available from a minor road. However, as I have found that the proposals are unacceptable in principle in the countryside for the reasons set out above, the access proposals are contrary to this policy. The improvement in the standard of the existing access would not outweigh the policy objection to the proposals. The Council's approval of an access to two infill dwellings at 124A Saintfield Road under application LA05/2016/0082/F is distinguishable as the principle of the development in the countryside was found acceptable in that case. Accordingly, the Council has sustained its fifth reason for refusal in both appeals.
27. As the Council has sustained its five reasons for refusal on both appeals, the appeals must fail.

These decisions are based on the following drawings which were received by the Council on 16th March 2020:-

2021/A0036 (Appeal 1)

No. 01 Site Location Map at 1:2500
No. 02 Concept Plan at 1:1250

2021/A0037 (Appeal 2)

No. 01 Site Location Map at 1:2500
No. 02 Concept Plan at 1:1250

COMMISSIONER GARETH KERR

List of Documents

- | | | |
|----------------------|---|--|
| Planning Authority:- | A | Statement of Case for Appeal 1
Lisburn and Castlereagh City Council |
| | B | Statement of Case for Appeal 2
Lisburn and Castlereagh City Council |
| | C | Combined Rebuttal Statement
Lisburn and Castlereagh City Council |
| Appellant:- | D | Combined Statement of Case
McCready Architects |
| | E | Combined Rebuttal Statement
McCready Architects |



Planning Committee

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 6 - Ammonia Emission Factors for Broilers Houses – (Updated Guidance for Development Proposals - March 2022)

Background and Key Issues:

Background

1. The Council is notified by DAERA Planning Response team on 23 March 2022 that AFBI has scientific research (Ball et al., 2022[1]) that has up-to-date emission factors for broilers housed in buildings under indirect (e.g. hot water) heating systems.

Key Issues

1. DAERA advise that ammonia emissions from broilers produced under an indirect heating system have been measured at 24g/bird place/year (0.024kg/bird place/year) and this value should be adopted for use as an up-to-date emission factor where such heating systems are used.
2. This emission factor will now apply to all statutory consultation responses provided by DAERA for planning consultations for broiler systems, which DAERA have not been previously consulted on.

^[1] Ball, E., Ramsey, R., Mulvenna, C., Wright, L. (2022) E&I Project 17/4/03 Summary findings on establishing ammonia emission factor for broilers.

3. The updated guidance can be found at the following link –
<https://www.daera-ni.gov.uk/articles/required-documentation>
4. Members should note that there has been different advice offered by DAERA and SES on the impact of ammonia emissions and that the additional research and associated clarification offered here may improve the overall timeliness of consultation responses from DAERA.
5. The Planning Unit will continue to monitor the impact of this updated guidance on the performance of the consultation process for this type of development.

Recommendation:

It is recommended that Members note the updated guidance provided by DAERA and that the Planning Unit will continue to monitor the performance of the consultation process for this type of development.

Finance and Resource Implications:

There are no finance and 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?

If no, please provide explanation/rationale

This report updates Departmental guidance in respect of ammonia emission. EQIA screening 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
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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:

This report updates Departmental guidance in respect of ammonia emission. RNIA screening 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:

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 6 – Ammonia Emission Factors for Broilers Houses – (Updated Guidance for Development Proposals - March 2022)

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:

Ammonia Emission Factors for Broilers Housed Under Indirect Heating Systems

Updated Guidance for Development Proposals

March 2022

- AFBI scientific research (Ball *et al.*, 2022¹) has established an up-to-date emission factor for broilers housed under indirect (e.g. hot water) heating systems. The methodology used in this work aligned with the internationally accepted Verification of Environmental Technologies for Agricultural Production (VERA) Test Protocol for Livestock Housing and Management, using measurements from four poultry houses in Northern Ireland over a period of 18 months.
- The standard 34g/bird place/year (0.034kg/bird place/year) emission factor within the UK Ammonia Inventory is based on historic data and from work conducted on direct heating systems.
- Ammonia emissions from broilers produced under an indirect heating system have been measured at 24 g/bird place/year (0.024kg/bird place/year) and this value should be adopted for use as an up-to-date emission factor where such heating systems are used. This is 29% lower than the 34 g/bird place/year value derived from the UK Ammonia Inventory.
- Overall nitrogen excretion has reduced due to improved nitrogen efficiency within the modern bird and advancements in feed conversion efficiency. In addition, indirect heating systems have resulted in a higher litter dry matter which makes the conditions less favourable for the production of ammonia.

Summary

- Any new development proposals for broilers with an indirect heating system should use the revised emission factor of 0.024kg/bird place/year. This should be reflected in all relevant documentation and drawings.
- This is applicable from date of publication for all new development proposals, which NIEA will be consulted upon.

¹ Ball, E., Ramsey, R., Mulvenna, C., Wright, L. (2022) E&I Project 17/4/03 Summary findings on establishing ammonia emission factor for broilers.

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Planning Committee

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 7 - Planning Forum - Internal Advice Note - Consultations in the Planning Application Process Operating Principles for Planning Authorities

Background and Key Issues:

Background

1. The Department has made available to SOLACE an advice note titled Consultations in the Planning Application Process: Operating Principles for Planning Authorities and Consultees published in December 2021.
2. The purpose of the advice note is to reflect the best practice principles, discussed and agreed through Planning Forum workshops with statutory consultees for the efficient and effective operation of the development management consultation process.

Key Issues

1. The first part of the note sets out seven 'operating principles' and associated actions for consultees and Planning Authorities to adhere to which, if applied consistently and with common sense and collaboration, should assist in enhancing the consultation process and ultimately improve the performance of the development management system, both in terms of quality and speed. Local government is represented on the forum by three heads of planning.

2. The second part of the note sets out, for information purposes, the role and input required from consultees in support of the full end-to-end development management process, including pre- and post-decision stages and other associated work (including enforcement action). This should help to manage expectations around the process and assist consultees in planning for resource requirements.
3. The document will be updated following the introduction of the new Planning IT system which has a consultee and should assist in improving the management of consultation responses. Further reviews will be undertaken as required.
4. The document is available to view on the Department for Infrastructure website:

<https://www.infrastructure-ni.gov.uk/publications/consultations-planning-application-process-operating-principles-planning-authorities-and-consultees>

Recommendation:

It is recommended that the Members note the Internal Advice Note - Consultations in the Planning Application Process Operating Principles for Planning Authorities.

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 report is to update on the publication of a guidance document by DfI with the aim of looking at the ways of improving the timeliness of consultation responses. No EQIA is 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
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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?

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 report is to update on the publication of a guidance document by DfI with the aim of looking at the ways of improving the timeliness of consultation responses. No RNIA is 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 7 – Internal Advice Note - Consultations in the Planning Application Process Operating Principles for Planning Authorities

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Planning Forum internal advice note

Consultations in the Planning Application Process: Operating Principles for Planning Authorities and Consultees

Introduction

The purpose of this advice note is to reflect the best practice principles, discussed and agreed through Planning Forum workshops with statutory consultees (November 2020) and Planning Authority representatives (January 2021), for the efficient and effective operation of the development management consultation process.

The '*Discussion Paper Examining the Role of Statutory Consultees in the Planning Process*' (September 2019), highlights that consultees play an essential role in the planning process. The consultation process, in itself, is an important element of an efficient, effective and transparent planning system; and it relies on there being effective engagement between Planning Authorities and consultees throughout the development management process. While consultees can provide the necessary expertise to advise on the technical and specialist aspects of a proposal, responsibility rests with developers, agents and planning staff to ensure that all necessary information is available and consultations are correct and absolutely necessary.

The first part of the note sets out seven 'operating principles' and associated actions for consultees and Planning Authorities to adhere to which, if applied consistently and with common sense and collaboration, should assist in helping to enhance the consultation process and ultimately improve the performance of the development management system, both in terms of quality and speed.

The second part of the note sets out, for information purposes, the role and input required from consultees in support of the full end-to-end development management process, including pre- and post-decision stages and other

associated work (including enforcement action). This should help to manage expectations around the process and assist consultees in planning for resource requirements etc.

Obviously not all the stages/input described will be relevant to every planning application and some elements, such as judicial review, will be rare. Equally, the list is not intended to be exhaustive or to preclude communication about other matters, including the 'non-statutory' advice and support provided by consultees to all stakeholders in the system.

This advice should be considered alongside other related guidance which has already been produced by the Department, councils or consultees, including Development Management Practice Note 18: 'The Consultation Process and Duty to Respond'¹. The Department would particularly reference the useful guidance which has been developed by Belfast City Council, including its internal 'Planning Consultation Checklist' which sets out practical and factual advice for its planning officers on whom to consult and in what circumstances.

Review and Update

This document will be updated following the introduction of the new Planning IT system. Further reviews will be undertaken as required.

¹ Development Management Practice Note 18: 'The Consultation Process and Duty to Respond' can be viewed on this link https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn-18-consultation-process-v2-may-2016_0.pdf

Operating Principles for the Practical Management of Consultations in the Planning Application Process

1 	<p>There is effective communication and accessibility between planning authorities and statutory consultees</p> <ul style="list-style-type: none"> • Planning authorities and statutory consultees share staffing structures and a central list of key contact details for all teams involved in the consultation process. Contact between planning authorities and consultees is proportionate to the needs of the individual planning application. • Planning Authority and case officer names are included on all consultation requests. 	5 	<p>Consultees publish guidance and advice which is sufficiently comprehensive and clear</p> <ul style="list-style-type: none"> • Consultees ensure that guidance and standing advice is up-to-date and relevant to planning application consultation requirements.
2 	<p>Consultations only take place where necessary</p> <ul style="list-style-type: none"> • Each Planning Authority prepares its own consultation checklist to guide planning staff on whom to consult and when. • Planning staff scrutinise every proposal to determine if a consultation or re-consultation is required by legislation or necessary properly to assess the application and make an effective decision. • Planning staff consider all appropriate guidance and standing advice before issuing a consultation. 	6 	<p>Consultation responses are clear, concise, and stay within the parameters of the consultee's remit and expertise; and they are returned within the statutory target unless there are exceptional circumstances</p> <ul style="list-style-type: none"> • Consultee responses focus on the relevant issues and on what matters need to be addressed to make the proposal acceptable. • Where the proposal does not meet the relevant requirements and is unacceptable, consultees give clear and precise reasoning including any recommended grounds for refusal. • Where the proposal is considered acceptable subject to conditions, consultees should explain this and provide reasoning which enables planning authorities to draft planning conditions which are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to subject proposal. • Where a time extension is required to provide a substantive response to a consultation, the consultee liaises with the Planning Authority and provides a robust explanation outlining what the exceptional circumstances are for not being able to respond within the statutory timeframe.²
3 	<p>Consultation requests are clear and concise</p> <ul style="list-style-type: none"> • In cases where the purpose of the consultation or re-consultation is not obvious, planning authorities provide clear and concise reasons for the consultation, why it is considered necessary and what advice is sought. 		
4 	<p>All necessary documents are uploaded to the Planning I.T. system and clearly labelled</p> <ul style="list-style-type: none"> • Planning authorities upload from digital copies where possible and encourage applicants/agents to submit information in digital format. • Planning authorities provide an overview / list of all documents to be reviewed by the consultee with the consultation. 		

² Planning Forum Internal Advice Note on extensions <https://www.infrastructure-ni.gov.uk/publications/extensions-statutory-consultations-exceptional-circumstances>

Role of Consultees in the Development Management Process

Pre-application discussions (PADs)

- Provide advice on key issues for the proposal relevant to the consultee's area of expertise. This will include identification of key considerations, potential impacts and opportunities for the proposal, e.g. protected routes, historic monuments, nature reserves etc.
- Provide advice on the information and reports required to be submitted in order to adequately assess a planning application (including reference to publicly available standing advice and guidance).
- Participate in PAD meetings, as appropriate, and liaise with Planning Authorities to ensure meetings are prioritised, targeted and attendance is proportionate.
- Provide comment where detailed information is provided (without prejudice to the formal statutory planning process).

It is important to emphasise that the onus is on the applicant/agent to provide adequate information, including the scoping of potential constraints and impacts etc., to inform the PAD process and to enable consultees to provide useful advice.

- The nature of pre-application engagement will of course vary depending on the individual proposal.

Environmental Impact Assessment (EIA)

Formal EIA-related consultation will come directly from a Planning Authority. Developers, however, may seek informally to engage with consultees in relation to EIA at any point prior to the submission of their planning application. This should be handled by applying the PAD advice (above).

Consultees' role in the formal stages of the EIA process:

Screening – it is the Planning Authority's role to determine whether a proposed

development is EIA development and requires an Environmental Statement, based on readily available information and that provided by the applicant, which they assess against Schedules 1-3 of the EIA Regulations. However, in some cases planning authorities may seek additional perspective from statutory consultees to help inform their determination on whether a proposal is likely to have significant environmental effects. There is no formal basis, within the EIA Regulations, for a Planning Authority to undertake engagement to inform their screening determination and, as such, any response from a consultee will be on a voluntary basis.

Scoping – applicants of EIA development have the option to request a Scoping Opinion from the Planning Authority. Where a Planning Authority receives a scoping request from a developer, they are required to respond within 6 weeks and in this period are required to consult with statutory consultees to help determine what should be included in the Environmental Statement. Consultees should review the information provided by the Planning Authority, in order to:

- Identify and justify issues / concerns / gaps in the developer's proposed approach to assessment, which relate to environmental topics within the consultee's remit.
- Highlight the interactions between the development proposal and the environment, which are likely to lead to significant environmental effects (whether positive or negative).
- Provide comment on whether the consultee agrees with the developer's proposed methods of assessment, which may include data sources, modelling software, etc.
- Highlight and, as relevant, provide links to access any relevant environmental data / information the consultee organisation holds that may be of use to the scope of the EIA process.

It is important that consultees respond to EIA scoping consultations, as a failure to do so is more likely to lead to delays at the planning application stage and will reduce the consultee's ability to influence the proposed development's

positive and negative environmental effects. As such, consultees are strongly encouraged to respond within the timelines set by the Planning Authority.

Environmental Statement – All planning applications classed as EIA development must be accompanied by an Environmental Statement (ES), setting out the findings of the assessment. The ES is a key information source for responding to the *planning application* itself. In addition to the advice on this (below), the consultee's focus in reviewing and responding to the ES should be on whether:

- The ES's likely significant environmental effects findings align with the consultee's assessment of the proposed development's effects, and where they do not, the consultee should provide and justify its views.
- Gaps in the assessment process, or the findings presented in the ES, mean there is insufficient information to understand the proposal's likely significant environmental effects.
- Specific environmental design features or mitigation measures set out in the ES should be developed into planning conditions by the Planning Authority.

Planning applications (including those involving EIA – see section on Environmental Statement above)

- Provide a substantive consultation response within statutory/non statutory timeframe (including re-consultations).
- Comment on material planning considerations only, not matters which fall under other legislation or regulatory regimes (for which 'informatives' may be appropriate to include in a decision notice granting planning permission). In EIA cases the advice and comment should be in relation to *likely significant effects* (whether positive or negative).
- Request an extension where, in exceptional circumstances, the statutory timeframe cannot be met.
- Request further information only where required to assist decision-making.
- Provide specific comment on third party representations, if new and substantive issues have been raised and evidence provided.

- Where the conditional grant of planning permission is recommended, the reasoning should enable planning officers to draft conditions which are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted.³
- Where the proposal does not meet the relevant requirements and is unacceptable, consultees should give clear and precise reasoning including grounds for refusal, should the Planning Authority wish to determine the application. Such grounds for refusal should, in the opinion of the consultee, be defensible at appeal.
- Attend planning committees and Pre-Determination Hearings, when necessary and proportionate.

Section 76 Planning Agreements

- Provide specialist input, if required, into the drafting of planning agreements (prior to grant of planning permission).
- Provide specialist input into proposals or applications to modify or discharge planning agreements.

Post decision

- Provide consultation response on applications to discharge conditions (the above actions under *planning applications* can also apply to an application to discharge a condition).
- Provide expert input or affidavits in relation to any judicial review challenge.
- Provide expert input or advice on Ombudsman cases.

Enforcement

- Provide oral and written expert advice to Planning Authorities in relation to enforcement cases.

³Development Management Practice Note – planning conditions https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn-20-use-of-planning-conditions-v1-april-2015_0.pdf

- Report any potential breaches of planning conditions (or planning agreements) to the relevant Planning Authority enforcement team.
- Provide expert input to Planning Authorities in their post decision compliance checks of planning condition and planning agreement implementation and monitoring requirements, as relevant to the consultee's remit.
- Attend site visits and meetings with the Planning Authority and the developer (if requested and arranged by the Planning Authority), as appropriate.
- Discuss remedial action with Planning Authorities.

Appeals/public inquiries/hearings

- Provide written evidence and input to Statements of Case.
- Review applicant's statement of case and provide any rebuttal comments.
- Attend the appeal/inquiry/hearing as an expert witness, as appropriate.

Planning applications includes crown development, listed building consent, consent to demolish within a conservation area, consent to display an advertisement, applications to vary conditions and hazardous substances consent. Appeals includes appeals against a planning decision, non-determination of an application or an enforcement notice and appeals against refusal or non-determination of applications to modify of planning agreements. Hearings include hearings into Notices of Opinion issued by the Department and hearings into EIA Determinations 21/04/2021.



Planning Committee

09 May 2022

Report from:

Head of Planning & Capital Development

Item for Noting

TITLE: Item 8 - Response to the Northern Ireland Audit Office (NIAO) Report - Planning in Northern Ireland

Background and Key Issues:

Background

1. The NIAO published a report on Planning in Northern Ireland on 01 February 2022 (**see Appendix**). The study undertook a high level review of how effective the planning system was operating, and how effectively it was being governed.
2. The Audit office undertook a detailed analysis of available data covering the performance of the planning system in a variety of areas. It also engaged with a broad range of stakeholders both inside and outside the system.
3. The report is prepared under Article 8 of the Audit (Northern Ireland) Order 1987 (for presentation to the Northern Ireland Assembly in accordance with Article 11 of the Order) and Article 26 (10 of the Local Government (Northern Ireland) Order 2005.
4. The report also considered:
 - How the planning system has performed since 2015 in respect of its three main functions;
 - Concerns about how decision are made within Councils;
 - How the Department exercises the functions assigned to it within the Planning Act;

- Some of the wider strategic issues that are having a significant impact upon the effectiveness of the planning system.
5. The Public Accounts Committee is a Standing Committee established in accordance with Standing Orders under Section 60(3) of the Northern Ireland Act 1998. It is the statutory function of the Public Accounts Committee to consider the accounts, and reports on accounts laid before the Assembly.
 6. The Public Accounts Committee met with stakeholders (including the Department, SOLACE and NILGA) on 10, 17 and 24 February and 10 March 2022 to consider the Northern Ireland Audit Office's (NIAO) report "Planning in Northern Ireland". A report into their findings was published on 24 March 2022.

Key Issues

1. The high level issues identified by the NIAO in the report are summarised as follows:
 - Northern Ireland's planning system is not working efficiently and, in many respects, is failing to deliver for the economy, communities or the environment.
 - The report notes that there is significant silo working in the planning system, and that the most important planning applications are still taking too long to process.
 - The time taken to process major applications varies substantially between Councils, with the median processing time for the slowest more than three times that of the fastest Council.
 - Notable variances between Councils in their decision making processes including the extent to which planning decisions are delegated from elected representatives to professional planning officials, and how Councils resolve enforcement cases where there are potential breaches of policies and/or planning conditions.
 - Recognises the significant pressures that the planning system faces and that planning decisions have become increasingly complex, requiring more interaction with those who have specialist knowledge or skills, particularly in regards to assessing and managing environmental impacts.
 - Planning fees, the main source of income for the planning system, has not been adjusted year on year to keep pace with inflation and as a result, the system is increasingly financially unsustainable and the gap between the income generated from planning activities by Councils and the cost of those activities has increased significantly.
 - Pressures have also contributed to slow progress in the creation of Local Development Plans by Councils.
2. The report highlights the need for better co-operation between key stakeholders in the two tier system. The challenge in effecting change to increase public confidence in the system is primarily linked to a review of funding and increasing the capacity for local planning authorities to make quality and timely decisions on the basis of up to local development plans.
3. Subsequent to the publication of the report, the Public Accounts Committee heard presentations from, and asked questions of, the Department for Infrastructure, SOLACE, NILGA and community representatives in respect of the findings of the NIAO report.

4. The Public Accounts Committee report that followed on 24 March 2022 takes account of the representations received at the oral hearings (**see Appendix**). In summary, the report follows the narrative of the NIAO and notes that performance issues within the planning system are widely known and are a source of considerable concern for this Committee and that since the transfer of functions in 2015, planning authorities have failed to deliver on many of their key targets, particularly on major and significant development.
5. Twelve Recommendations are outlined by the Public Accounts Committee as follows:
 - i. The planning system in Northern Ireland is not working. The Committee recommends that a Commission is established to undertake a fundamental review to ascertain the long-term, strategic changes that are needed to make the system fit for purpose. This should be led by someone independent from the Department.
 - ii. The Committee has heard that there are a number of opportunities to make immediate improvements to the planning system. We recommend that a commission is established to identify tangible improvements that can be achieved in the short term. This must focus on problem solving, delivery and achieving outcomes within a fixed time frame.
 - iii. The Committee expects action to be taken to improve the planning system. In lieu of any accountability for performance within the system, the Department will provide the Committee with a radical action plan and provide the successor Committee with an update on the improvements made in six months' time.
 - iv. The Committee recommends that the Department considers ways to streamline the remaining LDP processes, and works with councils to learn lessons from those that have been through the independent examination process with a view to taking a more pragmatic approach to the remaining plans. The Department and councils need to work collaboratively to produce these important plans as soon as possible.
 - v. The Committee recommends that all those involved in decision-making ensure that processes are open and transparent, particularly where a high degree of interpretation has been exercised. The Department and councils should consider how checks on good record keeping, to ensure transparency, could be carried out effectively.
 - vi. The Committee recommends that the Department should ensure that there is suitable and proportionate means of engaging with the planning system. This should include a deeper consideration of the appropriateness of limited third-party rights of appeal.
 - vii. The operation of the planning system for rural housing is at best inconsistent and at worst fundamentally broken. The Committee believes that it is essential that policy in the area is agreed and implemented equally and consistently across Northern Ireland. The Department should ensure this is the case.
 - viii. The Committee recommends that the Department urgently considers how it exercises its oversight of the planning system. In the Committee's view, this must be accompanied with a cultural change. Intervention should be to support delivery and to make improvements. The current minimal approach is no longer sustainable.
 - ix. The Committee recommends that the Department and local government should implement immediate changes to improve the quality of applications entering the system. Whilst this may require legislative change, we do not believe that this should be an excuse for delay.
 - x. The Committee recommends that planning authorities regularly review past decisions to understand their real-world outcomes, impact on communities and the quality of the completed development.

- xi. The planning system must be financially sustainable and this requires an appropriate, long-term funding model. The Committee recommends that all those involved in delivering planning work together to achieve this. In the short term the Department should take the lead on bringing forward legislation on planning fees as a matter of urgency.
 - xii. There is a fundamental need for a cultural change in the way local and central government interact around planning. Whilst cultural change will take time, this should be reflected immediately in a more inclusive planning forum which includes representation from developers and communities.
6. The need for the Council to place on record its views on the content and findings of the NIAO and PAC reports is considered necessary. A draft response is attached for the information of Members (**see Appendix**). This draft response is to be considered by the Development Committee on 4 May 2022 (verbal update will be provided).
 7. The learning for this specific Council Area will be disseminated and any recommendations for change to the way in which the planning function is delivered in Lisburn & Castlereagh will be addressed in a paper in to come in front of members at the earliest available committee meeting.
 8. The NIAO report is available to view via the following link
<https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/NIAO%20Report%20-%20Planning%20in%20NI.pdf>
 9. The report from the Public Accounts Committee is available to view via the following link
<http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>
 10. In addition Members should note that an anomaly in the Planning legislation and the Local Government Act has come to light in a case taken against Derry City and Strabane District Council known as the Hartlands Case. In order to address the anomaly either the DfC have to amend the legislation or the Council has to amend its Standing Orders.
 11. In the interim it should be reported to the Department that the statistical figures do not take account of the five weeks impact of the ruling on the interpretation of the call-in procedures.

Recommendation:

It is recommended that Members consider to note:

1. The content of the NIAO report and the report of the Public Accounts Committee considerations into planning in Northern Ireland.
2. That the draft response is to be considered by the Development Committee on 4 May 2022 (verbal update will be provided). The impact of the Hartlands Case in identifying the anomaly between the Planning and the Local Government Act.

Finance and Resource Implications:

None

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

If no, please provide explanation/rationale

This is a response to a report published by the NIAO and Public Accounts Committee. It does recommend a policy change that is required to be equality screened.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	<input type="text" value="N/A"/>	Option 2 Screen out with mitigation	<input type="text" value="N/A"/>	Option 3 Screen in for a full EQIA	<input type="text" value="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:

N/A

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="No"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>
--	---------------------------------	---	---------------------------------

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

This is a response to a report published by the NIAO and Public Accounts Committee. It does recommend a policy change that requires a RNIA.

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:

N/A

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 2(a)** - NIAO report on Planning in Northern Ireland published on 01 February 2022
- Appendix 2(b)** – Public Accounts Committee report on Planning in Northern Ireland published on 24 March 2022
- Appendix 2(c)** – Draft Response to the NIAO Report into Planning in Northern Ireland.

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:



Northern Ireland Audit Office

Planning in Northern Ireland





Northern Ireland Audit Office

Planning in Northern Ireland

This report has been prepared under Article 8 of the Audit (Northern Ireland) Order 1987 (for presentation to the Northern Ireland Assembly in accordance with Article 11 of the Order), and Article 26 (1) of the Local Government (Northern Ireland) Order 2005.

K J Donnelly CB
Comptroller and Auditor General
1 February 2022

Colette Kane
Local Government Auditor
1 February 2022

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Abbreviations

BCC	Belfast City Council
DAERA	Department of Agriculture Environment and Rural Affairs
DfC	Department for Communities
DfI	Department for Infrastructure
EIA	Environmental Impact Assessment
EU	European Union
FTE	Full-time equivalent
IE	Independent Examination
LDP	Local Development Plan
LPP	Local Policies Plan
NI	Northern Ireland
NICS	Northern Ireland Civil Service
NIEA	Northern Ireland Environment Agency
PAC	Planning Appeals Commission
PAD	Pre-application discussion
PAN	Planning Advice Note
PPS	Planning Policy Statement
PS	Plan Strategy
RDS	Regional Development Strategy
RTPI	Royal Town Planning Institute
SES	Shared Environmental Service
SPPS	Strategic Planning Policy Statement

Executive Summary

Executive Summary

The planning system should positively and proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland

1. The planning system has the potential to make an important contribution to much needed development in Northern Ireland. When it works effectively, it can have a key role in encouraging investment and supporting the Northern Ireland economy, creating places that people want to work, live and invest in. The system also has the potential to act as a key enabler for the delivery of a number of draft Programme for Government outcomes.
2. Delivering an effective system provides potential investors with the confidence they need to propose development in Northern Ireland and ensure that it is sustainable and meets the needs of the community.
3. Despite the importance of the planning system to Northern Ireland, our review found that it is not operating effectively, not always providing the certainty that those involved wanted, and in many aspects not delivering for the economy, communities or the environment.

The way in which planning functions are delivered fundamentally changed in 2015

4. The Planning Act (NI) 2011 (the Act) established the two-tier system for the delivery of planning functions in Northern Ireland. Under the Act, responsibility for delivering the main planning functions passed from a central government department to local councils in April 2015.
5. The Department for Infrastructure (the Department) has responsibility for preparing regional planning policy and legislation, monitoring and reporting on the performance of councils' delivery of planning functions and making planning decisions in respect of a small number of applications.

The planning system has not met many of its main performance targets

6. Since the transfer of functions to local government, on a number of key metrics, the planning system in Northern Ireland has not delivered against many of its main targets. Around 12,500 planning applications have been processed each year in Northern Ireland since 2015. Despite their importance, processing the most important planning applications still takes too long.
7. Major planning applications can relate to development that has important economic, social or environmental implications. Despite a statutory target for each council to process major development planning applications within an average of 30 weeks¹, the vast majority of Major planning applications take significantly longer. Around one-fifth of these applications take more than three years to process.

1 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

8. The Department told us that the period following the transfer of planning powers to local government in 2015 was dominated by a lack of a local Assembly and ministers for three years to January 2020, the implications of the Buick judgment² in 2018 for decision-making, followed by the significant impact of the Covid-19 pandemic and, as a consequence, there was an impact on the performance of the system.
9. Performance on Local applications is better. The target, that Local development planning applications will be processed within an average of 15 weeks, was achieved for Northern Ireland as a whole in both 2018-19 and 2019-20. Performance dipped in 2020-21, but this was likely caused by the impact of Covid-19.
10. Our analysis shows that the time taken to process Major applications varies substantially between councils. For Major planning applications processed between 2017-18 and 2019-20, the median processing time for the slowest council was more than three times that of the fastest council.

Despite the importance of planning, the system is increasingly financially unsustainable

11. When planning responsibilities transferred to councils, it was on the basis that delivery of services should be cost neutral to local ratepayers at the point of transfer. However, the income generated from planning does not cover the full cost of service delivery. The fees councils charge for planning applications are decided by the Minister for Infrastructure and were initially set by the Department in 2015, with individual rates for different types of planning application. In the absence of a Minister from January 2017 to January 2020, the Department was able to raise fees once (by around 2 per cent, in line with inflation in 2019) following the enactment of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, which allowed the Department to take certain decisions normally reserved to the Minister.
12. As a result, there has been a need to supplement income with other public funding to deliver planning services. Our review of financial information provided by councils showed that the gap between income generated by planning activities and the cost of those activities increased significantly between 2015-16 and 2019-20. This is not sustainable in the longer term.

The system is inefficient and often hampered by poor quality applications

13. There is a low bar for the quality of planning applications that are allowed to enter the system. Stakeholders consistently told us that the criteria set out in the 2011 Planning Act are too narrow, and do not require applicants to provide key supporting documentation. This means the Department and councils are often obligated to attempt to process poor quality and incomplete applications.

2 In re Buick [2018] NICA 26, the Northern Ireland Court of Appeal held that the Department did not have the power to make the decision to grant planning permission for a major waste incinerator in the absence of a minister.

Executive Summary

14. Whilst some councils have taken steps to improve application quality, such as the creation of application checklists, these have not been rolled out across the system. We highlighted the issue of poor quality applications in our previous report on Planning in 2009. The Department told us that it is proposing to take forward legislative changes to better manage the quality of applications and it has encouraged councils to roll out an administrative checklist in advance of any legislative change.

There is an urgent need for improved joined-up working between organisations delivering the planning system

15. Our review has identified significant silo working within the planning system. We saw a number of instances where individual bodies – councils, the Department or statutory consultees – have prioritised their own role, budgets or resources, rather than the successful delivery of the planning service. Each organisation is accountable for its own performance, and whilst the Department monitors the performance of individual organisations against statutory targets, there is little accountability for the overall performance of the planning system. Whilst individual organisations stressed the challenges they faced, ultimately the frustration from service users was the poor performance of the system, not issues in individual bodies.
16. In our view, the ‘planning system’ in Northern Ireland is not currently operating as a single, joined-up system. Rather, there is a series of organisations that do not interact well, and therefore often aren’t delivering an effective service. This has the potential to create economic damage to Northern Ireland. Ultimately, as it currently operates, the system doesn’t deliver for customers, communities or the environment.
17. In our view, this silo mentality presents both a cultural and a practical challenge. The focus for all of those involved in the system must be the successful delivery of planning functions in Northern Ireland, not the impact on their own organisations. This will require strong, consistent leadership – in our view the Department is well placed to provide this and should continue to build on its work to date. It is crucial that all statutory bodies involved in the planning system play their part and fully commit to a shared and collaborative approach going forward.

Many statutory consultees are struggling to provide information in a timely manner

18. Processing an individual planning application often requires technical or specialist knowledge that doesn’t exist within individual council planning teams. In these cases, statutory consultees provide officials with information they need to inform their decision. Whilst councils ultimately decide on planning applications, the fact that the majority of consultees sit outside local government adds another layer of complexity to an already fragmented system.
-

19. Statutory consultees are required to make a substantive response to planning authorities within 21 days or any other period as agreed in writing with a council. Performance is consistently poor, particularly in respect of Major planning applications. The poorest performance is by DfI Rivers, part of the Department for Infrastructure, which only responds in time to around forty per cent of all consultations. The Department told us that there has been a major increase in consultations received by statutory consultees. This, coupled with the increasing complexities of cases received and finite resources, has had significant implications in relation to performance. Nonetheless, there is room for improvement in the timeliness of responses from most statutory consultees.

The system isn't meeting its plan-making objectives

20. Northern Ireland's planning system is intended to be "plan-led" and each council is preparing a Local Development Plan (LDP). The Department's expectation was that all councils would have a fully completed LDP within three and a half years of beginning the process. However, six years later, no council has managed to complete an LDP, with many still in the early stages of the process. The Department told us that this was an indicative timetable, which sought to provide an estimate under a new and as yet untested system. The legislation provides for amended timetables to be submitted.
21. Despite the slow progress, estimates provided to us on the total spend to date on development of LDPs ranged from £1.7 million to £2.8 million per council, figures that would be equivalent to the total annual cost of delivering planning functions within most councils.

The planning system faces challenges in effectively managing applications which have the potential to have a significant impact on the environment

22. Preserving and improving the environment is one of the core principles of the planning system. However, a number of stakeholders highlighted the increasing challenges of assessing and managing the environmental impact of proposed development. Environmental assessments required for individual applications are often complex and time-consuming.
 23. We heard concerns that the planning system is struggling to progress some complex planning applications which can include environmental impact assessments. In particular, there is a lack of certainty around how the system deals with applications for development that will produce ammonia emissions. The lack of clear environmental guidance in this area creates significant uncertainty for planning authorities, applicants and statutory consultees. The system urgently needs updated policy guidance from the Department of Agriculture, Environment and Rural Affairs.
-

Executive Summary

Value for money statement

In our view, the planning system is not operating efficiently. Crucially, in many aspects, the system doesn't deliver for the economy, communities or the environment. NIAO regularly receives concerns about planning decisions, implying a lack of confidence in the way the system operates. In addition, costs consistently exceed income, and the system itself is being subsidised by both central and local government. It is simply unsustainable to continue in this way.

Part One:
Introduction

Part One: Introduction

- 1.1 The objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving wellbeing. By directing and controlling the type and volume of development that occurs, the system can support the sustainable creation of successful places in which people want to live, work and invest. As the planning system can be a key enabler for achieving many of the economic and social outcomes targeted within the draft Programme for Government outcome framework, it is vital it operates effectively.

There are a large number of public bodies involved in delivering the planning system in Northern Ireland

- 1.2 The Planning Act (NI) 2011 (the Act) established a two-tier structure for the delivery of planning functions in Northern Ireland. The Department for Infrastructure (the Department) has a central role in the planning system in Northern Ireland. Alongside this, it has responsibility for preparing planning regional policy and legislation, and monitoring and reporting on the performance of councils' delivery of planning functions. In addition, the Department makes planning decisions in respect of a small number of Regionally Significant and called-in applications.
- 1.3 Under the Act, responsibility for delivering the majority of operational planning functions passed from a central government department to local councils in April 2015. This includes:
- development planning – creating a plan that sets out a vision of how the council area should look in the future, by deciding what type and scale of development should be encouraged and where it should be located;
 - development management – determining whether planning applications for particular development proposals should be approved or refused; and
 - planning enforcement – investigating alleged breaches of planning control and determining what action should be taken.
- 1.4 The ability of councils to deliver these functions often depends upon expert advice provided by a number of statutory consultee organisations. These are mainly central government organisations that provide specialist expertise to council planning officials on technical matters relating to individual planning applications, or on issues relating to development plans. The main organisations that councils consult with are Department for Infrastructure (DfI) Roads, Department for Agriculture Environment and Rural Affairs (DAERA), DfI Rivers, NI Water and the Historic Environment Division within the Department for Communities, but there are a number of others³.
- 1.5 In most cases, consultations are required to meet a statutory obligation. These consultations are referred to as statutory consultations. In addition, there are a large number of non-statutory consultations, which have increased in recent years.

3 Other consultees used by councils include Health and Safety Executive NI, the Department for the Economy, Belfast International Airport, City of Derry Airport and the Housing Executive.

The planning system has not met many of its main performance targets in recent years

- 1.6 Two of the main functions of the planning system are to establish plans that should control the volume and type of development that will occur, and then to efficiently process development applications, approving or refusing these. Since 2015, the planning system has not met many of its main performance targets.
 - 1.7 Under the Act, each council was required to develop a Local Development Plan that would direct and control development in their area. The Department estimated that all councils would have such plans in place by 2019. The Department told us that this was an indicative timeframe that sought to provide an estimate for the preparation of a plan under the new, and as yet untested, system.
 - 1.8 However, no council has been able to complete a plan. As a result, planning decisions made by planning authorities often refer to plans and policies that are old and do not reflect the current needs and priorities of the area. The Department told us that in such cases the weight to be afforded to an out-of-date plan is likely to be reduced and greater weight given in decision-making to other material considerations such as the contents of more recent national policies or guidance.
 - 1.9 The planning system has also struggled to achieve efficient and timely processing of the Major development applications it receives. In particular, there has been a consistent failure to process the most important development applications in line with the timeliness targets set for these applications, with little evidence of improvement in performance forthcoming.
 - 1.10 The Department told us that the period following the transfer to local government in 2015 was dominated by a lack of a local Assembly and ministers for three years to January 2020, the implications of the *Buick* judgement in 2018 for decision-making, followed by the significant impact of the Covid-19 pandemic and, as a consequence, there was an impact on the performance of the system.
 - 1.11 An effective and efficient planning system can facilitate significant investment into Northern Ireland, which can have wider effects on the economy, including the creation of jobs and economic growth. A poorly performing planning system, however, can bring delays, costs and uncertainty which either postpone economic benefits or, in the worst circumstances, undermine proposed investment. The Department told us that timeliness is only one aspect of performance as it is important that the right decisions are made, supported by sufficient evidence and appropriate consultation.
-

Part One: Introduction

Variances in decision-making processes across different council areas represent a risk to efficiency and effectiveness

- 1.12 The transfer of responsibilities under the Act granted councils a certain degree of flexibility in how they design their own arrangements for delivering planning functions. This flexibility was intended to give councils the power to design their processes in a way that best suited local needs, and to empower councils to shape how development occurred within their area, in line with the aspirations of the local community.
- 1.13 Prior to the transfer of planning to councils in 2015, the Department developed a best practice protocol for the operation of planning committees setting out a framework of principles and good practice that planning committees should adhere to. The Department told us that this protocol was not mandatory, but it recognised that there should be a degree of consistency across the eleven councils.
- 1.14 Our review of available data and engagement with various stakeholders has suggested that there are risks that all councils are not complying with best practice standards in respect of decision-making, and that approaches are characterised by a high level of variance, with no strong evidence that this variance is delivering additional value.

Councils' ability to perform effectively can be constrained by issues beyond their direct control

- 1.15 Whilst councils have primary responsibility for the operational delivery of most planning functions, there are a number of external constraints, often beyond the control of councils that have had a negative impact on their ability to deliver effectively. These include:
- that adequate resources were not provided to allow councils to deliver all the functions for which they are responsible;
 - that statutory consultees are able to provide timely responses to councils when requested to provide advice on issues relating to a particular application; and
 - that there are effective arrangements in place to monitor the overall performance of the planning system and to support the effective management of issues that are affecting the quality of the service delivered.
- 1.16 We found deficiencies within each of these areas that affect the quality of the service currently being delivered which, if not addressed, pose significant risks to the future delivery of services.
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Scope and structure

- 1.17 In this study we undertook a high level review of how effectively the planning system was operating, and how effectively it was being governed. We undertook a detailed analysis of available data covering the performance of the planning system in a variety of areas, and engaged with a broad range of stakeholders both inside and outside the system.
- 1.18 The remainder of this report considers:
- a summary of how the planning system has performed since 2015 in respect of its three main functions (**Part Two**);
 - concerns about how decisions are made within councils (**Part Three**);
 - how the Department exercises the functions assigned to it within the Planning Act (**Part Four**); and
 - some of the wider strategic issues that are having a significant impact upon the effectiveness of the planning system (**Part Five**).
-

Part Two:

Performance of the planning system

Part Two:

Performance of the planning system

- 2.1 Northern Ireland's planning system is intended to be a "plan-led" system. Policies and priorities should be clearly set out in a framework of development plans that establish the volume and type of development that will be allowed. These plans will allow developers to assess the type of development proposals that will be accepted or refused, and provide a basis for transparent decision-making by planning authorities. The integrity of this system is protected by an enforcement system that ensures that all development is within the terms of the planning permission granted by planning authorities.

Plan-making

Each council is responsible for the creation of a Local Development Plan

- 2.2 Under the 2011 Act, each council was made responsible for the preparation of a Local Development Plan (LDP) – a 15 year framework document that would direct and control the scale and type of development that would be undertaken within the council area. The vision and objectives of the LDP should reflect the spatial aspirations of the council's Community Plan. Each LDP should consist of two main documents:
- A **Plan Strategy (PS)** is the first stage of an LDP. It provides the strategic framework for key development decisions that will be made in the council area. The legislation provides that any determination made under the 2011 Act must be made in accordance with the plan, unless material considerations indicate otherwise. In preparing the LDP a council must take account of the Regional Development Strategy (RDS) and any policy or advice such as the Strategic Planning Policy Statement (SPPS).
 - The PS will be supplemented by a **Local Policies Plan (LPP)** setting out local policies and site specific proposals for development, designation and land use zonings to deliver the council's vision, objectives and strategic policies. The LPP is required by the legislation to be consistent with the Plan Strategy.
- 2.3 The process by which each document is prepared is prescribed by legislation. Under the Local Development Plan process, the Department has an oversight and scrutiny role. As part of this, a council is required to submit its LDP document to the Department to ensure that it is satisfactory. The Department will then cause an Independent Examination (IE) to be carried out by an independent examiner, usually the Planning Appeals Commission (PAC). Following the IE, the examiner will issue a non-binding report of its findings to the Department which will in turn consider this and issue a binding direction to a council. A council must incorporate any changes outlined in the direction and subsequently adopt the Plan Strategy.
-

Six years into the process, no council has an approved Plan Strategy

- 2.4 The expectation was that all councils would have a fully completed LDP within three and a half years of beginning the process. However, six years later no council has managed to complete an LDP, with most still only having a draft Plan Strategy in place. The most recent projections provided by councils suggest that it will be 2028 before there is an LDP in place in each council area (see **Figure 1**). Some councils currently project that they will complete the LDP process over the next two to three years. However, a number of them are still in the early stages of the process, so these projections may be overly ambitious.
- 2.5 The Department told us that the indicative timeframe of three and a half years sought to provide an estimate for the preparation of a plan under a new, and as yet untested, system. The legislation, however, provides for amended timetables to be submitted and agreed by the Department and this reflects and acknowledges the reality that timetables could be subject to further change.

Figure 1. It was originally anticipated that all councils would have adopted final Plan Strategies and Local Policy Plans within three and a half years

INDICATIVE TIMETABLE:



Despite the expectation that all councils would have adopted final Plan Strategies within 2 years, it is currently the case that **no council has been able to complete this process some 6 years later.**

Current expectations are that instead of around 3 and a half years for all councils to complete the entire process it will take until 2024 for at least half of councils to have completed Plan Strategies and Local Policies Plans and 2028 before all councils complete the process.

Source: Overview of Local Development Plan process summarises approach as outlined within the Strategic Planning Policy Statement for Northern Ireland.

Part Two: Performance of the planning system

- 2.6 Our discussions with councils highlighted a number of issues with the LDP process:
- The Department's indicative timetable set for completion was too ambitious, given the scale and complexity of the work required by councils.
 - A number of council planning teams did not have staff members with experience of plan development or expertise in the specialist areas required to develop their plan.
 - Resource pressures in many councils mean that staff are often removed temporarily from LDP development work to manage short term pressures in application processing.

These issues are all discussed in more detail in **Part Three** of the report.

The lack of LDPs means planning decisions are not guided by up-to-date plans

- 2.7 Planning decisions must be made in accordance with the LDP unless material considerations indicate otherwise. In the absence of newly developed LDPs, councils must make planning decisions with reference to the existing local policies that are in place and all other material planning considerations. In some cases, the plans covering particular parts of a council area are over 30 years old, and do not reflect the current needs and priorities of the area.
- 2.8 The Department told us that in such cases the weight to be afforded to an out-of-date plan is likely to be reduced and greater weight given in decision-making to other material considerations such as the contents of more recent national policies or guidance. The weight to attach to material considerations in such circumstances is however a matter for the decision taker. Some stakeholders told us that older plans were potentially more open to interpretation than newer plans, increasing the risk that decision making is not consistent within or between councils, or that the rationale for the decisions is not clear to the public.
- 2.9 Where the existing plans do not provide adequate guidance, decision-makers must refer to other material planning considerations such as national policy set out in the Strategic Planning Policy Statement (SPPS) or Planning Policy Statements (PPSs). These PPSs were retained as a temporary measure as part of transitional arrangements to ensure continuity of policy for taking decisions until the adoption by councils of a Plan Strategy for their area. PPSs were initially developed by the former Department of the Environment and set out regional Northern Ireland-wide policy on particular aspects of land use and development. However, we have been told they are complex, disparate and, because they were never intended to be specific to local areas, it can be challenging to make specific local decisions based upon them, although all of this was also the case under the unitary system.
-

- 2.10 One of the objectives of developing LDPs was to translate this framework of regional policy into a more operational local policy framework tailored to local circumstances and based on local evidence. The Department told us that it prepared the SPPS which consolidates and retains relevant strategic policy within PPSs. In preparing LDPs councils must take account of the SPPS, the Regional Development Strategy and any other guidance issued by the Department. Councils told us that it was only after the introduction of the SPPS in September 2015 that councils became aware of the need to review and incorporate 23 regional policy documents at the draft plan strategy stage. Councils told us this required significant additional time and resources.

Despite the lack of progress, councils report having invested significant time and resources on developing plans

- 2.11 During our engagement with council planning teams, there was a unanimous view that the amount of work required to prepare LDPs had been significantly underestimated by the Department's indicative timeframe of 40 months. The Department told us that this provided an estimate for the preparation of a plan under the new and as yet untested system. Developing a full plan requires each council to follow four key stages set out by the Department:

- initial Plan preparation, including producing a preferred options paper;
- preparation and adoption of plan strategy;
- preparation and adoption of local policies plan; and
- monitoring and review.

During this process councils are required to consult a variety of stakeholders and provide commentary on plans developed by neighbouring councils.

- 2.12 Estimates of the total spend to date incurred on the development of LDPs ranged from £1.7 million to £2.8 million per council – figures that would be equivalent to the total annual cost of delivering planning functions within most councils. Given the scale of the investment required to develop LDPs, it is critical that they are accepted by all stakeholders as providing value.
- 2.13 In our view, there is an opportunity for the Department to review the LDP process, learning from the challenges experienced to date, and consider whether the process is proportionate and will provide value for all stakeholders. Councils told us that the current LDP process is too slow to respond to rapidly evolving issues such as climate change, energy and public health and needs to be more agile to respond to these challenges.
-

Part Two:

Performance of the planning system

Recommendation

We recommend that the Department and councils work in partnership to review the current LDP timetables to ensure they are realistic and achievable, and identify what support councils need to meet them.

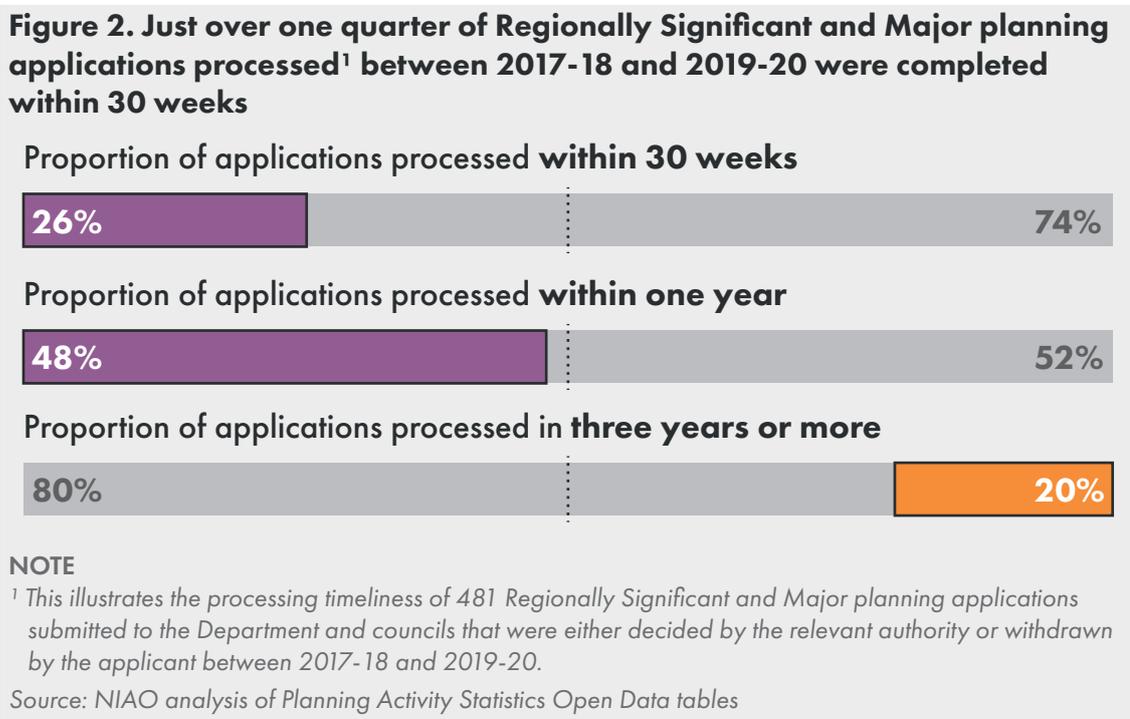
The Department may wish to consider whether the remaining steps of the LDP process could be further streamlined to ensure plans are in place as soon as possible.

Decision-making

Almost one-fifth of the most important planning applications aren't processed within three years

- 2.14 Around 12,500 planning applications have been decided or withdrawn each year in Northern Ireland since 2015. These applications are classified according to the scale of the development proposed, and its impact on society. The most important applications, in terms of their ability to enhance the overall wellbeing in Northern Ireland, are 'Regionally Significant' and 'Major' planning applications. Regionally Significant applications are those applications which are considered to 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. These applications are submitted to, and processed by, the Department.
- 2.15 Major developments are those developments which have the potential to be of significance and interest to communities. They are likely to be developments that have important economic, social and environmental implications for a council area. Major developments which are considered Regionally Significant have the potential to make a significant contribution to the economic, societal and environmental success of Northern Ireland. They may also include developments which potentially have significant effects beyond Northern Ireland or involve a substantial departure from a LDP. In certain circumstances the Department may call-in a particular Major planning application, meaning that it assumes responsibility for making a decision on the application. There is a statutory target for councils to process Major development decisions within an average of 30 weeks of a valid application being received. Despite this, the vast majority of Regionally Significant and Major planning applications take significantly longer than 30 weeks to process, and there is a substantial subset of applications that take excessively long to process (see **Figure 2**). We found a similar trend in respect of the ages of outstanding Regionally Significant and Major applications at 31 March 2021. Over half (56 per cent) had been being processed for more than one year, with 19 per cent more than three years old. Factors impacting on the performance of the system are considered further in **Part Five**.

2.16 The Department told us that the absence of an Executive and a functioning Assembly has had an impact on its ability to make key changes and decisions. The 2018 Court ruling in *Buick* prevented planning decisions being made by the Department until legislation was enacted which allowed senior civil servants to take certain decisions. With the return of the Executive, the Department told us that the ruling has continued to have impacts on planning. In addition, whilst performance could be improved, poor quality planning applications entering the system and increased requirements under environmental regulations have also impacted the timeliness for processing Major and Regionally Significant applications.



2.17 Applications that are not classified as Regionally Significant or Major are classified as Local. These are the vast majority of applications decided in a given year – typically 99 per cent. They are submitted to and determined by councils, with a statutory target to be processed within an average of 15 weeks from the date of a valid application.

2.18 Whilst councils hadn't achieved this standard in the first two years after powers were transferred, performance has been much stronger over the last three years and the target was achieved for Northern Ireland as a whole in both 2018-19 and 2019-20. Over the three year period 2017-18 to 2019-20, 52 per cent of local applications were processed within the 15 week target (see **Figure 3**). Performance dipped in 2020-21, but this may have been due to Covid-19 disruption.

Part Two:

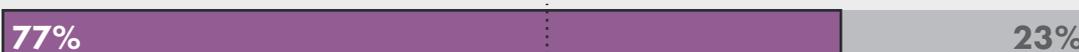
Performance of the planning system

Figure 3. Just over half of all Local planning applications processed¹ between 2017-18 and 2019-20 were completed within 15 weeks

Proportion of applications processed within 15 weeks



Proportion of applications processed within 30 weeks



Proportion of applications processed in more than one year



NOTE

¹ This illustrates the processing timeliness of 37,544 Local planning applications that were either decided upon by the Department or councils, or withdrawn by the applicant, between 2017-18 and 2019-20.

Source: NIAO analysis of Planning Activity Statistics Open Data tables

Whilst comparison of planning performance across the UK is challenging, it appears that the planning system in Northern Ireland is slower than in other jurisdictions

2.19 A direct comparison of performance data between planning systems in different countries is challenging because of the differences in the way different countries measure and report performance. However, the comparisons we were able to make highlighted that the planning system appears to be slower in dealing with Local applications in Northern Ireland than in other jurisdictions. For example:

- In England, over 60 per cent of non-major planning applications were processed within 8 weeks in 2018-19 and 2019-20, compared to less than 30 per cent of local applications in Northern Ireland over the same period.
- In Scotland, the average processing time for local planning applications was 10 weeks during 2018-19 and 2019-20, compared to 18 weeks in Northern Ireland over the same period.
- In Wales, 89 per cent of local planning applications were processed within 8 weeks, compared to 18 per cent in Northern Ireland in the same year.

2.20 The Department told us that there are significant differences in how each planning system works, how performance is measured and the political and administrative contexts in which they operate. It is, therefore, difficult to assess the functionality and performance of the planning

system in Northern Ireland against that of other jurisdictions. All jurisdictions have definitions of types of development that are permitted without the need for a planning application; an appeal system to review decisions on applications; and a system in place to enforce breaches of planning consent. Although the basic structures of the planning system in each jurisdiction are similar there are differences in the detail and in how each system works. For example; in terms of performance; KPIs are measured differently in jurisdictions. In some jurisdictions time extensions can be given to planning applications which in effect 'stops the clock'. This does not occur here. In England in the event minimum standards are not met, a local authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate, bypassing local decision-making. This does not occur here.

There is substantial variation in timeliness performance within Northern Ireland

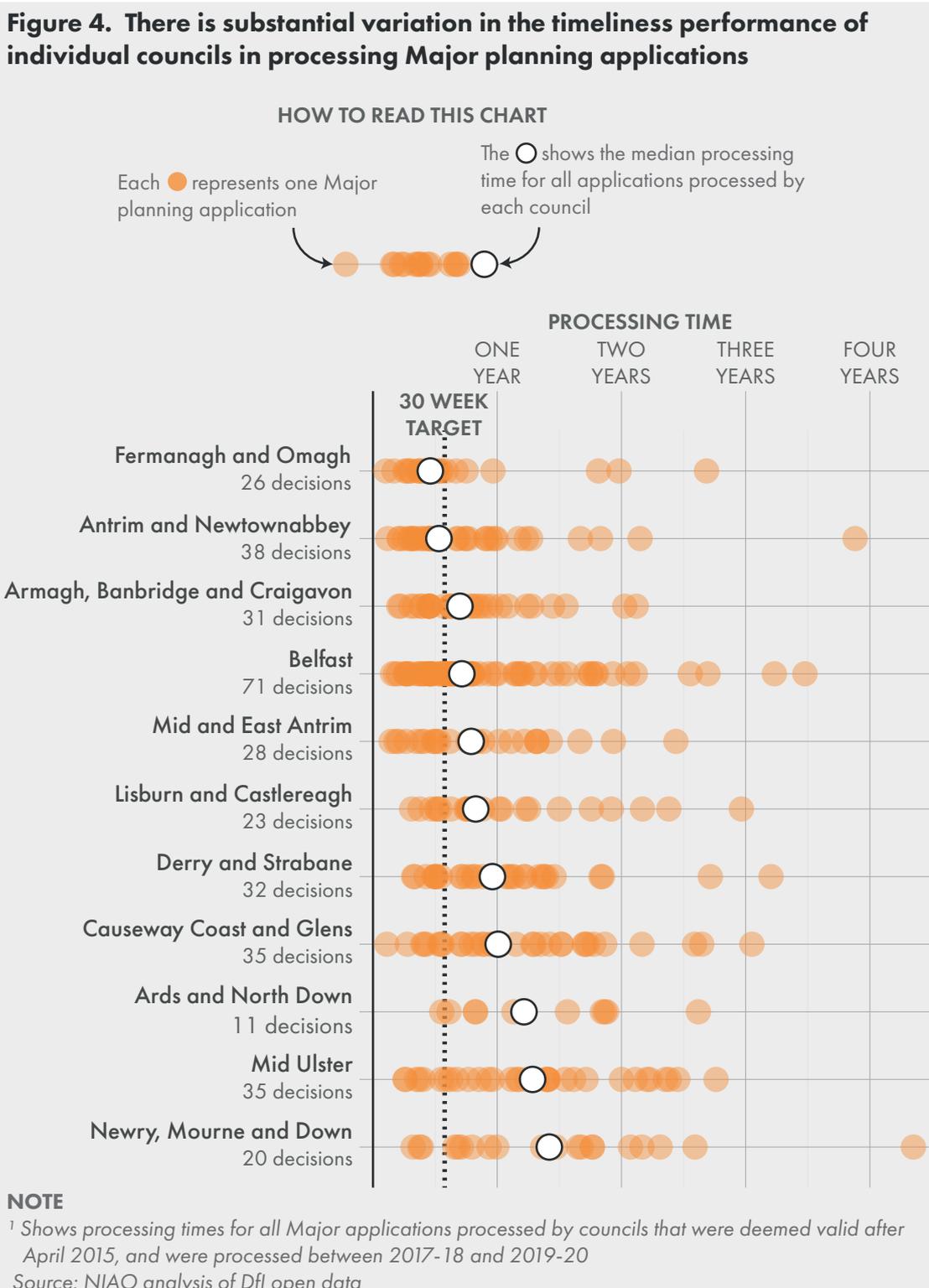
- 2.21 There is substantial variation in the performance of individual councils in processing applications. As service users must submit planning applications to the council responsible for the area in which the proposed development is located, there may be a risk that this leads to different qualities of service being offered.
- 2.22 However, a number of councils we spoke to highlighted their concerns that straightforward comparisons of processing times were unfair, and did not provide useful insight about relative performance levels. They stressed that differences in the mix of applications that each council receives has a material impact on processing times but is outside the control of councils. Major agricultural and residential development applications were typically highlighted as being particularly complex and requiring significant time to effectively assess. A further issue related to the impact of pre-2015 applications inherited by councils on transfer of functions. The Department told us that legacy cases had reduced significantly after the first two years post-transfer.
- 2.23 However, service users we spoke to stated that whilst they accepted there were factors beyond the control of councils, it was still the case that differences in processing time performance did to some degree reflect differences in process and approach between councils.
- 2.24 As part of our analysis, we applied a number of adjustments to the underlying data in an attempt to make timeliness comparisons between councils fairer⁴. Whilst we agree that there is evidence that major residential and agricultural proposals typically take longer than other types of planning application, we did not find that these were concentrated within certain council areas to the extent they would have a significant impact on median processing times.
- 2.25 Even after the adjustments we applied to the data, we found that there was substantial variation in respect of the time taken to process major applications between councils. For Major planning applications processed between 2017-18 and 2019-20, the median processing time

4 Full details of our methodology can be found at Appendix One.

Part Two:

Performance of the planning system

for the slowest council is more than three times the median processing time for the fastest council (see **Figure 4**).



- 2.26 Whilst the Department regularly reports on the performance of each council, we did not find evidence that this information is used in any meaningful way to improve performance or hold bodies accountable for poor performance. The lack of general buy-in to the current performance monitoring process amongst councils is also concerning and undermines the accountability that such information should provide. This is part of a wider issue in terms of performance measurement and reporting that is discussed in more detail at **paragraphs 4.23 to 4.35**.
- 2.27 The Department told us that it has worked with councils through various groups over the years, such as the Strategic Planning Group, Continuous Improvement Working Group and Planning Forum in order to improve performance.

Recommendation

We recommend that the Department and councils continue to put an enhanced focus on improving the performance of the most important planning applications. This should include a fundamental analysis of the factors contributing to delays.

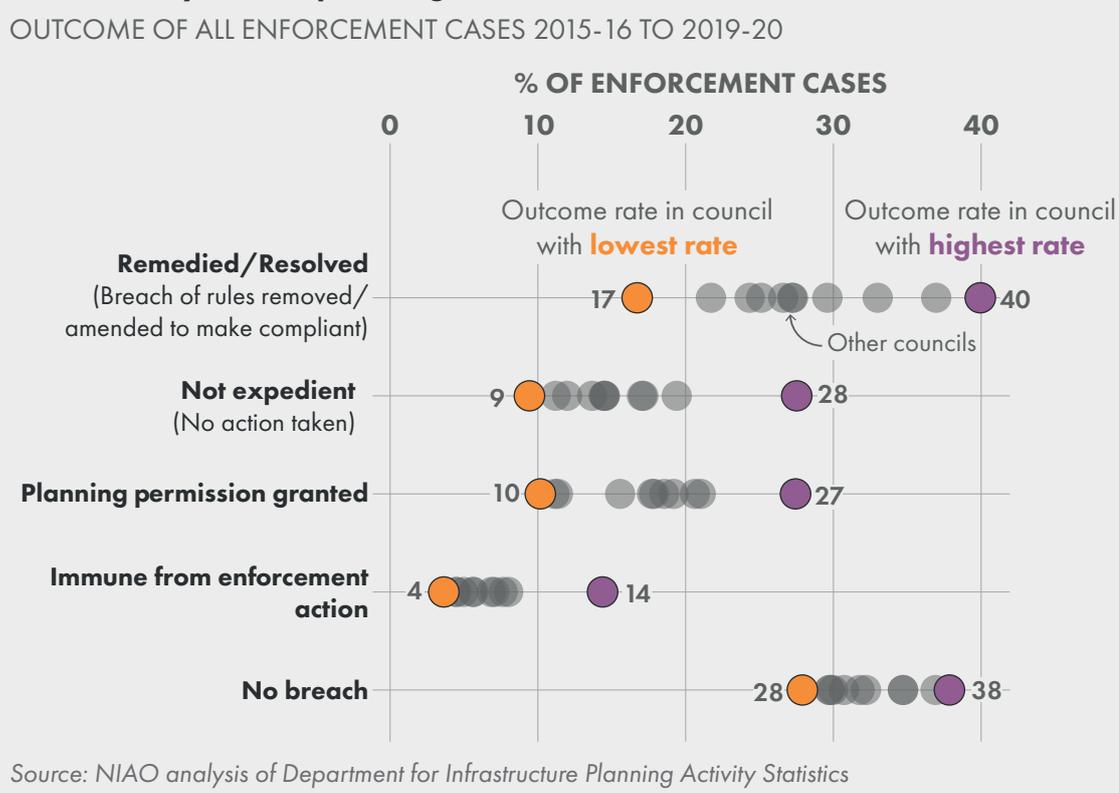
There is significant variation in how enforcement cases are resolved

- 2.28 Enforcement is the means by which planning authorities ensure that the development that occurs is in line with policies and within the terms of the planning application approved in respect of the project. Effective enforcement is critical for both ensuring that the planning system is able to control development, and that the credibility and integrity of the system are not undermined by unauthorised development.
- 2.29 Responsibility for undertaking enforcement activity rests primarily with councils. Each council is responsible for undertaking enforcement activity in its area, and there is a statutory target that 70 per cent of enforcement cases are taken to target conclusion within 39 weeks of the initial receipt of a complaint.
- 2.30 Despite a substantial increase in the volume of enforcement cases being opened, performance against the statutory target by councils has been good. The volume of cases increased by almost 50 per cent between 2015-16 and 2019-20 – from 2,900 to 4,300. Over this period, most councils have been able to meet the target in each year, with only a small number failing in a single year and one council consistently unable to meet the target.
- 2.31 However, during our engagement with council planning teams, a number told us that staffing resources were often diverted from enforcement to meet short-term pressures in processing planning applications or progressing LDPs. We also note that the Royal Town Planning Institute (RTPI) has referred to concerns about the severe underfunding of planning enforcement departments, and the potential for this to contribute to an inability to investigate all the cases that should be investigated or a lack of rigour in those investigations that do occur.
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Part Two: Performance of the planning system

2.32 As part of our analysis, we reviewed trends in enforcement case outcomes, and found substantial variation in respect of outcome types across councils. In some cases, a particular outcome type could be around three times more common in one council than another (see **Figure 5**). For example, in one council, around one in four enforcement cases (28 per cent) were deemed not expedient to pursue, compared to a rate of 9 per cent in another council.

Figure 5. There is substantial variation in the outcome of enforcement cases dealt with by council planning teams



2.33 Given this context, there is a risk that significant variations in outcome types may indicate that certain outcomes are prioritised for their operational efficiency rather than being the most appropriate outcome. This risk seems relevant to the significant differences in the proportion of enforcement cases where councils have deemed it not expedient to take further action, have granted planning permission or where it is determined the issue has been remedied or resolved, (i.e. the breach of planning rules has been removed or amended to make compliant with rules). This may result in uneven enforcement of planning rules, meaning unauthorised development may be allowed to occur.

2.34 Councils told us that the enforcement system in Northern Ireland is a discretionary power of the planning authority, and what may be considered as not expedient in one council, possibly due

to the volume of work or lack of resource, may be pursued by another council. Actions taken are also often based on case law, PAC decisions and likelihood of success.

- 2.35 We did not find evidence of any substantive review of these trends to determine whether the significant variations that were evident were reasonable or natural. In our view, there is a risk of inconsistency in enforcement which may have a negative impact on how fairly the system is operating.

Recommendation

To ensure credibility within the system, we recommend that the Department and councils investigate differences in enforcement case outcomes, to ensure cases are being processed consistently across Northern Ireland.

Part Three:

Variance in decision-making processes

Part Three:

Variance in decision-making processes

- 3.1 Councils are responsible for processing the vast majority of planning applications submitted in Northern Ireland. While decision-making responsibilities within each council are split between the planning committee – a body made up of between 12 and 16 elected representatives - and professional planning officials employed by the council, it is ultimately the council who is responsible for the planning function.

Delegation arrangements are an essential part of an effective development management process

- 3.2 Given that councillors are not typically professional planners, the sharing of decision-making roles and responsibilities between planning committee members and officials can make a critical contribution to the efficiency and effectiveness of decision-making processes within an individual council.
- 3.3 There are a small number of application types that must be decided by the planning committee in all councils:
- all Major planning applications;
 - applications made by the council or an elected member; and
 - applications that relate to land in which the council has an estate.
- 3.4 For all other Local application types, each council must operate a Scheme of Delegation. A Scheme delegates planning decision making authority from a planning committee to planning officials in a council for chosen classes of local development applications and any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a local development. These aspects of a Scheme are subject to the approval of the Department. However, there are many other types of applications that are not local developments that can form part of a Scheme which are not subject to the Department's approval such as listed building consent, conservation area consent applications and tree preservation orders.
- 3.5 Whilst councils have been granted some flexibility in tailoring their specific arrangements to best meet local needs, Schemes of Delegation should ensure that decisions are taken at an appropriate level – only the most significant or controversial applications should be considered by committee. Furthermore, councils should ensure that their delegation processes are clear, transparent and efficient. The Department also intended that, despite local variation, there is at least some degree of consistency, to ensure that applicants across Northern Ireland are not confronted by a variety of different processes across different council areas.
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Not all Schemes of Delegation ensure that decisions are taken at an appropriate level

- 3.6 Departmental guidance, published in 2015, recommended that over time councils should aim to have between 90 and 95 per cent of applications dealt with under a scheme of delegation, however this is not a statutory target⁵. At the time we carried out our fieldwork, data was available showing delegation rates for each council for the 2018-19 and 2019-20 years. During these two years, the overall delegation rate across all councils was 91 per cent. In eight councils, delegation rates fell within the 90 to 95 per cent range in both years, but in three councils, rates fell below the range in both years⁶.
- 3.7 The Scheme of Delegation in all three councils which fell below the target range required all applications refused by officials to be referred to the planning committee, regardless of nature or scale. This inevitably resulted in a higher proportion of applications being considered at committee level.
- 3.8 It is not clear that limiting delegation in this way contributes to better quality decision-making. Departmental guidance is clear that regardless of local arrangements, and allowing for individual applications to be referred to committee upon the request of planning committee members, councils should ensure that applications are not unnecessarily referred to the planning committee, as this will contribute to inefficiency and delay. Councils told us that whilst they acknowledge that this may impact timeliness, it is the prerogative of committee members to use this mechanism.
- 3.9 The current processes in the councils referred to in **paragraph 3.7** appear contrary to Departmental guidance and the policy objectives that committees should invest their time and energy only in the most significant or controversial applications. Such processes are likely to contribute to additional costs within these council areas. A benchmarking exercise carried out in England in 2012 highlighted that there are significantly higher administrative demands and costs associated with applications heard by committee as opposed to those decided by officials⁷.

Recommendation

We recommend that in instances where delegation rates fall below 90 per cent, councils should review their processes to ensure that they represent the best use of council resources.

5 *Best practice protocol for the operation of planning committees*, Department of the Environment, January 2015.

6 Antrim and Newtownabbey, Mid Ulster and Derry and Strabane.

7 *Benchmarking of planning services in 65 England local authorities*, PAS/CIPFA, November 2012.

Part Three:

Variance in decision-making processes

The type of applications being considered by committees are not always appropriate

- 3.10 Our analysis of available data and information from stakeholders suggests that there are widespread concerns that the specific applications coming to committee, either under the normal Scheme of Delegation arrangements or by referral, are not always the most significant and complex applications. In particular, some council planning committees appear to be excessively involved in decisions around the development of new single homes in the countryside.
- 3.11 We analysed planning applications processed in 2018-19 and 2019-20. During this period, across Northern Ireland, planning applications for single rural dwellings accounted for around 16 per cent of all applications processed. Despite often being relatively straightforward applications, they accounted for 18 per cent of all planning committee decisions in the same period. Within these overall figures, there are wide divergences at council level (see **Figure 6**).

Figure 6. There appears to be a wide range of approaches adopted by councils to process applications for new single homes in the country

COUNCIL	NEW SINGLE RURAL DWELLINGS AS % OF..		DIFFERENCE
	ALL DECISIONS	COMMITTEE DECISIONS	
Fermanagh and Omagh	16	29	+13
Lisburn and Castlereagh	17	27	+10
Newry, Mourne and Down	20	27	+7
Antrim and Newtownabbey	16	19	+3
Causeway Coast and Glens	15	18	+3
Mid Ulster	31	31	-
Belfast	1	0	-1
Derry and Strabane	13	10	-3
Ards and North Down	9	5	-4
Armagh, Banbridge and Craigavon	21	11	-10
Mid and East Antrim	15	1	-14

Source: NIAO analysis of Planning Activity Statistics Open Data tables and Department for Infrastructure management information

- 3.12 Given that planning applications for single rural dwellings are rarely the most complex, we would expect them to account for a lower proportion of committee decisions than of overall decisions. This is not always the case, highlighting a disproportionate use of committee time and focus on these applications.
- 3.13 In August 2021, the Department issued a 'Planning Advice Note' (PAN) on development in the countryside to local councils. The Department told us that the purpose of this PAN was to re-emphasise fundamental aspects of existing strategic planning policy on development in the countryside, as contained in the SPPS; and, clarify certain extant provisions of it. The Department told us that it is clear that the PAN did not add to or change existing planning policy. Councils told us that they were confident the PAN did introduce new policy.
- 3.14 Following concerns from councils and other stakeholders, the Department advised that "rather than bringing certainty and clarity, as was its intention, the PAN...seems to have created confusion and uncertainty" and this guidance was withdrawn. The Department has advised that it will now take stock of the concerns raised and undertake further engagement and analysis on strategic planning policy on development in the countryside which will include consideration of current and emerging issues, such as climate change legislation and our green recovery from this pandemic.

One in eight decisions made by planning committees in Northern Ireland goes against the recommendation of planning officials

- 3.15 Departmental guidance for planning committees makes it clear that committees are not always expected to agree with decisions recommended by planning officials. Divergences of opinion between committees and officials are to be expected where planning issues are finely balanced, and a committee may place a different interpretation on, or give a different weight to, particular arguments or planning considerations. However, decisions against officer recommendations must always be supported by clear planning reasons.
- 3.16 Our review of data covering 2018-19 and 2019-20 shows that just under one in eight applications decided by committee was made contrary to official advice. Whilst the rate varies between councils, in the council with the highest rate, almost one in three decisions taken by the planning committee overturned the recommendation of professional planners (see **Figure 7**).
-

Part Three:

Variance in decision-making processes

Figure 7. There are significant differences in the rates of council planning committees making decisions contrary to official advice

Total number of decisions made by planning committee and number of decisions made against official's recommendation (2018-19 and 2019-20)

COUNCIL	TOTAL DECISIONS	AGAINST OFFICIALS ADVICE	OVERTURN RATE (%)
Fermanagh and Omagh	147	45	31
Newry, Mourne and Down	260	65	25
Causeway Coast and Glens	183	42	23
Derry and Strabane	222	37	17
Lisburn and Castlereagh	143	15	10
Antrim and Newtownabbey	188	17	9
Armagh, Banbridge and Craigavon	101	7	7
Mid and East Antrim	78	5	6
Ards and North Down	120	5	4
Belfast	257	6	2
Mid Ulster	445	8	2

Source: NIAO analysis of Department for Infrastructure management information

- 3.17 In the two year period, planning committees overturned 252 decisions recommended by officials. Of these 228, (90 per cent) were cases where the committee granted planning permission against official advice, thus favouring the applicant and unlikely to be challenged.
- 3.18 Almost 40 per cent of the decisions made against officer advice related to single houses in the countryside. In all of these instances, the officer recommendation to refuse planning permission was overturned and approved by planning committee, contrary to advice.
- 3.19 In Northern Ireland, if a planning committee refuses a planning application, then the applicant has a right of appeal. In cases where the planning committee grants an application contrary to official advice, there is no third party right of appeal. The variance in overturn rate across councils, the scale of the overturn rate and the fact that 90 per cent of these overturns were approvals which are unlikely to be challenged, raises considerable risks for the system. These include regional planning policy not being adhered to, a risk of irregularity and possible fraudulent activity. We have concerns that this is an area which has limited transparency.

- 3.20 In making planning decisions it is recognised that planning committees can come to a different decision than its planning officers, however, in doing so they are required to maintain adequate, coherent and intelligible reasons for decisions made. The Department told us that it has previously written through its Chief Planner's letters to highlight this to councils.

Recommendation

We consider that some of the overturn rates are so high, that they require immediate action both from councils and the Department to ensure that the system is operating fairly and appropriately.

Decision-making processes are not always transparent

- 3.21 Given the flexibilities that are allowed under current arrangements, and the potential inconsistencies that can arise, it is critical that the process is as transparent as possible. A recent survey by Queen's University found that the public has low levels of trust in the planning system, and there is a perception that it is not transparent.⁸ This survey, for example, noted that only three per cent of citizens felt their views on planning are always or generally considered.
- 3.22 We found similar concerns in two main areas: in respect of the process by which applications are referred to the committee by elected members, and in respect of those occasions where planning committees make decisions that are contrary to the advice provided by officials.
- 3.23 A variety of mechanisms is in place to document referrals to planning committees, such as assessment panels or dedicated email addresses. However, not all councils have such mechanisms, they are not available to the public and they do not effectively support greater transparency.
- 3.24 As part of our fieldwork we reviewed a sample of planning committee minutes. These did not provide a rationale for particular applications being referred to the committee. Some minutes did not distinguish between applications that were being considered under regular Scheme of Delegation operation, and those being considered as a result of a referral.
- 3.25 The lack of transparency around the overruling of officials' advice by committees was a key issue identified within the research carried out by Queen's University. Our review of planning committee minutes showed that reasons for deciding contrary to the recommendation made by officials were not consistently recorded, and minutes often did not contain explicit reference to the applicable planning policy. It was therefore difficult to understand the policy issues underlying the disagreement and committee's decision. We found no evidence that there was any system in place to monitor such decisions, and ensure that the decisions being made were compliant with overall planning policy.

8 This survey was based on 1,050 responses, 444 of which were from Northern Ireland.

Part Three:

Variance in decision-making processes

Recommendation

There is a need for full transparency around decision-making. We recommend that planning committees should ensure that minutes of meetings include details of the applications that are brought to committee as a result of a referral, who brought it to committee and outline the planning reasons why the application has been referred.

We recommend that where a planning committee makes a decision contrary to planning officials' advice, the official minutes of the meeting should contain details of the planning considerations that have driven the decision.

Planning committees do not regularly assess the outcomes of their previous decisions

- 3.26 The Department's guidance for planning committees indicates that they should undertake an annual monitoring exercise to review the impact of planning decisions they have made in the past. It suggests that a committee could inspect a sample of previously determined applications to allow them to reflect on the real-world outcomes. This would enable committees to highlight good and bad decision-making and inform future decisions. We did not find any evidence of a formal review of decisions at any council we spoke to. In our view, this is an important aspect of the quality assurance process which is being overlooked.

Recommendation

Planning committees should ensure that they regularly review a sample of their previously determined applications, to allow them to understand the real-world outcomes, impacts and quality of the completed project. Councils should ensure that they review a range of applications, to ensure that it is not only focused on those applications that tell a good news story about how the system is working. Lessons learned from this process should be shared across all councils.

Training for planning committee members is inconsistent

- 3.27 Councillors who sit on planning committees have a demanding role. Planning can be a complex policy area, and planning committee members are elected officials who have decision-making powers over planning matters, rather than experts in planning policy and legislation. Consistent and ongoing training on planning matters is therefore an essential feature of a well-functioning planning committee. Whilst the exact level of training necessary can vary, a report by the Royal Town Planners Institute (RTPI) in Wales⁹ suggested a minimum level of continuing professional development for all committee members of 10 hours per year.

9 Study into the Operation of Planning Committees in Wales, RTPI Cymru, July 2013.

- 3.28 From September 2014 to January 2015, the then Department of the Environment held capacity building and training events for elected representatives in preparation for the transfer of planning functions to the councils. This included a full day session on propriety, ethics and outcomes. Whilst there was a focus on providing core training when planning functions transferred in 2015, subsequent training requirements for planning committee members have varied from council to council, and appear to have been completed on a more ad hoc basis. Whilst most councils have mandatory induction training and training for committee Chairs, ongoing training is not always compulsory for elected members. The Department has liaised with the Northern Ireland Local Government Association since 2015 to assist in their development of training programmes for elected members.
- 3.29 In our view, there is the potential to centralise training for committee members, which would also reduce the administrative burden on planning services which are already under resourced and struggling with workload. This would also ensure that those making decisions have all had the same training, making the process fairer for people submitting planning applications.

Recommendation

Councils should consider the introduction of compulsory training for members of planning committees, including procedures where training requirements have not been met.

The Department should ensure that training provided to planning committee members is consistent across all councils and sufficient to allow elected members to fulfil their duties.

Part Four:

Departmental oversight

Part Four:

Departmental oversight

- 4.1 The Department has a number of responsibilities in relation to planning. These include:
- oversight of the planning system in Northern Ireland;
 - preparing planning policy and legislation;
 - monitoring and reporting on the performance of councils' delivery of planning functions; and
 - making planning decisions in respect of a small number of Regionally Significant and called-in applications.

Regionally Significant applications are the most complex applications and often take years to decide on

- 4.2 Regionally Significant development applications are those considered to have the potential to make a critical contribution to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They may have significant effects beyond Northern Ireland, or involve a substantial departure from a Local Development Plan.
- 4.3 These applications are submitted to, and processed by, the Department. There are typically very few of these applications decided in a given year, with only seven processed between 2016-17 and 2020-21. Whilst there is no statutory processing time target, there is a Departmental target to process regionally significant planning applications from date valid to a Ministerial recommendation or withdrawal within an average of 30 weeks. Only one of the seven applications processed between 2016-17 and 2020-21 was decided within 30 weeks, with four taking more than three years to process. Of the three Regionally Significant applications pending at 31 March 2021, two had been in the system for more than three years. Given the economic significance of these projects, any delay is likely to have a negative impact on potential investment.
- 4.4 The Department told us that the absence of the Assembly from January 2017 to January 2020 impacted on its ability to take planning decisions and in particular, the 2018 Court ruling in *Buick* prevented planning decisions being made by the Department until legislation was enacted which allowed senior civil servants to take certain decisions. With the return of the Executive, the ruling has continued to have impacts on planning. In addition, whilst performance can be improved, poor quality planning applications entering the system and increased requirements under environmental regulations have also impacted the timeliness for processing major and regionally significant applications.
- 4.5 The Department is also responsible for determining a number of Major and Local applications each year. These also typically take a long time to process. Of the 28 Major applications
-

processed by the Department between 2016-17 and 2020-21 only three were processed within 30 weeks, and 19 took more than three years. Of the twenty five Major applications being determined at 31 March 2021, 18 were more than one year old with nine of those being more than three years old.

- 4.6 Of the 29 Local applications processed by the Department between 2016-17 and 2020-21, 17 took longer than 30 weeks – twice the 15 week target – and 14 of those took more than one year to process. All of the ten Local applications being processed by the Department at 31 March 2021 were more than one year old.

The Department is currently undertaking a review of the implementation of the Planning Act

- 4.7 The Planning Act contains a provision that requires the Department to review and report on the implementation of the Act. The review will:
- consider the objectives intended to be achieved by the Planning Act;
 - assess the extent to which those objectives have been achieved; and
 - assess whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act or subordinate legislation made under the 2011 Act, in order to achieve those objectives.
- 4.8 The review will also provide an opportunity to consider any improvements or 'fixes' which may be required to the way in which the Planning Act was commenced and implemented in subordinate legislation.
- 4.9 The Department has stated that the review is not envisaged as a fundamental root and branch review of the overall two-tier planning system or the principles behind the provisions as, in its view, it is still relatively early days in the delivery of the new system. In our view, this is an important opportunity to make improvements across the whole system.

The Department should provide leadership for the planning system

- 4.10 Our review has identified significant silo working in the planning system. We have seen a number of instances where individual bodies – either councils, the Department or consultees – have prioritised their own role, budgets or resources rather than the successful delivery of the planning service. The Department told us that these and other diseconomies of scale caused by decentralising the planning system were recognised at the time of transfer but were considered to be offset by the advantages of bringing local planning functions closer to local politicians and communities.
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Part Four:

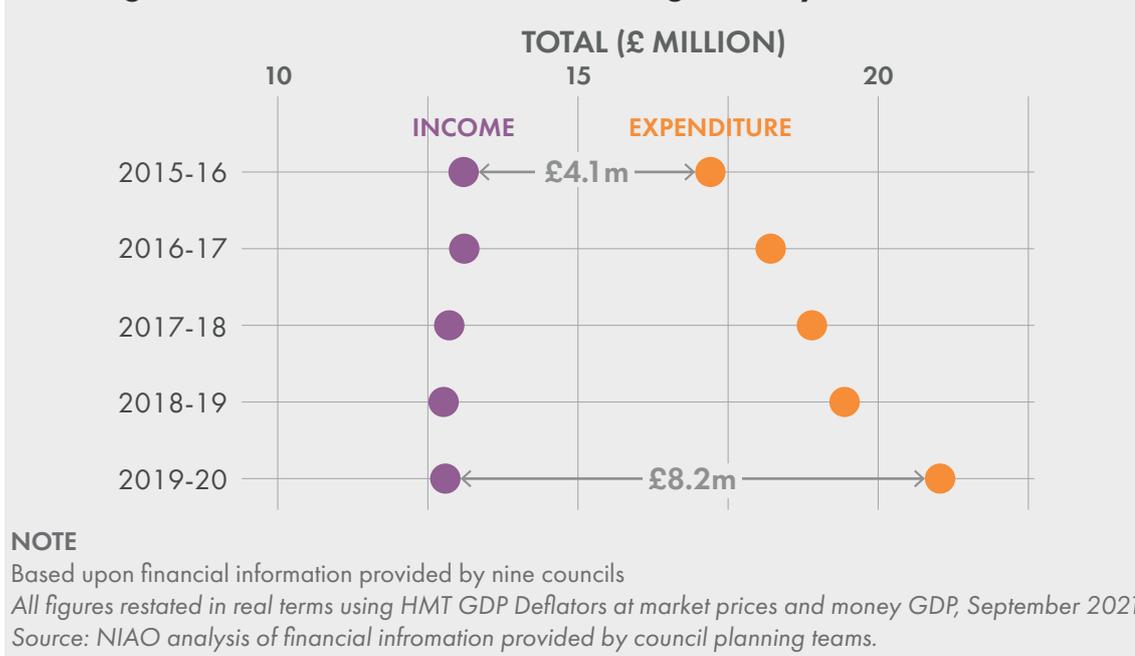
Departmental oversight

- 4.11 Each organisation is accountable for its own performance, and whilst the Department monitors the performance of individual organisations against statutory targets, there is little accountability for the overall performance of the planning system. Whilst individual organisations within the system stressed the challenges they faced; ultimately the frustration from service users was the poor performance of the system, not issues in individual bodies.
- 4.12 In our view, the 'planning system' in Northern Ireland is not currently operating as a single, joined-up system. Rather, there is a series of organisations that do not interact well, and therefore often aren't delivering an effective service. This has the potential to create economic damage to Northern Ireland. Ultimately, as it currently operates, the system isn't delivering for customers, communities or the environment.
- 4.13 In our view, this silo mentality presents both a cultural and a practical challenge. The focus for all of those involved in the system must be the successful delivery of planning functions in Northern Ireland, not the impact on their own organisations. This will require significant leadership of the system – in our view the Department is well placed to provide this leadership. However, it is crucial that all statutory bodies involved in the planning system play their part in this and fully commit to a shared and collaborative approach going forward.
- 4.14 The Department has made initial steps, but more will have to be done. Leadership of the system must encompass a number of areas:
- the long term sustainability of the system;
 - ensuring those involved have access to the necessary skills and experience;
 - enhancing transparency and ethical standards;
 - encouraging positive performance across the system; and
 - the promotion of the value and importance of planning across government as a whole.
- 4.15 The Department told us that it has committed significant energy and resources to leading and fostering a collaborative and shared approach to improving the planning system here. Since March 2015 the Department has led and interacted with councils and other stakeholders across a wide range of meetings, such as the Strategic Planning Group, the Planning Forum, the Environmental Working Group, the Continuous Planning Improvement working group, and the Development Management Working group. However, the Department told us that it is committed to ensuring transparency and ethical standards, but that lead responsibility for these lies with both the councils and the Department for Communities, through the Code of Conduct for Councillors.
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The planning system is increasingly financially unsustainable

4.16 When planning responsibilities transferred to councils, it was on the basis that the delivery of services should be cost neutral to local ratepayers at the point of transfer. However, as was the case in the years preceding transfer, the income generated from planning does not cover the full cost of service delivery. This has meant that historically there has been a need to supplement income with other public funding to deliver planning services. Our review of financial information provided by councils has shown that the overall gap between the income generated from planning activities by councils and the cost of those activities increased significantly between 2015-16 and 2019-20 (see **Figure 8**).

Figure 8. The gap between the cost of delivering planning services and the income generated from them has increased significantly since 2015-16



4.17 It was intended that the gap between income and expenditure at individual council level would be met by a grant paid by central government to councils. This grant was intended to provide funding for a number of service areas, of which planning is one. Whilst there have been requests from councils for the Department for Communities to review the level of funding, no review has been undertaken.

4.18 In our view, the Department appears to have given little consideration to the long-term sustainability of the planning system, despite the increasing gap between income and expenditure. The Department told us that it is responsible for setting planning fees (once agreed by the Minister), but not for the long-term funding of councils.

Part Four:

Departmental oversight

Planning fees have not contributed to the financial sustainability of the system

- 4.19 Planning decisions increasingly are more complex and require more interaction with those who have specialist knowledge or skills. This requires more work for many applications. In contrast to these increasing demands, planning fees, the main source of income for the planning system, have not been adjusted year on year to keep pace with inflation and the increasing complexity being asked of decision-makers. The result is that less income is being generated in real terms year on year, despite increasing amounts of work being undertaken by planning teams.
- 4.20 The fees that councils charge for planning applications were initially set in 2015, with individual rates set for different types of development application. Since then, these have been increased on one occasion. Changes to planning fees require legislation to be brought through the Assembly. The absence of a functioning Assembly and Minister placed constraints on the Department's ability to bring forward fee increases. However the Department told us that it was able to raise fees once (by around 2 per cent, in line with inflation in 2019) following the enactment of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, which allowed the Department to take certain decisions normally reserved to the Minister. The Department told us that further increases have been placed on hold due to the pandemic. Fees are currently around 12 per cent lower than they would be had the prices set in 2015-16 been increased in line with inflation each year¹⁰. This is unsustainable in the longer term.
- 4.21 During our discussions with stakeholders, we were told on a number of occasions that small increases in fees were unlikely to have a significant impact on the number of development proposals being made. Typically, the planning fee cost is a very small element of the total cost of a development, and a small increase is not likely to be material to the overall financial appraisal underlying a proposal. However, developers we spoke to asserted that if fees were to increase, they would expect service levels to improve.
- 4.22 A number of councils also told us that due to the increasing complexity of cases, many fees no longer reflect the costs incurred. Whilst determining the true costs of providing planning services will be challenging, fees that more accurately reflect the true cost will ultimately ensure a more sustainable system. The Department recognises that this is ultimately a policy decision for the Minister.

Recommendation

We recommend that the Department and councils work in partnership to ensure that the planning system is financially sustainable in the longer term.

10 Calculated using GDP deflators at market prices and money GDP September 2021, HMT.

The way performance is monitored and measured does not provide a comprehensive overview of performance

- 4.23 The Department has taken a number of steps in oversight of the performance of the system. Its ability to perform this function is dependent upon adequate performance measurement and reporting arrangements. Ensuring that these are in place is a key tool in maintaining accountability for performance within the system – between the various organisations spanning local and central government involved in delivering the system – and wider accountability to the Assembly and public for overall performance of the system as whole.
- 4.24 There have been efforts to improve the quality of performance information that is available about the planning system. Since 2018-19, the Department has supplemented its reporting on performance against the three time-based targets with a set of measures reporting various trends in council decision-making processes – the Planning Monitoring Framework. This represented an effort by the Department and councils to develop a more comprehensive approach to reporting on planning system performance than that provided by measuring performance against the statutory time-based targets. However, not all proposed indicators were agreed by councils at the time.
- 4.25 The Department has also been gathering, reporting and more recently publishing in more detail the performance of statutory consultees. This is a welcome development, given the critical role that statutory consultees play within the process and the performance issues within this part of the planning system.
- 4.26 However, in our view more work is required to establish an effective system of performance measurement and reporting which goes beyond volume of activities, proportions and timeliness. Oversight requires measures that are accepted by all stakeholders as providing meaningful information about performance and identifying issues that need to be addressed. Being able to compare performance between councils and consultees, over time, and against established standards or targets, is what makes information meaningful and can drive accountability and action.
- 4.27 One of the key deficiencies is the lack of information about the input cost of the various activities being undertaken and reported on. Such information is critical for understanding the full cost of the planning system, measuring the efficiency of the system, identifying areas where there may be inefficiency, and for developing an appreciation of the financial pressures that planning authorities face and the impact these have on performance.
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Part Four: Departmental oversight

Performance management information has not been used to drive improvement

- 4.28 The Department told us that since 2019 it has been working with statutory consultees and local government through the Planning Forum to improve performance of the planning system. This work is particularly focused on improving the performance of major planning applications. Prior to that the Department established and led the Continuous Improvement Working Group. We have not seen any evidence of self-review within councils or learning from experience, for example, reviewing the results of past decisions made in terms of built development, job creation or contribution to the local economy.
- 4.29 In the short term, it is important that the Department and other organisations put appropriate measurement and reporting systems in place. Over the medium and longer term, they must consider how performance measurement can provide the basis for improving performance and delivering quality outcomes.

Performance monitoring is currently more concerned with the speed and number of applications processed, than the quality of development delivered

- 4.30 Since 2016, the Executive has been committed to delivering an outcomes-based Programme for Government across the public sector, placing wellbeing at the core of public policy and decision-making. Organisations are required to ask themselves three key questions: "How much did we do?", "How well did we do it?", and "Is anyone better off?"
- 4.31 Despite the Executive's commitment to outcomes-based accountability, performance measurement within the planning system is predominantly concerned with the speed and quantity of decisions, rather than quality of outcomes. Whilst the Department sought to introduce more qualitative indicators through the Planning Monitoring Framework, there is no publically available information demonstrating how planning decisions have translated into built development, improved or enhanced the built or natural environment, benefitted communities or contributed to the economy.
- 4.32 The lack of outcomes-based accountability measures within the planning system has a number of potential consequences:
- Broader, long-term impacts are not routinely captured and demonstrated, and so the value of the planning system is underestimated.
 - The cumulative effect of planning on communities, towns and regions is not being measured.
 - Negative outcomes which may have a subsequent impact on the public purse, for example poorer health outcomes leading to higher healthcare costs, crime, and unemployment, are allowed to continue unchecked.
-

A more holistic approach, which considers the long-term impact of planning decisions, is required. We acknowledge this will be challenging and will require collaboration and effective partnership working across all of government.

Guidance from professional planning bodies highlights the importance of measuring outcomes

- 4.33 The Royal Town Planning Institute (RTPI) conducted research in 2020¹¹ on measuring the outcomes of planning. Their research identified the need to go beyond simple metrics such as the speed of processing applications and number of housing units delivered, and towards assessing planning in terms of place-making aspirations and social, economic and environmental value, in order to track and improve the impact of planning. The research team developed a series of toolkits which it suggested could be adapted by local planning authorities across the UK and Ireland to improve their outcomes measurement.
- 4.34 Whilst the RTPI research discussed the potential of planning as a facilitator of health, social, economic and environmental outcomes by providing open spaces, active travel routes and quality housing, it also recognised the difficulties of attributing specific outcomes to any one public sector organisation.
- 4.35 As part of our review, we examined planning monitoring and performance frameworks in other jurisdictions. We note that both Wales and Scotland have made initial steps in producing a more holistic set of indicators which include some assessment of outcomes. The Department also sought in 2016-17 to work with councils to introduce a more holistic suite of indicators, but this was not agreed by all councils at that time. Whilst we accept that attributing outcomes to specific organisations or decisions is difficult, it will be an important step in demonstrating the planning system's importance to Northern Ireland.

Recommendation

The Department has a key role to play in the improvement of the planning system in Northern Ireland. We are concerned that the Department has been too slow to respond to the challenges facing the planning system and to provide leadership and support for the system as a whole. In our view, all those involved in the planning system need to act now to engender trust.

11 *Measuring What Matters: Planning Outcomes Research*, Royal Town Planning Institute, November 2020.

Part Five:

Issues affecting performance

Part Five:

Issues affecting performance

- 5.1 The delivery of the planning system in Northern Ireland involves a large number of organisations. Whilst councils are the decision-makers for the majority of planning applications, their ability to do so is affected by a number of issues, some of which are outside of their direct control, which can have a significant impact upon how effectively the overall planning system performs for service users.

Many councils have increased staff numbers to manage demand, contributing to increased costs

- 5.2 The transfer of planning responsibilities from central to local government meant that planning officials were also transferred from central to local government. This transfer process assessed how many staff would need to remain within the Department to deliver its retained functions and how many posts would be required in each council planning team to manage their projected workloads.
- 5.3 As discussed at **paragraph 2.4**, councils are unanimous that there was a significant underestimation of the level of resources and staff time that would be required to complete Local Development Plans. We have noted above how councils have often found it necessary to cut back work on LDPs and enforcement, and move staff to other areas where short-term pressures have emerged.
- 5.4 The staffing pressures many councils have experienced have led to a significant increase in the total number of planning officials working within councils. The total number of full-time equivalents (FTEs) employed across all councils has increased by 20 per cent since the transfer of functions (from 331 to 407 FTEs). Given that salary costs are the main expense within the system, this has been a key driver of increased expenditure levels across the planning system since 2015-16.

There are skill shortages within some council planning teams

- 5.5 When the planning function transferred to local government in 2015, it was expected that each council would be capable of delivering on all of its responsibilities. However, we understand that both councils' and the Department's planning teams have often lacked particular skills in specialist areas. A number of stakeholders have told us that they are concerned about specific skills gaps across the system.
- 5.6 The transfer of planning staff and responsibilities in 2015 coincided with the Voluntary Exit Scheme which saw many experienced staff leave the system. The allocation of remaining staff to councils was done on the basis of personal preference, not according to the skills of staff and likely development profile that new councils would have.
-

- 5.7 The skills gaps experienced by councils have had an impact on the processing of certain types of complex development applications, and have also impacted the development of LDPs. We have been told that under previous arrangements, the Department was able to maintain specialist teams who could manage particular types of application that proved to be highly complex and challenging – for example, applications related to large retail developments or mineral extraction. The ability to establish such specialist teams is not feasible for individual councils, despite their need to access these skills.

Attempts at shared services have been constrained by a lack of funding

- 5.8 To date, only one shared service has been established to address a specific skills gap. The Shared Environmental Service (SES) is a shared service between all 11 councils, set up in 2015 to support councils in carrying out Habitats Regulations Assessments required for certain planning applications. The service is hosted by Mid and East Antrim Borough Council, and was initially staffed from the Northern Ireland Environment Agency (NIEA) and funded by the Department for Communities (DfC). SES does not have decision-making powers, but rather provides support and guidance to councils on specific environmental assessments. SES is not a statutory consultee.
- 5.9 In recent years, SES has experienced significant resourcing challenges, which have had an impact on its ability to provide timely support to councils. Initially, staff were allocated to SES on the basis of a caseload of 750 consultations per year. By 2020, around 2,000 consultations per year were being received.¹² As a result, SES did not have sufficient resources to meet this threefold increase in demand, and backlogs began to build. SES requested an increase in the grant from DfC, however this was rejected. It then approached the Department with a case for more funding; this was also turned down. The Department told us that in line with normal shared service models, an increase in funding was a matter for those that used the service, in this case councils. Finally, SES appealed directly to each council, asking for an additional £8,500 per year for two years, which was approved. This has allowed SES to employ two additional temporary members of staff and increase their capacity.
- 5.10 However, as the additional funding is time limited, it is unclear what the long-term solution to SES's resourcing issues is. As councils' demand for SES's services has increased, more funding has been required. This is an additional financial burden on already over stretched councils, who were told that planning functions would be cost neutral at the point of transfer.

12 SES evidence to Committee for Agriculture, Environment and Rural Affairs, 22 April 2021.

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Recommendation

We recommend that the Department should coordinate an assessment of the key skills and experience gaps across the planning system.

Where a common skills gap across multiple councils is identified, a plan should be developed to ensure that all councils have access to the skills they need to operate effectively. This plan should include assessments of different provision options.

The system does not always allow for the efficient delivery of services

- 5.11 During our audit work, we encountered a strong consensus that the way that the planning application process is set up does not support efficient processing. In particular, stakeholders consistently spoke about the “low bar” set for the information required to make a legally valid planning application in Northern Ireland.
- 5.12 There is a view that the criteria set out in the 2011 Planning Act are too narrowly prescribed and do not require that key supporting documentation – such as flood risk assessments, environmental statements and transport assessments, are provided with applications. This means that incomplete applications must be accepted – and the clock starts ticking in respect of the statutory processing time target, despite the fact that councils do not receive all the information they need to begin determining the application. The Department told us that it recognises this issue and has already commenced work to address this through the Review of the implementation of the Planning Act (NI) 2011 and the Planning Forum.
- 5.13 This contributes to inefficiency and poor processing times in a number of ways:
- Statutory consultees told us that they are often expected to provide a substantive response to a planning application where essential supporting information is missing, and that this leads to significant delays in their responses.
 - Consultees are spending time on poor quality or incomplete applications, and often have to be consulted multiple times on the same application as information is fed through. This can create an additional burden on consultees who are already struggling to meet their targets.
 - Applications which arrive at the planning committee for a decision often have to be deferred to allow supporting information to be provided.
 - If the system continues to accept poor quality applications, this creates a culture of speculative application, whereby the planning system is being used to effectively “MOT” projects and determine the assessments required. This is not an effective use of planning officers’ time.
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Front-loading the application process was consistently identified as a key means of improving performance

- 5.14 Councils told us that a key means of improving application quality and speeding up the planning process was to front-load the process. There are two main means of doing this:
- ensuring that all applications are submitted with the necessary supporting documentation; and
 - providing pre-application discussions (PADs).

Application checklists can speed up processing

- 5.15 In November 2018, Belfast City Council (BCC) introduced an Application Checklist setting out the information required with each type of planning application. When supporting information is missing, the applicant is given 14 days to provide it, otherwise the application and fee are returned and the applicant is advised to resubmit once they are able to provide a complete set of information. In these cases, the decision-making timeframe does not start until the new application is submitted.
- 5.16 When the application checklist was used for Major applications, BCC's own review showed that it contributed to improved performance against statutory targets. BCC's internal data showed that more than two-thirds of Major applications were incomplete at the point of submission in 2019-20. After requesting additional information in line with the checklist process, this improved to over one-third within 14 days of receipt. Performance against the statutory target for Major applications improved by almost ten per cent from 2018-19 to 2019-20, the council's best ever performance.
- 5.17 We highlighted the issue of poor quality applications in our previous report on Planning in 2009. The Department told us that it intends to take forward legislative changes to better manage application validation through the Planning Forum and the Review of the Implementation of the Planning Act. In the meantime, the Department has written to councils encouraging them to follow BCC's example in advance of any legislative changes. We understand that to date not all councils have introduced this approach. In the absence of legislative provision, there is no way of compelling applicants to use this checklist.

Pre-application discussions are used inconsistently

- 5.18 Pre-application discussions (PADs) are one element of front-loading. They provide an opportunity for council officials and developers to meet and consider the important issues that may affect an application's likelihood of success. They should provide developers with a sound understanding of all the documentation required, and highlight any issues with the proposal that may need to be rethought prior to the submission of a full application.
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- 5.19 Whilst there is a system in place in Northern Ireland for PADs to occur, their use across councils varies, with some using them for most Major projects and charging a fee, while others rarely use them. Most stakeholders we spoke to highlighted that the process was not working as effectively as it should.
- 5.20 A significant deficiency in the current approach is the inconsistent involvement of statutory consultees within these discussions. Even where it is clear that a particular consultee will be required to provide information on an application during its processing, statutory consultees are not obliged to attend PADs. Stakeholders told us this means that developers do not get the information they need to ensure that their applications provide all the information that will be needed, nor do they get a good sense of potentially significant issues that may arise and result in the application being refused. The Department told us that it recognises the importance of the PAD process for the efficiency of the planning system and is currently undertaking a review of the process through the Planning Forum. It should however, be recognised that statutory consultees have a finite resource to carry out all of their legislative functions required in the planning process.
- 5.21 This issue is a further example of the difficulties arising from the fragmentation of the planning system in Northern Ireland – councils are offering these discussions as a means to improve the quality of applications, but cannot compel other bodies, who are vital to the decision-making process, to attend.
- 5.22 More consistent use of PADs, with better involvement from statutory consultees, has the potential to address some of the issues around quality and completeness of planning applications, which in turn could improve the speed of the decision-making process and improve the quality of the final scheme.

Many statutory consultees are not providing timely responses

- 5.23 Processing an individual planning application often requires technical or specialist knowledge that is not possessed by individual council planning teams, or the planning officials within the Department processing Regionally Significant and called-in applications. In such instances, statutory consultees provide officials with the information they need to make a decision on whether to approve an application or not. Whilst councils ultimately decide on planning applications, the majority of consultees sit outside local government.
- 5.24 In order to support efficient decision-making by planning authorities, there is a statutory requirement for statutory consultees to make a substantive response to planning authorities within 21 calendar days or any other such period as agreed in writing between the consultee and the council. However, performance has been consistently poor, particularly in respect of Major planning applications (see **Figure 9**). The consultees receiving the largest volume of consultations, DfI Roads and DAERA, respond within 21 days to around half of Major
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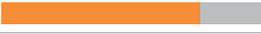
applications and three-quarters of Local applications on which they are consulted. The poorest performance is by DfI Rivers, a part of the Department for Infrastructure, who only respond in time to around forty per cent of consultations, across both Major and Local applications, on which they are engaged.

Figure 9. All consultees struggle to provide responses within 21 days to all applications

CONSULTATIONS RELATING TO MAJOR APPLICATIONS

STATUTORY CONSULTEE	NUMBER OF STATUTORY CONSULTATIONS RECEIVED ¹	% RESPONDED TO WITHIN 21 DAYS
DfI Roads	1,440	55 
DAERA	1,112	60 
DfI Rivers	809	44 
NI Water	509	51 
DfC Historic Environment Division	417	74 
Other Consultees ²	148	66 

CONSULTATIONS RELATING TO LOCAL APPLICATIONS

STATUTORY CONSULTEE	NUMBER OF STATUTORY CONSULTATIONS RECEIVED ¹	% RESPONDED TO WITHIN 21 DAYS
DfI Roads	33,148	74 
DAERA	12,533	78 
NI Water	9,439	85 
DfC Historic Environment Division	8,499	76 
DfI Rivers	5,736	40 
Other Consultees ²	926	80 

NOTES

¹ Performance measured against the response times for all statutory consultations issued to consultees by planning authorities between 1 April 2017 and 31 March 2020

² Other consultees includes Health and Safety Executive Northern Ireland, Department for the Economy, Belfast International Airport, Belfast City Airport, City of Derry Airport and Northern Ireland Housing Executive.

Source: NIAO analysis of Department for Infrastructure management information

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- 5.25 The Department told us that there has been a major increase in consultations received by statutory consultees. This, coupled with the increasing complexities of cases received and finite resources, has had significant implications in relation to performance. In addition, the Rivers staff structure has been significantly compromised by vacant posts that have not yet been filled, mainly due to the impact of the pandemic on recruitment processes. Nonetheless there is room for improvement in the timeliness of responses for most statutory consultees.
- 5.26 Analysis by the Department of all live applications it was processing at August 2020 found that consultation delays and the revision of plans were common issues affecting the vast majority of applications (see **Figure 10**).

Figure 10. Main causes of delay in planning applications being processed by Strategic Planning Division

In August 2020 the Department prepared a paper analysing the issues contributing to delay in 44 ongoing planning applications being processed by Strategic Planning Division at that time.

CAUSE OF DELAY	NUMBER OF CASES AFFECTED	
Consultation delays	42	
Amended plans	40	
Further environmental information required	16	
Environmental Statement submitted	16	
Legal issues	14	
PAC hearing or public inquiry	13	
Significant/Complex issues arising from consultation	9	

Source: Department for Infrastructure

- 5.27 A number of the issues that contribute to poor statutory consultee performance are similar to the general issues affecting council planning teams – they have experienced significant pressures in terms of resources, staffing headcount and skills and are often constrained by the incomplete information submitted with an application. These pressures have had to be managed at a time when the total number of statutory consultations they are required to respond to has been increasing, from 20,000 in 2015-16 to 26,000 in 2018-19. In addition to these statutory consultations, consultees have had to respond to around 7,000 non-statutory consultations each year.
- 5.28 The impact of slow consultation responses can be compounded by the fact that an individual application can be subject to multiple consultations across multiple consultees during its processing. We reviewed a sample of Major planning applications that had taken longer than 30 weeks to process, testing the number of consultations issued within each. We found that, on average, these cases were subject to a total of 12 statutory consultations, issued across five different statutory consultees. This highlights the extent to which consultation is a key part

of processing applications, and the extent to which timeliness depends on the consultation system working well. The Department told us that it also indicates the volume of work required by statutory consultees within the planning process and is an area of work which the Planning Forum has attempted to address.

- 5.29 In recent years, the Department and other planning authorities have been working to try and address the problems affecting the consultation process. In April 2019, the Department commissioned a discussion paper examining the role of statutory consultees in the planning process. The report contained four key conclusions and identified thirteen areas for further consideration:
- The establishment of a cross-departmental Planning Forum to build capacity and capability in the system and deliver and oversee continuous improvement in the development management aspects of the planning system.
 - The need to recognise the value of planning at the highest level within NICS, in particular in the Outcomes Delivery Plan and any future Programme for Government.
 - Departments should review resourcing requirements associated with the statutory consultee role and identify need for additional resources.
 - Consideration of proportionate legislative change to address poor quality applications and enhance responsiveness by planning authorities.
- 5.30 Since that report, the Department has established a Planning Forum which brings together key statutory consultees and representatives from local government. A number of initiatives have emerged from this Forum, which are at varying stages of implementation. We have provided a sample list of some of the initiatives at **Figure 11**.
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Figure 11. List of key actions initiated by the Planning Forum

- The development of quarterly and annual monitoring reports to measure statutory consultee performance.
- The development of a best practice document, including Principles of the Management of Statutory Consultation.
- All key consultees have commenced a review of their resource requirements.
- A review of the existing PAD process to identify and implement improvements in practice
- Increasing capacity and capability within the planning system through targeted training, and also rolling out DfI training on environmental compliance to the wider stakeholder community.
- The proposed introduction, subject to Ministerial approval, of legislation to introduce statutory local validation checklists for planning applications.

Source: Department for Infrastructure

The planning system faces increasing challenges in managing applications that have the potential to have a significant environmental impact

- 5.31 The planning system has a key role to play in preserving and improving the built and natural environment. However, a number of stakeholders highlighted the increasing challenges associated with assessing and managing the environmental impacts of proposed developments. Environmental assessments related to individual applications are typically complex and time consuming. Applications involving an Environmental Impact Assessment (EIA) typically take much longer than other types of application: 125 weeks compared to 45.8 weeks where an EIA was not required¹³.
- 5.32 Responsibility for environmental assessments lies with a range of public sector bodies. Councils, as planning authorities, are deemed to be competent authorities under the Environmental Impact Assessment (EIA) Regulations, and should therefore have the capacity and capability to screen and manage complex environmental issues within the planning process. SES, referred to above at **paragraph 5.8**, was established in 2015 to ensure councils could manage their environmental responsibilities. Its core function is to carry out Habitats Regulation Assessments associated with planning applications, on behalf of councils. Councils must also consult with DAERA, a statutory consultee, on both Environmental Impact Assessments and Habitats Regulation Assessments.

13 Discussion Paper Examining the Role of Statutory Consultees in the Planning Process in Northern Ireland, Department for Infrastructure, September 2019.

- 5.33 The complexity of environmental regulations, the number and fragmentation of organisations involved, the issues noted with resourcing, the growing volume of consultation requests and rising legal challenges increases the potential for delays and the risk of getting the planning decision wrong. It is crucial that the standard of environmental assessment is robust and that staff have sufficient experience and expertise to deal with complex planning applications. The Department told us that it has implemented a programme to build EIA capacity within councils and departmental planning staff and that the programme has now been expanded to deliver EIA training to key statutory consultees in order to enhance capacity and support their important consultative role in the EIA process. Feedback from councils has been positive, however, without a long-term commitment to resourcing, it is not clear how much of an impact this will have on processing times.

The absence of up to date ammonia guidance from DAERA is causing considerable uncertainty for planners and applicants

- 5.34 Concerns have been raised that the planning system is struggling to progress some complex planning applications which can include environmental impact assessments. There is a lack of certainty on how the planning system deals with applications for developments that will produce ammonia emissions when the site is operational (see **Figure 12**). Under the EU Habitats Directive, as a statutory consultee, DAERA is legally obliged to consider the impact that ammonia emissions from a proposed development would have on the environment. Planning applications within the vicinity of a protected site are subject to screening assessments to confirm if there is likely to be an adverse impact on that site.

Figure 12. Ammonia

Ammonia is an air pollutant largely emitted from agriculture and has a damaging impact on biodiversity, including sensitive habitats, as well as human health. It is produced by many common farming activities, such as the housing of livestock, the storage and spreading of manure and slurries, and the application of fertiliser. Ammonia emitted into the air is deposited as nitrogen on land and water surfaces.

Most areas of Northern Ireland, including designated sites and other priority habitats, are affected by high levels of nitrogen being deposited on land and into water surfaces. The levels in most areas are significantly above what is considered their "critical load", the concentration of nitrogen at which significant ecological damage occurs.

Northern Ireland is responsible for 12 per cent of UK ammonia emissions, despite only having three per cent of its population and six per cent of its land area, and Northern Ireland is the only region of the UK where ammonia levels have not been decreasing.

Failure to address the increasing level of ammonia emissions also has the potential to contribute to serious, long-term harm to the environment and human health.

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- 5.35 DAERA's current policy is to consider ammonia emissions from any potential development to be insignificant if they are less than one per cent of the site's critical load, and to screen them out of the full assessment process. This policy was developed from guidelines for other UK environment agencies. However, as ammonia levels are generally lower in the rest of the UK than in Northern Ireland, it is not clear if applying the same threshold will prevent development that has the potential to cause environmental damage. The Department told us that this places planning authorities in a difficult position, given their statutory obligation to make sound and legally robust planning decisions.
- 5.36 In response to these concerns SES, which carries out Habits Regulations Assessments on behalf of councils, implemented new internal guidance in July 2019, reducing the level at which it deemed ammonia emissions insignificant to 0.1 per cent, meaning that more applications would be subject to environmental assessment. Following a legal challenge in October 2019, SES's internal guidance was withdrawn in March 2020 however it was stated that cases with emissions under 1 per cent would continue to be assessed on a case by case basis.
- 5.37 Environmental groups have submitted evidence to the Assembly stating that the current one per cent screening threshold is inappropriate, does not take into account the cumulative effect of development and is not based on objective scientific evidence. Departmental officials have also stated that the decisions made using the current policy are potentially vulnerable to legal challenge and EU infraction procedures.
- 5.38 The lack of clear environmental and ammonia guidance from DAERA creates significant uncertainty for planning authorities, applicants and other stakeholders in the planning system. Pending an updated ammonia policy from DAERA, SES is progressing assessments on a case by case basis. Where it concludes, contrary to the DAERA advice, that development is unacceptable SES recommends councils consult NIEA Natural Environment Division. Over 20 such consultations have been issued to NIEA by councils since April 2020, however it has not responded to any. The majority of these applications remain undetermined.
- 5.39 DAERA is currently reviewing its ammonia policy in light of case law, legal advice and expert opinion. We understand that an ammonia reduction strategy has been in draft since July 2020.

Recommendation

We recommend that the Department and councils seek urgent clarification from DAERA on the appropriateness of ammonia thresholds in making planning decisions.

A new planning IT system has been procured but one council is not involved

- 5.40 The current Planning Portal is an integrated suite of applications which aids planning authorities in the delivery of their planning functions. This includes Public Access, an online service that allows the public to view information on planning applications and to track and submit comments on live applications. It does not, however, allow for applications to be submitted electronically, a significant weakness in the system that imposes administrative costs and contributes to more inefficient application processing.
- 5.41 The Department and councils have been in the process of procuring a new Planning IT system for a number of years. There were difficulties in getting all 11 councils to agree a preferred replacement system, including how it was to be funded. An Outline Business Case was agreed by the 11 councils and the Department in June 2019 for a new regional solution. The preferred option was an off-the shelf solution for all 12 planning authorities. Following an open procurement process a Final Business Case was agreed in June 2020 and a contract awarded for a new Regional Solution for 10 councils and the Department. The new system will cost £30.5 million over 20 years and is planned to be operational in summer 2022.
- 5.42 It is also concerning that one council, Mid Ulster, has decided not to continue with the joint collaborative exercise and instead procure their own system. Mid Ulster told us that their supplier offered best value in relation to cost and customer service and that is satisfied it will meet the council's needs. This means that there will be two separate Planning IT Systems in Northern Ireland. It is unclear how Mid Ulster's separate IT system will interface with the system used by all other councils and the Department, which will be critical given the need to improve performance measurement and reporting.
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Appendices:

Appendix One

Our audit approach

This report examined the effectiveness of the planning system in Northern Ireland. It identified a range of issues affecting the performance of the system, and the service delivered to users. We have looked at both performance information and issues within councils, who have primary responsibility for the operational delivery of most planning functions, as well as issues beyond the control of council planning teams that impact on performance.

We assessed:

- The issues that have contributed to the failure of councils to deliver Local Development Plans that are integral to ensuring the planning system is a 'plan led system'.
- The performance of the system against the three statutory performance targets.
- Significant regional variation in performance and processes between councils.
- Wider structural issues that impact upon the ability of councils to deliver an effective service.

Our evidence base

We performed in-depth analysis of performance data covering a number of different aspects of the planning system. This included:

- We reviewed the published Planning Activity Statistics covering from 2015-16 to 2020-21, including detailed analysis of the supporting Open Data tables.
- We reviewed the published Planning Monitoring Framework statistics covering the 2019-20 to 2020-21 period.
- We reviewed internal management information compiled by the Department relating to decisions made by council planning committees and statutory consultee performance.
- We reviewed a sample of publicly available planning committee minutes.
- We reviewed planning system performance information available for other regions of the UK.
- We met with officials from each council planning team, and reviewed internal management information provided by each council.
- We consulted with a range of stakeholders and interested parties.
- We engaged a reference partner who had expertise in planning systems across the UK.

The Department told us that, in instances where NIAO has performed further analysis of planning statistics, it had been unable to check the accuracy of related figures within the report. Relevant figures are Figures 2 to 8.

NIAO Reports 2020 and 2021

Title	Date Published
2020	
Reducing costs in the PSNI	28 April 2020
The National Fraud Initiative: Northern Ireland	11 June 2020
The LandWeb Project: An Update	16 June 2020
Raising Concerns: A Good Practice Guide for the Northern Ireland Public Sector	25 June 2020
Addiction Services in Northern Ireland	30 June 2020
Workforce planning for nurses and midwives	31 July 2020
Overview of the Northern Ireland Executive's Response to the COVID-19 Pandemic	02 September 2020
Impact Review of Special Educational Needs	29 September 2020
Generating electricity from renewable energy	13 October 2020
Capacity and Capability in the Northern Ireland Civil Service	17 November 2020
Managing Attendance in Central and Local Government	23 November 2020
Managing Children who Offend: Follow-up Review	01 December 2020
2021	
Management and Delivery of the Personal Independence Payment Contract in Northern Ireland	23 March 2021
Closing the Gap - Social Deprivation and links to Educational Attainment	05 May 2021
Second Report – Overview of the Northern Ireland Executive's Response to the COVID-19 Pandemic	08 June 2021
Broadband Investment in Northern Ireland	17 June 2021
Sports Sustainability Fund	22 June 2021
The NI Budget Process	29 June 2021
Continuous improvement arrangements in policing	12 October 2021
A Strategic Approach to the Use of Public Sector Assets	21 October 2021
Grant Fraud Risks	28 October 2021
Design and Administration of the Northern Ireland Small Business Support Grant Scheme	08 December 2021
Contract award and management of Project Stratum	14 December 2021



Published and printed by CDS

CDS 265237





Northern Ireland
Assembly

Public Accounts Committee

PLANNING IN NORTHERN IRELAND

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Ordered by the Public Accounts Committee to be published 22 March 2022

This report is embargoed until 00.01am on 24 March 2022

Report: NIA 202/17-22 Public Accounts Committee

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Powers and Membership

The Public Accounts Committee is a Standing Committee established in accordance with Standing Orders under Section 60(3) of the Northern Ireland Act 1998. It is the statutory function of the Public Accounts Committee to consider the accounts, and reports on accounts laid before the Assembly.

The Public Accounts Committee is appointed under Assembly Standing Order No. 56 of the Standing Orders for the Northern Ireland Assembly. It has the power to send for persons, papers and records and to report from time to time. Neither the Chairperson nor Deputy Chairperson of the Committee shall be a member of the same political party as the Minister of Finance or of any junior minister appointed to the Department of Finance.

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

Chairperson: Mr William Humphrey MLA

Deputy Chairperson: Mr Roy Beggs MLA

Mr Andrew Muir MLA²

Mr Cathal Boylan MLA

Mr Maolíosa McHugh MLA

Ms Órlaithí Flynn MLA

Mr William Irwin MLA^{1 4}

Mr David Hilditch MLA

Ms Cara Hunter MLA^{3 5}

¹ With effect from 17 February 2020 Mr Harry Harvey replaced Mr Gary Middleton

² With effect from 31 March 2020 Mr Andrew Muir replaced Mr Trevor Lunn

³ With effect from 19 May 2020 Mr Matthew O'Toole replaced Mr John Dallat

⁴ With effect from 21 June 2021 Mr William Irwin replaced Mr Harry Harvey

⁵ With effect from 18 October 2021 Ms Cara Hunter replaced Mr Matthew O'Toole

List of Abbreviations and Acronyms used in this Report

C&AG	Comptroller and Auditor General
DAERA	Department for Agriculture, Environment and Rural Affairs
DfI	Department for Infrastructure
NIAO	Northern Ireland Audit Office
NILGA	Northern Ireland Local Government Association
PAC	Public Accounts Committee
PAN	Planning Advice Note
SOLACE	Society of Local Authority Chief Executives
SPPS	Strategic Planning Policy Statement
The Act	Planning Act (NI) 2011
The Committee	Public Accounts Committee
LDP	Local Development Plan

Executive Summary

1. The Public Accounts Committee (the Committee) met on 10, 17 and 24 February and 10 March 2022 to consider the Northern Ireland Audit Office's (NIAO) report "Planning in Northern Ireland". The main witnesses were:
 - **Mrs Katrina Godfrey**, Department for Infrastructure
 - **Mr Angus Kerr**, Department for Infrastructure
 - **Ms Julie Thompson**, Department for Infrastructure
 - **Ms Alison McCullagh**, Society of Local Authority Chief Executives Northern Ireland (SOLACE)
 - **Ms Kate Bentley**, Society of Local Authority Chief Executives Northern Ireland
 - **Councillor Steven Corr**, Northern Ireland Local Government Association (NILGA)
 - **Councillor Robert Irvine**, Northern Ireland Local Government Association
 - **Ms Karen Smyth**, Northern Ireland Local Government Association
 - **Mr Kieran Donnelly**, Northern Ireland Audit Office
 - **Mr Stuart Stevenson**, Department of Finance
 - **Ms Nuala Crilly**, The Gathering
 - **Mr Dean Blackwood**, The Gathering
 - **Ms Anne Harper**, The Gathering
 - **Mr George McLaughlin**, The Gathering
2. Performance issues within the planning system are widely known and are a source of considerable concern for this Committee. Since the transfer of functions in 2015, planning authorities have failed to deliver on many of their key targets, particularly on major and significant development. The Committee is appalled by the performance statistics. It is simply unacceptable that almost one-fifth of the most important planning applications aren't processed within three years. Such poor performance has an impact on applicants, developers and communities and is risking investment in Northern Ireland.
3. Progress on Local Development Plans (LDPs) has been equally poor - seven years into the process these plans are yet to materialise. The Committee heard of the potential for LDPs to shape communities and make decision-making processes

easier, but the process has been stymied by a complete underestimation of the complexity and volume of work required, a lack of key skills and resources within councils, compounded by a series of unnecessary “checks and balances” implemented by the Department. The Committee urges all those involved in plan-making to work together to streamline remaining LDP processes and produce these important plans as soon as possible.

4. Issues with quality at all stages of the planning process are pervasive, affecting applications, statutory consultation, plan-making and the appeals system. The Committee is concerned about the long-term, cumulative effect of widespread quality issues. A planning system that allows poor quality applications risks poor quality development, which will only lead to further issues and additional costs for the future. The Committee heard that there are opportunities to improve application quality, but these have not been taken either centrally or locally. The Committee simply cannot understand the reluctance to implement change in this area.
5. Whilst these performance issues are concerning, and must be addressed, it is the Committee’s strong view that the problems presented are symptomatic of a planning system that is beset by more fundamental issues.
6. The Committee was alarmed by the volume of concerns around transparency that were presented during the course of its inquiry. In the Committee’s view, a planning system that lacks transparency leaves decision makers ill equipped to defend themselves against allegations of impropriety and contributes to public mistrust. This, in turn, damages the reputation of the system and places Northern Ireland at a huge disadvantage to other regions when competing for investment.
7. The Committee heard concerns about the lack of transparency from witnesses and through submissions received. The basis for making key decisions was often absent and this is extremely worrying. In particular the Committee are seeking urgent remedial action to ensure better transparency for those planning applications called in and for applications overturned by a Planning Committee contrary to the recommendation of the planning officers. The Committee are also seeking more transparency as to how councils exercise enforcement powers given the considerable variation across councils.

8. Having discussed its concerns with the Department, SOLACE and NILGA, the Committee was struck by the lack of accountability for poor performance. A system that allows all those involved to miss targets, without seeking improvements, is a system in chronic failure. The Committee is worried by the Department's misunderstanding of accountability, and was left with the impression that it is more interested in talking about issues, than taking the action needed to address them. This cannot continue, and the Committee expects the Department to provide the Committee with a radical action plan and provide the successor Committee with an update on the improvements made in six months time.
9. In the Committee's view, the Department is not currently providing the strong leadership needed drive transformational change within the planning system. The Committee is very concerned that the Department does not grasp the severity of issues facing the planning system, does not recognise the urgent need for change and has a poor understanding of its role in implementing change. The Committee urges the Department and the Head of the Civil Service to consider how leadership could be significantly strengthened so as to exercise an effective oversight role.
10. The operation of the planning system is one of the worst examples of silo-working within the public sector that this Committee has encountered. There is fragmentation at all levels - between central and local government, within statutory consultees, amongst the local councils and even the Department itself appears to operate in functional silos. The Committee believes that there is an urgent need for a radical cultural change in the way in which central and local government interact. If the planning service is to improve, the Department and councils must start to collaborate as equal partners. This will require a concerted effort from all those involved to work in a more productive way.
11. The Committee were astounded to hear of the case of Knock Iveagh where a wind turbine was granted planning permission on the site of an historic monument. Whilst the planning permission was granted by the Department of the Environment before planning powers passed to local government, there have been many opportunities since where the Department and the local council could have worked collaboratively to find a solution. The council are now in a legal dispute with the Department regarding this. The Knock Iveagh case clearly demonstrates the enormous damage caused by an incorrect planning decision and also the inability of the Department and

council to work together to rectify the position in an expedient way instead of wasting valuable resources and causing extreme distress to those affected.

12. The planning system in Northern Ireland is clearly not working. Given the widespread, severe and entrenched nature of the issues outlined, the Committee is calling for a fundamental review, led by someone independent from the Department, to identify the long-term, strategic changes needed to make the planning system fit for purpose.

Summary of Recommendations

Recommendation 1

13. The planning system should act as key economic driver for Northern Ireland and has a crucial role in leveraging investment, protecting the environment and delivering places that people want to live and work in. However, on the basis of the evidence presented to the Committee, it is clear that the system is failing on delivering its key functions - major applications take years to decide, plan-making is incredibly slow, and enforcement is inconsistent. Given such obvious issues, the Committee believes that a significant programme of reform is needed.

The planning system in Northern Ireland is not working. The Committee recommends that a Commission is established to undertake a fundamental review to ascertain the long-term, strategic changes that are needed to make the system fit for purpose. This should be led by someone independent from the Department.

Recommendation 2

14. Whilst there are widespread, systemic issues affecting planning in Northern Ireland, the Committee could not understand the reluctance, amongst many of those it heard evidence from, to initiate changes that could improve performance within a shorter timeframe. This inaction is stifling the system and cannot be allowed to continue.

The Committee has heard that there are a number of opportunities to make immediate improvements to the planning system. We recommend that a commission is established to identify tangible improvements that can be achieved in the short

term. This must focus on problem solving, delivery and achieving outcomes within a fixed time frame.

Recommendation 3

15. In the course of its inquiry, it became clear to the Committee that the planning system lacks robust accountability arrangements. Missed targets and poor performance have become accepted as the norm. The Committee was alarmed by the Department's misunderstanding of accountability. Publishing data is not accountability. The Committee is also concerned that the Department has been more focussed on talking about performance than implementing the significant actions that are so clearly needed.

The Committee expects action to be taken to improve the planning system. In lieu of any accountability for performance within the system, the Department will provide the Committee with a radical action plan and provide the successor Committee with an update on the improvements made in six months time.

Recommendation 4

16. Northern Ireland's planning system is intended to be a plan led system. Despite this, the production of Local Development Plans (LDPs) has been both slow and expensive. Whilst there was an initial expectation that plans would be completed within three and a half years, seven years following the transfer of planning powers to local government no council has an approved LDP.
17. Current projections mean that it will be 13 years into the 15-year cycle before all councils have a completed plan in place. Without these, many councils are relying on outdated area plans to guide decisions, which in some cases are over 30 years old.

The Committee recommends that the Department considers ways to streamline the remaining LDP processes, and works with councils to learn lessons from those that have been through the independent examination process with a view to taking a more pragmatic approach to the remaining plans. The Department and councils need to work collaboratively to produce these important plans as soon as possible.

Recommendation 5

18. Core to much of the Committee's work has been the promotion of the highest ethical values in public services. During the inquiry into planning the Committee heard a number of concerns around record keeping and the transparency of decision making. Given planning decisions are often amongst the most contentious decisions that will be taken within the public sector, adherence to the highest ethical standards are essential. Monitoring the level of transparency will be key going forward to engender trust in the planning system.

The Committee recommends that all those involved in decision-making ensure that processes are open and transparent, particularly where a high degree of interpretation has been exercised. The Department and councils should consider how checks on good record keeping, to ensure transparency, could be carried out effectively.

Recommendation 6

19. Confidence in the planning system is low. Members of the public feel excluded and often believe they have no choice but to launch legal proceedings, in the form of judicial reviews, to challenge decisions that impact their communities. This is expensive, time consuming and confrontational for all those involved. Greater engagement is needed.

20. The Committee recommends that the Department should ensure that there is suitable and proportionate means of engaging with the planning system. This should include a deeper consideration of the appropriateness of limited third-party rights of appeal.

Recommendation 7

21. Planning must play an essential role in helping to address many of the issues being experienced with housing in Northern Ireland. In particular, the Committee is concerned by the evidence it has heard in relation to rural development. The level of variation in how this policy is being applied across Northern Ireland is of particular concern, along with what appears to be a disproportionate interest in this area from some planning committees.

22. The Committee is also concerned that work to clarify this policy had been commenced by the Department but was abandoned only two months after the Planning Advice Note was published. It is essential that this work be resurrected urgently, but accompanied with proper engagement between central and local government.

The operation of the planning system for rural housing is at best inconsistent and at worst fundamentally broken. The Committee believes that it is essential that policy in the area is agreed and implemented equally and consistently across Northern Ireland. The Department should ensure this is the case.

Recommendation 8

23. The Department told the Committee that amongst its responsibilities within the two-tier system in Northern Ireland was oversight. However, the Committee heard evidence that the Department was overwhelmingly focused on matters of process rather than on the strategic issues which require strong, decisive leadership. The Department told us it was challenging to identify when it was appropriate to intervene - the Committee believes the Department has got this balance wrong.

The Committee recommends that the Department urgently considers how it exercises its oversight of the planning system. In the Committee's view, this must be accompanied with a cultural change. Intervention should be to support delivery and to make improvements. The current minimal approach is no longer sustainable.

Recommendation 9

24. The planning system should be key to providing places that people want to live and work in. Whilst timely decisions are essential, it is perhaps even more important that development that is approved is of high quality. Allowing poor quality applications into the system will only result in poor quality development. Despite this, the Committee heard that the system has been incredibly slow to implement relatively simple changes which could improve the quality of applications. This cannot be allowed to continue.

The Committee recommends that the Department and local government should implement immediate changes to improve the quality of applications entering the

system. Whilst this may require legislative change, we do not believe that this should be an excuse for delay.

Recommendation 10

25. Without any review of past decisions, it is hard for those who make decisions to properly understand how the outcomes of those decisions impact on the communities around them. A key means of improving the quality of future decisions must be to reflect on the consequences of planning decisions.

The Committee recommends that planning authorities regularly review past decisions to understand their real-world outcomes, impact on communities and the quality of the completed development.

Recommendation 11

26. If the planning system is to deliver its key functions, it must be properly resourced and financially sustainable. However, at local council level, the planning system has been running at an ever-increasing shortfall since the transfer of functions in 2015. The Committee believes the current funding model does not recognise the importance of the planning system, and needs to be revised. Current planning fees, set by the Department, do not reflect the needs of the system. If developers are willing to pay higher fees for a better service, then at least part of the solution to financial sustainability is obvious. The Committee cannot understand why this hasn't been progressed.

The planning system must be financially sustainable and this requires an appropriate, long-term funding model. The Committee recommends that all those involved in delivering planning work together to achieve this. In the short term the Department should take the lead on bringing forward legislation on planning fees as a matter of urgency.

Recommendation 12

27. Underpinning many of the issues that the Committee found hampering the planning system was a lack of joined-up working. The Committee has stressed the importance of joined-up working in many of its inquiries, but the planning system is amongst the starkest examples of the negative consequences when public bodies don't work together.

28. Changing this will require leadership - but will also require both central and local government to step up and work together in the interests of the planning system and its users rather than individual bodies. This will require a cultural change, but is essential to allow a more responsive, effective planning system.

There is a fundamental need for a cultural change in the way local and central government interact around planning. Whilst cultural change will take time, this should be reflected immediately in a more inclusive planning forum which includes representation from developers and communities.

Introduction

29. The Public Accounts Committee (the Committee) met on 10, 17 and 24 February and 10 March 2022 to consider the Northern Ireland Audit Office (NIAO) report “Planning in Northern Ireland”. The main witnesses were:

- **Mrs Katrina Godfrey**, Department for Infrastructure
- **Mr Angus Kerr**, Department for Infrastructure
- **Ms Julie Thompson**, Department for Infrastructure
- **Ms Alison McCullagh**, Society of Local Authority Chief Executives Northern Ireland
- **Ms Kate Bentley**, Society of Local Authority Chief Executives Northern Ireland
- **Councillor Steven Corr**, Northern Ireland Local Government Association
- **Councillor Robert Irvine**, Northern Ireland Local Government Association
- **Ms Karen Smyth**, Northern Ireland Local Government Association
- **Mr Kieran Donnelly**, Northern Ireland Audit Office
- **Mr Stuart Stevenson**, Department of Finance
- **Ms Nuala Crilly**, The Gathering
- **Mr Dean Blackwood**, The Gathering
- **Ms Ann Harper**, The Gathering
- **Mr George McLaughlin**, The Gathering

Background

30. A properly functioning planning system should proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland.

31. The Planning Act (NI) 2011 (the Act) established a two-tier system for the delivery of planning functions in Northern Ireland. The planning system has three main functions: development planning, development management and enforcement. Under the Act, responsibility for delivering the majority of operational planning functions passed to local councils in April 2015.

32. The Department for Infrastructure (the Department) retained a central role in the planning system in Northern Ireland and is responsible for preparing regional planning policy and legislation, monitoring and reporting on the performance of councils' delivery of planning functions and making planning decisions in respect of a small number of regionally significant applications.
33. A number of central government organisations provide specialist expertise to council planning officials on technical matters. The main organisations that councils consult with are Department for Infrastructure (DfI) Roads, Department for Agriculture Environment and Rural Affairs (DAERA), DfI Rivers, NI Water and the Historic Environment Division within the Department for Communities.
34. There were around 11,000 planning applications processed in Northern Ireland in the 2020-21 year. Of these, around 95 per cent were approved.

The planning system is in need of fundamental improvement

35. Evidence presented to the Committee is clear that the current planning system simply isn't working. It is slow, fails to provide certainty for those involved in it, and lacks the confidence of those both inside and outside the system. These are significant deficiencies given the importance of the planning system - it should be acting as a key economic driver, helping to leverage investment into Northern Ireland whilst protecting the environment and delivering places that people want to live and work in.
36. On the basis of many key metrics, the system is simply inefficient. Almost half of major applications, those likely to have significant economic social and environmental implications, take more than a year to decide upon. Three years after application, one in five of these major applications is still not decided. The Committee heard that even the target timescales were "eye-watering", and the system must aim for better. In comparison with elsewhere in the United Kingdom, the system is much slower.
37. Performance in preparing Local Development Plans (LDPs) has been incredibly slow. The most recent projections provided by councils suggest that it will be 2028 before

there is an LDP in place in each council area, 13 years into a 15-year cycle. The Committee also heard concerns around the effectiveness and equity of enforcement across Northern Ireland. Taken together, the Committee was left with the impression of a system that can't plan for the future; isn't doing well on deciding today's applications; and doesn't appear to be properly enforcing the decisions it made in the past.

38. Some of the underperformance undoubtedly relates to the transfer of functions in 2015. The Committee heard that the budget that transferred was inadequate, the staffing model was inappropriate and the future funding model needs to change. Most concerning of all appears to be the widespread recognition that the system isn't working. The Committee is clear that change is now needed and 'a sticking plaster' will not suffice. Given such obvious criticism, it is hard to understand why action hasn't been taken until now.

The planning system in Northern Ireland is not working. The Committee recommends that a Commission is established to undertake a fundamental review to ascertain the long-term, strategic changes that are needed to make the system fit for purpose. This should be led by someone independent from the Department.

39. Whilst there is an obvious need to look again at the structure and operation of the planning system, the Committee have been struck by the number of changes that could be made now to improve performance. In our view, there has been an inertia throughout the system and many of those involved appear reluctant to make much needed changes. This cannot be allowed to continue.

The Committee has heard that there are a number of opportunities to make immediate improvements to the planning system. We recommend that a commission is established to identify tangible improvements that can be achieved in the short term. This must focus on problem solving, delivery and achieving outcomes, within a fixed time frame

No one has been willing to take responsibility for the overall performance of the planning system

40. The Committee has discussed concerns around the performance of the planning system with the Department, SOLACE and NILGA. No one was able to explain how poor performance is addressed. It is now clear to the Committee that there is no accountability for poor performance. Statutory consultees, councils and the Department have all missed targets with impunity and without seeking improvements. This is a serious failing.
41. The Committee was also alarmed by what appears to be the Department's fundamental misunderstanding of what accountability is. The Committee was told that the Department felt there was accountability in the system because "we are publishing more now than we ever published before". The Department also told the Committee that, "data just gives you the questions to ask". However, the Committee can't see evidence of the Department actually asking those questions, be it on variation in performance, overturns, enforcement or delegation.
42. The Department also said, "the more you talk about performance, the more focus there is on improving it" - the Committee sees no evidence that this has been true for the planning system, and is concerned that the Department is focussed on talking, rather than on the significant action the system so clearly needs.

The Committee expects action to be taken to improve the planning system. In lieu of any accountability for performance within the system, the Department will provide the Committee with a radical action plan and provide the successor Committee with an update on the improvements made in six months time.

43. There is a clear need for many organisations to work together to deliver an effective planning system. This is not happening. Whilst the Committee heard that planning is provided by a number of "autonomous public bodies", this cannot be used as an excuse for bodies to act in narrow self-interest. Public bodies exist to provide a public service - not to defend their own role. At this most basic level, the committee expects

all of those involved in the planning system to act in the interests of the public, not themselves.

Progress on Local Development Plans has been slow and the Department's input has led to further delays

44. Northern Ireland's planning system should be plan-led. However, the expectation that all councils would have a fully completed LDP within three and a half years of beginning the process has proved completely unrealistic. The Committee heard that a combination of inadequate funding, a lack of plan-making skills within councils and insufficient understanding of the complexity of the LDP process at the point of transfer has resulted in no council having an approved LDP seven years later.
45. The Committee is also concerned that the Department has implemented an excessive range of "checks and balances" at either side of the Independent Examination which have contributed to delays, and do not happen in other jurisdictions. The Committee did not get any sense of the value added by these checks and is concerned that this level of interference is symptomatic of the culture within the Department, and its approach to the planning system in general. The system has become so legalistic and bureaucratic that professional planners are tied up in processes, not adding value or place-making. This is expensive for public bodies and discouraging for staff.
46. The Committee was left with the impression that plan-making is excessively process driven and unlikely to deliver what is needed any time soon. Indeed, the current projections show that it will be 13 years into the 15-year planning cycle before all councils have an LDP in place, and there is now a risk that plans will be out of date by the time they are implemented. Whilst the Committee does not want the work done so far on LDPs to be wasted, attention must now be turned to streamlining and speeding up the remaining processes.

The Committee recommends that the Department considers ways to streamline the remaining LDP processes, and works with councils to learn lessons from those that have been through the independent examination process with a view to taking a more

pragmatic approach to the remaining plans. The Department and councils need to work collaboratively to produce these important plans as soon as possible.

There is a lack of transparency around key decision-making processes, undermining confidence in the planning system as a whole

47. Openness and transparency are at heart of the credibility of any public service, yet during its inquiry, the Committee received a large number of concerns about the lack of transparency in the planning system, and how hard it is for the public to engage. The Department itself told the Committee that it had concerns around record keeping and the transparency of decision-making processes at council level, but the Committee got no sense of any actions it has taken as a result of these concerns. In the absence of any real accountability the onus appears to have fallen on members of the public to call out poor practices and ensure process is followed.
48. A number of concerns around transparency were presented to the Committee, across every evidence session, with both central and local government and members of the public. Whilst there is a need to improve transparency across the system, the Committee believes urgent remedial action is needed in three specific areas:
- Call-in procedures;
 - Overturn of planning officials' recommendation; and
 - Enforcement.
49. Whilst each planning committee has a Scheme of Delegation setting out the applications to be decided by the planning committee, and those which are delegated to officials, elected members retain the right to "call-in" applications from the delegated list, for consideration and decision by the planning committee. The Committee was presented with evidence that call-in procedures vary considerably, and it is not always clear, even to members of the same planning committee, why certain applications are called in. Whilst there may be valid reasons for calling in applications, such variation in process and lack of detail leads to speculation and a lack of trust, particularly when planning committees appear to take an interest in

particular types of development. In this context, the Committee was especially alarmed to hear that lobbying is happening, even though it shouldn't be.

50. The NIAO's report found that one in eight decisions taken by planning committees was made contrary to the advice of the planning officer. Whilst the Committee understands that planning committees are not expected to agree with official recommendations in all cases, it expects so-called "overturns" to be supported by robust planning reasons which are publicly available. Witnesses agreed that this was not always the case, and that record keeping processes vary considerably across planning committees.
51. The Committee views enforcement as crucial to the integrity of and confidence in the planning system, however evidence suggests that this is another area where there is considerable variation across planning authorities. For example, in one council, a quarter of enforcement cases was deemed not expedient to pursue, compared to less than one in ten in another council. The Committee was told that enforcement is a discretionary function, but cannot understand why outcomes are not more consistent, and is concerned that discretion is being used as an excuse not to carry out enforcement action in some cases. Such large variations in key planning processes and outcomes do not lead to public confidence, and warrant more attention from both the Department and local government.
52. Finally, the Committee also heard frustrations that the Department is particularly difficult to engage with. However, the Department told the Committee that it is leading on the Planning Engagement Forum and wants to engage the public more. The Committee is concerned that the Department is completely disconnected from the reality of the system, largely as a consequence of its hands-off approach since the transfer of functions.
53. The extent of concerns around transparency and openness are causing reputational damage to the Northern Ireland planning system. The Committee has been made aware of developers who are unwilling to risk investment in Northern Ireland, and this has the potential to undermine development, such as housing, that is so badly needed. The Committee is concerned perception of a dysfunctional planning system places Northern Ireland at a huge disadvantage to other regions when competing for foreign direct investment.

54. Witnesses told the Committee that, although they were aware of a perception of ethical issues within the planning system, they did not believe these existed in practice. However, in the Committee's view, the planning system lacks transparency, leaves decision makers ill-equipped to defend themselves against allegations of corruption and contributes to mistrust. The Chief Planner remarked that there is "more work to be done" on transparency. The Committee feels this is a massive understatement. Transparency around decision-making is key to enabling accountability and public confidence in the planning system.

55. The Committee recognises the importance of making planning decisions within a framework of high ethical standards. It is therefore important that both planning officers and decision makers are constantly reminded of the required standards and that there are adequate checks and balances within the system to ensure such standards are adhered to.

The Committee recommends that all those involved in decision-making ensure that processes are open and transparent, particularly where a high degree of interpretation has been exercised. The Department and Councils should consider how checks on good record keeping to ensure transparency could be carried out effectively.

Members of the public feel excluded from planning and more meaningful access to the system is needed

56. The Committee heard a range of concerns from members of the public who felt excluded from the planning system. The Committee is clear that whilst it is important that the system works for applicants and developers, it must also work for those communities in which development takes place.

57. Many of those that the Committee heard from criticised the overly legalistic atmosphere that had been created around the planning system. However, by strictly limiting access, the system is currently contributing to this culture. Third parties are

left with no option to challenge decisions, other than by pursuing judicial reviews. This is expensive, time consuming and confrontational for all those involved.

58. Many of the responses to the Department's Review of the Planning Act reflected a desire for more access to the planning system, potentially through a new appeals system, or allowing for third party challenge. The Department was not persuaded of the need to make any amendments to the planning appeals process. The Committee recognises that there will be a trade-off between allowing access to the system for third parties and the speed of decisions - but currently the Northern Ireland system appears to have the worst of both worlds.

The Committee recommends that the Department should ensure that there is suitable and proportionate means of engaging with the planning system. This should include a deeper consideration of the appropriateness of limited third-party rights of appeal.

The Committee is concerned by how planning is operating for rural housing

59. Much of the evidence heard during the Committee's inquiry centred on decisions around rural development and housing. In the Committee's view, some council planning committees appear to be excessively involved in decisions around the development of new single homes in the countryside. The NIAO report notes that, despite often being relatively straightforward, rural housing accounts for 16 per cent of all planning applications but comprises 40 per cent of all overturns. This represents a disproportionate use of planning committee time and resources.
60. The Department told us that the Strategic Planning Policy Statement (SPPS) sets out how applications for rural housing should be approached. However, they are concerned that so many of these decisions are not delegated, or overturned and that different decisions are reached.
61. The Committee is concerned, based on evidence presented to it, that there appears to be an increasingly fine line between planning committees interpreting planning

policy and simply setting it aside. As a result, these differing interpretations are threatening to create a patchwork of varying rural planning policy across Northern Ireland. The Committee is simply not convinced that what is relevant in one rural area is considerably different to what is relevant in another.

62. The Committee heard about the Department's Planning Advice Note (PAN) which was issued in August 2021 and subsequently withdrawn just over two months later. This was prepared without consultation between the Department and councils. As a result of the Department's approach, relationships have been damaged, confidence in the planning system undermined and inconsistency has been allowed to persist.

The operation of the planning system for rural housing is at best inconsistent and at worst fundamentally broken. The Committee believes that it is essential that policy in the area is agreed and implemented equally and consistently across Northern Ireland. The Department should ensure this is the case.

The Department's leadership of the planning system has been weak

63. The evidence provided to the Committee by witnesses and in the NIAO report makes it clear that leadership is desperately needed to improve the planning system. The Department isn't providing this. The Committee is very concerned, based on the evidence it has heard, that the Department does not grasp the severity of issues facing the planning system, does not recognise the obvious need for change and has little understanding of its role in implementing change.

64. The Department's evidence to the Committee was overwhelmingly focused on process - it highlighted that it had completed 19 out of 30 actions in relation to the planning forum and processed 55 responses for the Planning Review to identify the 16 key issues. The Committee was surprised to learn that the Department has around 80 staff assigned to planning matters. Evidence provided by others noted that the Department exercised a number of checks and balances which appeared to only delay decisions, frustrate the system and its users, and fail to add any value.

65. However, at no point did the Department seem to have considered what impact any of this would have on the planning system itself. Rather than providing transformational leadership which would drive the change that is so badly needed, the Department is overly focused on process. Reviewing the Department's role in respect of planning might reduce the need for the large number of staff.

66. There are some areas where it is obvious that the Department must take a more proactive leadership role. For example, the Committee heard that legislative change is required on a number of areas, and that the Department is the only body capable of taking this forward, but has made no efforts to do so. The Committee shares some of the witnesses' views that the recent review of the Planning Act was ineffective and that many important issues raised as part of the consultation were not adequately considered by the Department. The Committee notes that because of the timing of the Department's review, any legislative changes will need to wait until the next mandate. Therefore, even the limited changes that the Department has accepted are necessary will not be implemented soon. The Committee urges the Department to drive forward legislative change as a matter of urgency.

67. Having heard the Department's evidence, this Committee considers that the Department has been too remote in its oversight of the planning system and is not confident that the Department is providing the leadership that will drive the necessary transformational change.

The Committee recommends that the Department urgently considers how it exercises its oversight of the planning system. In the Committee's view, this must be accompanied with a cultural change. Intervention should be to support delivery and to make improvements. The current minimal approach is no longer sustainable.

The planning system has been slow to respond to quality issues

68. The Committee has significant concerns around the evidence it heard of widespread issues with the quality of applications entering and progressing through the planning system. Allowing poor quality applications into the system risks poor quality development. This is storing up issues for Northern Ireland's future. A poor planning

system will not only cost Northern Ireland today, but will have a long-lasting negative impact over many years to come.

69. The Committee can see little evidence of changes implemented to improve the planning system to date, and often there has been inertia on effecting change that would improve the system. An example of this is the validation checklist. Councils have been asking the Department to put this on a legislative footing since 2016, and yet nothing has happened. The Committee, however, was unconvinced by evidence provided by local government representatives that councils were unable to take independent action on this issue.

70. The Committee heard that there is strong evidence that validation checklists will improve the quality of applications, however most councils haven't attempted to implement these as they would be voluntary. The Committee can't understand the reluctance around making basic changes, despite the positive experience of the one council who had implemented a checklist. It is difficult to escape the conclusion that the Department's inaction is being used as an excuse and councils are pre-empting reasons for failure rather than learning from good practice elsewhere and trying to implement it.

The Committee recommends that the Department and local government should implement immediate changes to improve the quality of applications entering the system. Whilst this may require legislative change, we do not believe that this should be an excuse for delay.

71. As well as allowing poor quality applications in, the system as currently designed, allows serial amendments at every stage of the process, right up to appeal. The Committee heard that dealing with poor quality applications clogs up the system and professional planners are constantly "firefighting". Addressing these issues could free up staff time to process applications in a more timely manner.

72. The Committee believes that a properly functioning planning system should encourage quality, however as it stands, there is no mechanism at either end of the system to do so. In addition to there being no robust mechanism to stop poor quality applications entering the planning system, the Committee heard that planning authorities do not review the outcomes of past decisions, despite this being Departmental guidance. The Committee was therefore left with the impression of a

system that has little interest in the impact of its decisions and learning from experience.

The Committee recommends that planning authorities regularly review past decisions to understand their real-world outcomes, impact on communities and the quality of the completed development.

The current funding model does not recognise the value of the planning system and is not financially sustainable

73. The planning system plays a key role in economic development, shaping communities and protecting the environment and its value should be assessed in this context. It is therefore vital that it is financially sustainable. The Committee heard evidence that the current funding arrangements do not properly recognise the potential of the planning system as an economic enabler and public service and that the gap between income and expenditure has grown so large that the system is becoming financially unsustainable.
74. Local government witnesses told the Committee that, despite assurances, planning did not transfer to councils as a cost-neutral service in 2015 and that the funding package was insufficient to meet the costs of running the planning service. The shortfall in funding has continued year-on-year, with additional costs borne by councils, as opposed to any additional central government funding or meaningful uplift in planning fees. The NIAO reported that the gap between costs and income has risen from £4.1 million in 2015-16 to £8.2 million in 2019-20. The Committee was also concerned to hear that the true costs of the LDP process have not yet been fully realised, and this will also have an impact on councils' finances.
75. The Committee was disappointed to hear that the devolution of planning to local government hasn't yet achieved any economies of scale. Witnesses told the Committee that insufficient budgets and inappropriate staffing models from the point of transfer made this almost impossible and that funding models needs to be overhauled before any improvement will be seen.

76. Since 2015, planning fees have increased once, by around 2 per cent. Any further changes to planning fees will require legislation to be brought through the Assembly. The Committee heard that applicants are generally willing to pay higher fees in return for a better and more efficient service. The Committee was also told that resources are one of the major constraints in processing applications. The solution is frankly self-evident and the Committee struggles to understand how this hasn't been progressed by the Department. In the Committee's view, the Department has paid insufficient attention to ensuring that the planning fees it sets reflect the needs of the system. It is hugely frustrating that there will not be a chance to address planning fees until the next mandate. Bringing forward this legislation should be an urgent priority for the Department.

The planning system must be financially sustainable and this requires an appropriate, long-term funding model. The Committee recommends that all those involved in delivering planning work together to achieve this. In the short term the Department should take the lead on bringing forward legislation on planning fees as a matter of urgency.

The planning system is badly fragmented and this hampers effective delivery

77. The Committee views the operation of the planning system as one of the worst examples of silo-working that it has come across. Despite an urgent need for better performance, there appears to be a lack of joined-up working between central and local government, silos within statutory consultees, a lack of co-operation amongst local councils, and even silos within the Department itself. Despite this, the Committee was surprised to hear from the Department's evidence that it felt it had been working collaboratively on multiple levels and multiple aspects. In contrast, councils told the Committee that they felt there was a level of mistrust and, that seven years into the system, this needed to change.

78. Departmental witnesses frequently referred to the work of the Planning Forum, however there was little evidence presented of tangible outcomes achieved. The Committee was surprised to learn that only three councils were represented on the

Forum, and that they were only invited to participate a year after it was established. The Committee is also concerned that the Department believes they have already brought everyone involved in the system together despite there being no representation from many of those who are essential to the system - councillors, developers or local communities. This is not an inclusive, joined-up approach to service improvement and must improve.

79. The Committee was disappointed to learn that one of the poorest performing statutory consultees, DfI Rivers, is part of the Department for Infrastructure. Such a failure within the Departmental boundary gives the Committee reason to question whether the Department fully grasps the consequences of its own actions or indeed the importance of the planning system. More generally, the Committee is concerned that, despite what it was told by the Department about the significant work ongoing with statutory consultees, there is no improvement in performance. The existence of a silo culture amongst consultees is also a significant concern, particularly the evidence that some consultees are protecting their own organisation's performance to the detriment of the overall system. This is not acceptable and urgent remedial action must be taken.
80. Within both statutory consultees and local government, we have also seen silo thinking predominate. The Committee has heard that some consultees have sought to protect their own performance, at the expense of the performance of the system as a whole. Likewise, the Committee remains highly concerned at one council implementing its own IT system and the consequences this will have for the rest of the planning system in Northern Ireland.
81. The consequences of silo working were laid bare in the evidence provided to the Committee. Professional planners were spending much of their time dealing with enquiries and chasing responses to applications that should have been progressed. Unbelievably, the Committee heard evidence that this was likely to represent much more than 40 per cent of planners' time. This is bad for the users of the system, bad for those employed by the system and bad for Northern Ireland. It must improve.
82. The Committee has also been left with the belief that not only is there a silo-mentality, but a strong sense of "us" and "them". The Committee was particularly alarmed by the case of Knock Iveagh where the council and the Department are in the midst of a

legal dispute. This is a stark example of where two parts of the planning system are at odds with each other rather than working in the interests of the system as a whole.

This could and should have been avoided. The Committee is incredulous to learn that the costs of legal action to date, between two public sector bodies, have significantly exceeded what it may have cost to resolve the issue at the very outset.

83. The Committee believes that there is an urgent need for a cultural change in the way in which central and local government interact. The successful delivery of any service, but especially planning, will necessitate both the Department and councils collaborating as equal partners. More effort is needed from all those involved to work in a more productive way.

There is a fundamental need for a cultural change in the way local and central government interact around planning. Whilst cultural change will take time, this should be reflected immediately in a more inclusive planning forum which includes representation from developers and communities.

Links to Appendices

Appendix 1: Printable version of Report

Download a printable version of this report [SELECT TEXT AND INSERT LINK]

Appendix 2: Minutes of Proceedings

View Minutes of Proceedings of Committee meetings related to the report
[SELECT TEXT AND INSERT LINK]

Appendix 3: Minutes of Evidence

View Minutes of Evidence from evidence sessions related to the report
[SELECT TEXT AND INSERT LINK]

Appendix 4: Correspondence

View Correspondence issued and received

Appendix 5: Other Documents relating to the report

View other documents in relation to the report [SELECT TEXT AND INSERT LINK]

Appendix 6: List of Witnesses that gave evidence to the Committee

- **Mrs Katrina Godfrey**, Department for Infrastructure
- **Mr Angus Kerr**, Department for Infrastructure
- **Ms Julie Thompson**, Department for Infrastructure
- **Ms Alison McCullagh**, Society of Local Authority Chief Executives Northern Ireland (SOLACE)
- **Ms Kate Bentley**, Society of Local Authority Chief Executives Northern Ireland
- **Councillor Steven Corr**, Northern Ireland Local Government Association (NILGA)
- **Councillor Robert Irvine**, Northern Ireland Local Government Association
- **Ms Karen Smyth**, Northern Ireland Local Government Association
- **Mr Kieran Donnelly**, Northern Ireland Audit Office
- **Mr Stuart Stevenson**, Department of Finance

- **Ms Nuala Crilly, The Gathering**
- **Mr Dean Blackwood, The Gathering**
- **Ms Anne Harper, The Gathering**
- **Mr George McLaughlin, The Gathering**

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DRAFT RESPONSE TO THE NIAO REPORT INTO PLANNING IN NORTHERN AND ASSOCIATED RECOMMENDATIONS OF THE PUBLIC ACCOUNTS COMMITTEE

Overview of Audit Report into Planning System

- The audit report does not take full and proper account of the transitional arrangements that the Department agreed before transfer. This placed an additional burden on Councils to incorporate operational policy into the Local Development Plan at the draft Plan Strategy stage. An opportunity was lost to speed the plan making process up.
- The Department did not have proper regard to the time and resources needed for Councils to collect and collate evidence when the plan making process was being redesigned. A lot of the data required is not collected for Northern Ireland in the same way as other jurisdictions in the United Kingdom. The Audit Report does not take proper account or explain the challenges faced by teams trying to navigate an untested and untried planning making process. The Department should not have raised expectations by publishing a model timetable without first testing the proposition. They also contributed to the delay in the process. Transportation plans did not come forward from DfI Roads in parallel with Council land use plan and were delayed for more than two years.
- Comparisons with other jurisdictions in the UK is of limited value and whilst alluded to in the report this is not explained in full. Local authorities elsewhere have more control over the consultation process as most of the consultees are internal to the Council. It is not for Councils to compel government departments to respond on time. There has been under investment in the consultation process and this needs a root and branch review.
- Solace would agree that the fees and the associated costs of processing applications has not kept pace with inflation or reflected the true cost of delivering planning as a function of local government. There is inertia in the Department in addressing legislative change and the comment in the report that a review of fees is ultimately a ministerial decision demonstrates a lack of urgency. Local government have persistently raised this issue with the Department.
- There is a lot of focus in the report on the decision making process linked to single dwellings in the countryside. The Minister withdrew advice in the Autumn of last year specific to this type of development. There was no engagement with local government and the impact this might have. It is understood a review of rural policy took place earlier but the Department did not see the need to act on this review. For the two tier system to work effectively as outlined in the report there needs to be more transparency. The consequences of these actions have had cost and resource implications for local government.

Public Accounts Committee Hearings and Report

The Public Account Committee of the Northern Ireland Assembly met on 10, 17 and 24 February and 10 March 2022 to consider the Northern Ireland Audit Office's (NIAO) report "Planning in Northern Ireland".

The committee took statements from and asked questions of witnesses from the Department for Infrastructure, SOLACE, NILGA and other interested parties.

The report that followed on 24 March 2022 sets out the Committee's view on how the planning system is operating in the context of the findings of the NIAO report. A total of 12 recommendation are made as follows:

Recommendation 1

The planning system in Northern Ireland is not working. The Committee recommends that a Commission is established to undertake a fundamental review to ascertain the long-term, strategic changes that are needed to make the system fit for purpose. This should be led by someone independent from the Department.

Recommendation 2

The Committee has heard that there are a number of opportunities to make immediate improvements to the planning system. We recommend that a commission is established to identify tangible improvements that can be achieved in the short term. This must focus on problem solving, delivery and achieving outcomes within a fixed time frame.

Recommendation 3

The Committee expects action to be taken to improve the planning system. In lieu of any accountability for performance within the system, the Department will provide the Committee with a radical action plan and provide the successor Committee with an update on the improvements made in six months' time.

Recommendation 4

The Committee recommends that the Department considers ways to streamline the remaining LDP processes, and works with councils to learn lessons from those that have been through the independent examination process with a view to taking a more pragmatic approach to the remaining plans. The Department and councils need to work collaboratively to produce these important plans as soon as possible.

Recommendation 5

The Committee recommends that all those involved in decision-making ensure that processes are open and transparent, particularly where a high degree of interpretation has been exercised. The Department and councils should consider how checks on good record keeping, to ensure transparency, could be carried out effectively.

Recommendation 6

The Committee recommends that the Department should ensure that there is suitable and proportionate means of engaging with the planning system. This should include a deeper consideration of the appropriateness of limited third-party rights of appeal.

Recommendation 7

The operation of the planning system for rural housing is at best inconsistent and at worst fundamentally broken. The Committee believes that it is essential that policy in the area is agreed and implemented equally and consistently across Northern Ireland. The Department should ensure this is the case.

Recommendation 8

The Committee recommends that the Department urgently considers how it exercises its oversight of the planning system. In the Committee's view, this must be accompanied with a cultural change. Intervention should be to support delivery and to make improvements. The current minimal approach is no longer sustainable.

Recommendation 9

The Committee recommends that the Department and local government should implement immediate changes to improve the quality of applications entering the system. Whilst this may require legislative change, we do not believe that this should be an excuse for delay.

Recommendation 10

The Committee recommends that planning authorities regularly review past decisions to understand their real-world outcomes, impact on communities and the quality of the completed development.

Recommendation 11

The planning system must be financially sustainable and this requires an appropriate, long-term funding model. The Committee recommends that all those involved in delivering planning work together to achieve this. In the short term the Department should take the lead on bringing forward legislation on planning fees as a matter of urgency.

Recommendation 12

There is a fundamental need for a cultural change in the way local and central government interact around planning. Whilst cultural change will take time, this should be reflected immediately in a more inclusive planning forum which includes representation from developers and communities.

Most but not all of the recommendations are for the Department but it is recognised that local government have a contribution to make in facilitating change and improvement.

LCCC Position

The Council agree that the planning system is not operating as effectively as it could. The Department is not setting a good example in dealing with regionally significant applications in a timely and efficient way. It is also taking too long to call in and deal with called in applications.

That said Council recognise the importance of delivering the planning function to the highest standard and have regard for their continuous duty to improve but the funding and resource implications for the new two tier system lacked proper forward planning and Councils are only now grasping the proper and true implications of managing development in the new maturing process.

We are not convinced the comparisons drawn with other jurisdictions are appropriate.

We would encourage the Department to bring forward legislation rather than a review of the implementation of the Act to address inefficiencies in the system. This should be addressed in full in the Action Plan requested by the Public Accounts Committee.

The Council recognise the need to manage and monitor performance. This is a continuous duty and is provided for in legislation. However, there remains a significant challenge in getting consistency in the approach of how and when consultees respond and the how planning applicants engage with the process in providing adequate and complete information at the earliest possible stage.

Not all the focus on the performance of Councils should be specific to meeting the turnaround times. The quality of the planning decision is not measured and yet is the most important aspect as it represents the outcome of the process. More consideration needs to be given to this.

We agree that the funding gap is increased and despite continuous representation the Department has failed to listen to local government. This needs to change.

There is a root and branch review required of the fee structure as the smallest fees are applied to most applications and there is no opportunity for Councils to reflect the true costs of processing these applications.

The Council is of the view to make the process sustainable there also needs to be a shared burden were actions by the Department gives rise to litigation. Councils are experiencing costs associated with Judicial Reviews on the back of the publication of advice and guidance that was poorly conceived and not thought through.

In terms of dealing with the quality of planning submissions checklists will never replace the need for proper regulation as this is voluntary and may be subject to challenge.

The Department need to legislate for the minimum threshold for the submission of applications, and in so doing allow creative solutions in order to provide for quality development.

Council agree and believe that there should be more robust service level agreements with monitored performance targets. The consultees need to be better resourced to improve the overall quality of consultation responses as well as being trained in operating in a structured political/committee environment.

Council agree that the plan making system is not working as it should but this is a consequence of how the plan making system was designed and the transitional arrangements that were put in place by the Department at the point of transfer.

This goes to heart of how the SPPS is drafted and it may not be possible to effect changes in the way the Public Accounts Committee has indicated unless regional policy is reviewed and changed.

The Department could in the interim provide additional direction to Councils in order to shorten the time required at the two stages of the plan making process. The burden of collecting evidence was not properly considered when the process was designed and the role of consultees not fully thought through.

Council agree that there is need to grow the economy of Northern Ireland and to reconcile this against need to protect our environment. Many of the challenges rest with the regional direction provided by the Department and the lack of joined up thinking in relation to policy. That said improving the capacity of local government officers to play their role in dealing with complex environmental issues is important to meeting the challenge of protecting the environment.

Time savings can be achieved if the views and experience of local government to date are properly considered and taken account of. We would also recommend the Department seek to balance investment in infrastructure needs to meet with growth ambitions in a sustainable manner. This will require the Department to have a comprehensive review of the regional development strategy as this document pre dates the reform of local government.

In terms of the development management process the regulations that categorise major development (those applications which are most important) needs to be reviewed. There are planning applications which fall just short of the criteria which are not being captured and this skews how the Department and Councils analyse performance for these types of application.

There is no more than 5% of the total number of applications that fall into the meaning of major and there is a danger of continuing to assess performance of the whole system against such a narrow category.

That said, Councils will continue to focus on applications which contribute most significantly to the local economy. It is important to emphasise that a one size fits all approach does not work nor would it be appropriate.

In terms of enforcement Councils have to balance the cost of pursuing action against the level of penalty that may be imposed by the court. The cost of pursuing enforcement action is not addressed in the report or the recommendation of the Public Accounts Committee and more work is required.

In terms of accountability and the role of elected members in the decision making process. Council disagree as the model scheme of delegation is followed and there is no right of third party appeal. Everyone should have the right to be heard in a planning committee. Otherwise what was the point in actually transferring powers to local government?

Only a very small proportion of applications go in front of planning committees. Members are appropriately trained and this is refreshed regularly. Testing advice in front of planning committees across a wide range of issues is appropriate and necessary and builds capacity and experience. The value of this should not be underestimated. The opportunity for review decisions is right and linked to the continuous duty for regular training.

Finally the Council recognises the need to work together to engender trust but the Department needs to treat local government as equal partners in the process and there is frustration with some of the direction provided by the Department to date.

There needs to be a frank and honest conversation with all parties with an interest in the operation of the planning system as the Department develops its Action Plan. The experience and views of officers and members in local government need to be fully and properly considered and the actions that follow properly resourced and funded. Otherwise the change demanded will not be achieved.



Planning Committee

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 9 - Notification by telecommunication operator(s) of intention to utilise permitted development rights

Background and Key Issues:

Background

1. The Council is notified by one telecommunication operators of their intention to utilise permitted development rights at a total of two locations within the Council area to install electronic communications apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Key Issues

1. The notification advises the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. A list of the recent notification(s) is provided.
2. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Council. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met.

Recommendation:

It is recommended that Members note the detail of the notifications specific to the two sites and that hard copies are available to view at the Council Offices at Lagan Valley Island.

Finance and Resource Implications:

There are no finance and 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 detailing the intention of an operator to use permitted development rights under existing legislation. No EQIA is 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 detailing the intention of an operator to use permitted development rights under existing legislation. No RNIA is 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 9 – Notifications from an Operator in respect of intention to utilise permitted development rights

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

**List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights
May 2022 Planning Committee**

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	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Taylor Patterson	Taylor Patterson	Manse Road, Fourwinds	Proposed mobile phone installation upgrade	03/03/2022
2	Taylor Patterson	Taylor Patterson	M1 Lisburn-Dunmurry, Ballyskeagh Road, Drumbeg	Proposed mobile phone installation upgrade	22/03/2022



Planning Committee

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 10 – Proposed abandonment at Quay Street, Lisburn

Background and Key Issues:

Background

The Department for Infrastructure in a letter dated 10 March 2022 notified the Council of its intention to abandon land at Quay Street, Lisburn as hatched/highlighted on an associated map.

Key Issues

1. The letter advises that the abandonment is necessary to formally remove from records part of an old street that no longer exists as responsibility for the car park has transferred to the local Council.
2. The correspondence has been made available to the Assets and Environmental Health Units within the Council who have responsibility on the management of Council land and operation of the car parks.

Recommendation:

It is recommended that the Committee notes Department's intention to abandon land at Quay Street.

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 detailing the intention of the Department to abandon land under existing legislation. The Council is informed of the intention through the normal consultation process. No EQIA is 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 detailing the intention of the Department to abandon land under existing legislation. The Council is informed of the intention through the normal consultation process. No RNIA is 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 10 – Letter from Department for Infrastructure regarding abandonment of land at Quay Street, Lisburn.

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Eastern Division



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

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Local Planning Office
Lisburn & Castleragh City Council
Lagan Valley Island
Island Civic Centre
LISBURN
BT27 4RL

Annexe 7, Block 2
Castle Buildings
Stormont Estate
Upper Newtownards Road
BELFAST
BT4 3SQ

Telephone: 0300 200 7899

Textphone number: 028 9054 0022

Being Dealt With By: Sandra Connolly

Email: Sandra.connolly@infrastructure-ni.gov.uk

Direct Line: 02890 526162

Your Ref:

Our Ref: MD2/S/03/1078

Date: 10 March 2022

Dear Sir/Madam

**ROADS (NI) ORDER 1993
PROPOSED ABANDONMENT AT QUAY STREET, LISBURN**

Department for Infrastructure are proposing to abandon the land as shown hatched/highlighted on the attached map.

The abandonment is necessary to formally remove from our records part of an old street that no longer exists as responsibility for the car park has transferred to the local Council.

Please let me have your comments on the above proposal.

If I do not receive your reply I shall assume you have no objection and will proceed accordingly.

Yours faithfully

Sandra Connolly
Lands Section

ENC



Noted from the Ordnance Survey of Buildings Ireland 1:1000 Scale Map with the Permission of the Director and Chief Executive
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NOTES:



Area = 293.910 Sq.m.

Map Ref :-16506SE4 & 16507SW3

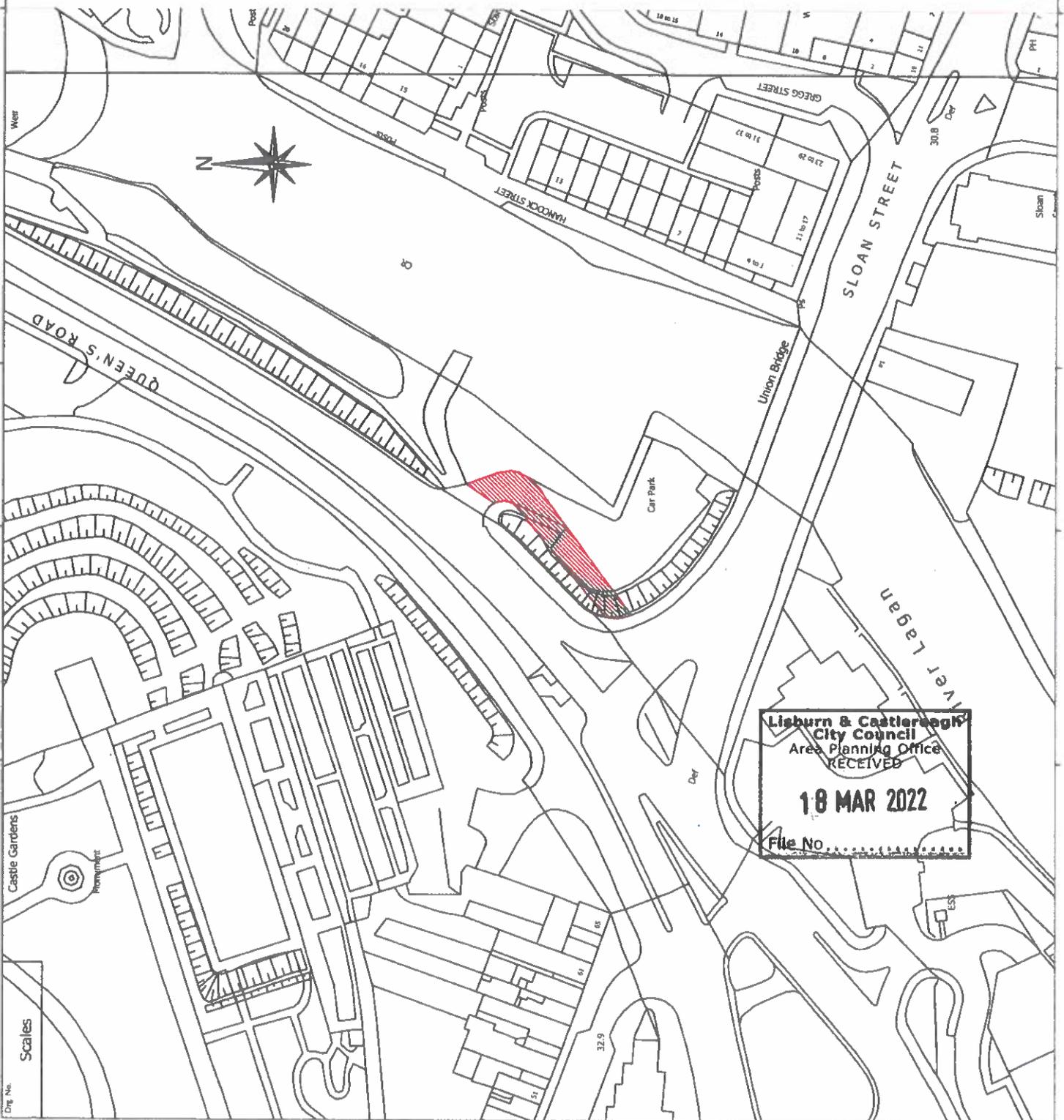
NO.	REVISION	DATE		
Project				
Abandonment				
Title				
Quay Street Car Park				
FILE NO.	DESIGNED	LL	Date	06/02/19
DRAWN	CHECKED	INIT	Date	00/00/00
TRACED	APPROVED	INIT	Date	00/00/00
Dwg. No.	Revision		0	
Dwg No.		0		
Scale		Scale 1:1250		

transportni

Eastern Division
 Annex 7
 Castle Buildings
 Upper Newborough Road
 Belfast BT4 3SQ
 Telephone: 028 9025 3000
 Fax: 028 9025 3220



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Dwg No.

Scales



Planning Committee

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 11 – Proposed Stopping - Up at Market Square, Lisburn

Background and Key Issues:

Background

1. The Department for Infrastructure in a letter dated 12 April 2022 notified the Council that an application has been received for the stopping up of areas from A-B and C-D at Market Square, Lisburn as shown on an associated map.

Key Issues

1. The letter advises that the stopping up is requested by the Council and is necessary to facilitate the adoption of the completed public realm scheme. It highlights that no further road works are planned or necessary to facilitate this stopping up.
2. The correspondence has been made available to the Assets and Economic Development Units within the Council through the Capital Programme Unit.

Recommendation:

It is recommended that the Committee notes Department's notification in relation to the stopping up of areas from A-B and C-D at Market Square.

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 detailing the intention of the Department to stop up land under existing legislation. The Council is informed of the intention through the normal consultation process. No EQIA is 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 detailing the intention of the Department to stop up land under existing legislation. The Council is informed of the intention through the normal consultation process. No RNIA is 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 11 – Letter from Department for Infrastructure regarding stopping up of areas at Market Square.

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Eastern Division



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

456

Local Planning Office
Lisburn & Castlereagh City Council
Lagan Valley Island
Island Civic Centre
LISBURN
BT27 4RL

Annexe 7, Block 2
Castle Buildings
Stormont Estate
Upper Newtownards Road
BELFAST
BT4 3SQ

Telephone: 0300 200 7899

Textphone number: 028 9054 0022

Being Dealt With By: Sandra Connolly

Email: Sandra.connolly@infrastructure-ni.gov.uk

Direct Line: 02890 526162

Your Ref:

Our Ref: MD2/S/03/1044

Date: 12 April 2022

Dear Sir/Madam

**ROADS (NI) ORDER 1993
PROPOSED STOPPING-UP AT MARKET SQUARE, LISBURN**

An application has been received from Lisburn and Castlereagh City Council for the stopping-up of areas from A-B and C-D on the attached plan.

The stopping-up is necessary to facilitate a public realm scheme, please note this work has now been completed so no further works are planned in relation to this stopping-up.

Please let me have your comments on the above proposal.

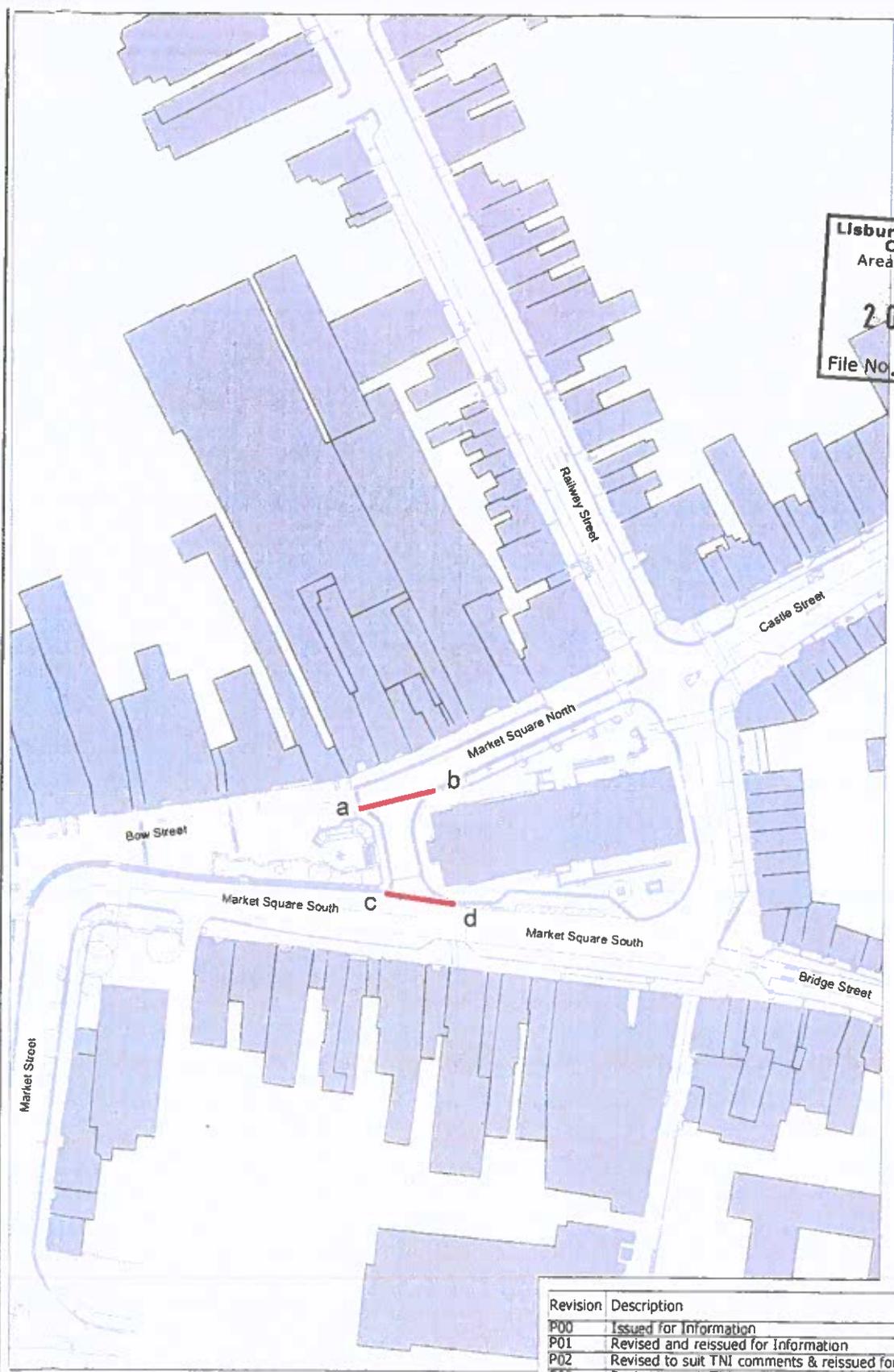
If I do not receive your reply I shall assume you have no objection and will proceed accordingly.

Yours faithfully

Sandra Connolly
Lands Section

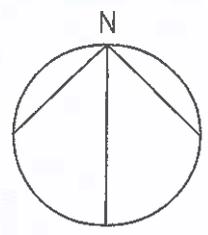
ENC





Lisburn & Castlereagh
City Council
Area Planning Office
RECEIVED
20 APR 2022
File No.

a - b = 16.7m
c - d = 15.2m



Revision	Description	Date	Initial
P00	Issued for Information	08.04.15	DM
P01	Revised and reissued for Information	25.06.15	DM
P02	Revised to suit TNI comments & reissued for Information	30.07.15	DM
P03	Revised to suit TNI comments & reissued for Information	14.01.16	DM

client
Lisburn City Council

project title
Lisburn Public Realm

drawing title
Stopping Up Order

the paulhogarth company

landscape architecture urban design
 potters quay, 5 ravenhill road, belfast BT6 8DN
 telephone: 028 9073 6690 fax: 028 9073 2705
 email: belfast@paulhogarth.com www.paulhogarth.com

drawn by DM	checked by	scale @ A4 1:1250	revision P03	drawing no. L-LA-121
project no 110688	date 08/04/2015	status Information		



Planning Committee

09 May 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 11 – June 2022 - Planning Committee Meeting

Background and Key Issues:

Background

1. In accordance with the Council's Standing Orders, Planning Committee meetings will usually be held on a monthly basis. The Planning Committee will normally meet on the first Monday in every month.
2. The Protocol provides for the Committee from time to time to fix its own day and hour of meeting and notify the Council.

Key Issues

1. To celebrate Her Majesty the Queen's Platinum Jubilee, the May Bank Holiday weekend is moved to Thursday 2 June. An additional Bank Holiday on Friday 3 June will allow for a four-day weekend.
2. It is standard practice for Planning Committee meetings that clash with a public/bank holiday for the meeting to move to the following Monday. Logistical issues are identified by Member Services Unit of the Council in relation to Royal Mail collections and deliveries and the knock on effect that the holidays have on timetabling of the Planning Committee schedule.

- 3. The normal practice for arranging for speaking requests to be received and processed to Members in advance of a meeting on 6 June 2022 is also impacted and there is the risk that prejudice may arise
- 4. For the reasons outlined above, and in accordance with the Protocol, the current Chair and the Party Group Leader representing the next Chairmanship has been consulted and it is proposed that the meeting takes place on the next available date which is 13 June 2022.

Recommendation:

It is recommended that the members note the change to the date of the June committee meeting.

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 report is for a change to the scheduled date of the committee meeting. No EQIA is required.

If yes, what was the outcome?

Option 1 Screen out without mitigation	Yes/No	Option 2 Screen out with mitigation	Yes/No	Option 3 Screen in for a full EQIA	Yes/No
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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?

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 report is for a change to the scheduled date of the committee meeting. No RNIA is 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:

None

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date: