



Title of Report:	Planning Committee Report – LA01/2026/0411/S54
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24th June 2026
For Decision or For Information	For Decision
To be discussed In Committee YES/NO	No

Linkage to Council Plan (2026-31)	
Strategic Priority	Governance, Quality & Continuous Improvement
Outcome	Governance arrangements that ensure compliance, transparency and effective decision-making
Lead Officer	Development Management Manager

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
	Screening Completed:	N/A	Date:

Section 75 Screening			
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2026/0411/S54

Ward: Dundooan

App Type: Full

Address: Lands at and adjacent to 34 Agherton Road, Portstewart.

Proposal: Section 54 application to vary Condition No. 5 (Private Streets Determination) from Planning Approval LA01/2019/1217/F (Extension to existing holiday park)

Con Area: N/A

Valid Date: 27/04/2026

Listed Building Grade: N/A

Agent: Clyde Shanks Ltd 2nd Floor, 7 Exchange Place, Belfast BT1 2NA

Applicant: Bonalston Caravans Ltd, 80 Mill Road, Portstewart BT55 7SW

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

EXECUTIVE SUMMARY

- Planning Approval LA01/2019/1217/F was granted permission on 2nd Nov 2022 for a proposed extension to existing holiday park comprising 74 static sites, 13 touring pitches, open space, 2no. children's play areas (1 no. upgraded), site office/site managers accommodation, laundrette/welfare buildings, garage, motorhome maintenance area, landscaping, , pond feature, retention of existing tourer/motorhome area, 2 no. gated access points, access control parking & extension to existing pedestrian footpath.
- This application seeks planning permission to vary the wording of condition No. 5 from Planning Approval LA01/2019/1217/F in terms of the Private Streets Determination
- The variation sought is to amend wording of the original condition 5 from:

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 15/4 bearing the date stamp 6th June 2022. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C). Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

to:

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall become operational until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 15/4 bearing the date stamp 6th June 2022. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be

carried out in accordance with an agreement under Article 3 (4C).
Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

- The amendment to Condition 5 relates to the timing of works to improve the public road. The proposed change is from the commencement stage to the pre-operation stage.
- The application does not alter any of the approved details under LA01/2019/1217/F in terms of design and layout.
- **Approval** is recommended.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk>

1.0 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located in the countryside approximately 0.5 miles outside the settlement limits of Portstewart and is located on both sides of the Agherton Road. The application site consists of mostly agricultural pasture fields but it also includes an existing established dwelling owned by the Applicant and an associated touring caravan site. The site is on both sides of a long bend which has established mature hedging along the roadsides. There are also mature trees within the site on the southern side of the site. The fields mostly are defined with post and wire fencing and hedging. In terms of topography, the site is within low lying land which sweeps up to the east and west.
- 2.2 Lands surrounding the site are used predominantly for agricultural purposes. There are several dwellings in proximity to the site, mostly to the north west and north east. There is a listed building located west of the site on the roadside. The site is located in the rural area as designated in the Northern Area Plan.

3.0 RELEVANT HISTORY

- 3.1 LA01/2019/1217/F Proposed extension to existing holiday park comprising 74 static sites, 13 touring pitches, open space, 2no. children's play areas (1 no. upgraded), site office/site managers accommodation, laundrette/welfare buildings, garage, motorhome

maintenance area, landscaping, , pond feature, retention of existing tourer/motorhome area, 2 no. gated access points, access control parking & extension to existing pedestrian footpath

Approved 02/11/2022

LA01/2018/1551/PAN for holiday park

PAN acceptable 10/01/2019

LA01/2026/0314/S54 Variation of Condition 15 (sewage disposal) from approved application LA01/2019/1217/F (holiday park extension) Approved 04/06/2024

C/1992/0095 Land off Agherton Road Portstewart, Development of a static caravan park including conversion of existing workshop into toilet, laundry & office facilities Approved 19/05/1992

4.0 THE APPLICATION

4.1 This is a section 54 application to vary the wording of condition No. 5 of Planning Approval LA01/2019/1217/F in terms of The Private Streets Determination.

Habitat Regulations Assessment

4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed under planning application LA01/2019/1217/F in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It was concluded that the proposal would not be likely to have a significant effect on the features of any European site. As this application includes the varying of the timing of the carrying out of access works on the public road but does not alter the layout or design of the caravan park, it is considered that the proposal will not result in any adverse impact on any European designated site.

Design and Access Statement

4.3 As per The Planning (General Development Procedure) Order (Northern Ireland) 2015, Section 6 4(a) a Design and Access Statement is required as the condition to which the variation is

sought relates to design and access issues. A Design and access Statement has been submitted. The condition to be varied relates to the timing of The Private Streets Determination and not the actual design of the buildings or layout of the park.

Environmental Impact Assessment

- 4.4 The original application LA01/2019/1217/F was subject to an environmental impact assessment screening as highlighted by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The previous approval was considered to fall within Schedule 2: Category 12(e) of the Regulations- Permanent camp sites and caravan sites which states that the threshold is when the area of the development exceeds 1 hectare. The site has been reduced from approx.13 hectares to approx. 6 hectares.
- 4.5 It was considered the environmental effects from the development would be limited to the site and the immediate surrounding area. The development was not considered to be unusually complex or have any potentially hazardous environmental effects. Therefore it was considered that the development proposal would not have significant environmental impact.
- 4.6 The purpose of this existing planning application is to vary the wording of the condition relating to the timing of the construction and The Private Streets Determination. Therefore having considered the Planning (EIA) Regulations(NI) 2017 and taking into account the previous EIA determination under LA01/2019/1217/F, it is considered that the determination remains unchanged. The opinion is that the development proposal will not have likely impacts of such a significance locally and in wider terms as to require an environmental statement.

5.0 PUBLICITY AND CONSULTATIONS

5.1 External

No letters of representation have been received in relation to this application.

5.2 Internal

DFI Roads : No objections

- 5.3 Regulation 2(1)(b) of the DM Regulations has the effect that any change to or extension of an existing major development is to be treated as major where the change or extension itself meets or exceeds the relevant threshold or criterion in the corresponding entry in Column 2 of the Thresholds Table.
- 5.4 Application LA01/2019/1217/F/F was classified as major as it exceeded the thresholds outlined in the table within the Schedule. However, where an application is submitted for a change or extension to 'Major Development' the proposal is not subject to Pre-Application Community Consultation.

6.0 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) Edition 2 is a material consideration. As set out in the

SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES AND GUIDANCE

[The Northern Area Plan 2016](#)

[Strategic Planning Policy Statement \(SPPS\) Edition 2](#)

[PPS 3 Access, Movement and Parking](#)

8.0 CONSIDERATIONS AND ASSESSMENT

Principle of Development

- 8.1 The proposal relates to the variation of condition 5 of full planning permission reference LA01/2019/1217/F. Planning Approval LA01/2019/1217/F was granted permission on 2nd Nov 2022 for a proposed extension to existing holiday park comprising 74 static sites, 13 touring pitches, open space, 2no. children's play areas (1 no. upgraded), site office/site managers accommodation, laundrette/welfare buildings, garage, motorhome maintenance area, landscaping, pond feature, retention of existing tourer/motorhome area, 2 no. gated access points, access control parking & extension to existing pedestrian footpath. The Applicant for this approved development was Bonalston Caravans Ltd. Planning approval was granted on 31.10.2022. The application is currently extant.

8.2 The approved wording of Condition 5 is as follows:

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 15/4 bearing the date stamp 6th June 2022. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

8.3 The Agent has now submitted this new application with a variation of the above condition to:

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall become operational until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 15/4 bearing the date stamp 6th June 2022. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

In the Agent's supporting letter in relation to this submission states:

The rationale for this submission is simply to allow a lawful material start of development by way of the implementation of the vehicular access in accordance with Condition 3 and thereafter pouring foundations for a small portion of the development to

safeguard the permission prior to its expiration on 1 st November 2027 . The works to improve the Agherton Road include carriageway widening, footpath provision, provision of pedestrian crossing points, new kerblines and new gullies. Existing field accesses are also to be closed prior to the development becoming operational as per Condition 7.

It is acknowledged that the completion of the above works is absolutely necessary prior to the development becoming operational. Elements such as the provision of footpaths and pedestrian crossing points are however, only required prior to site occupation.

If new kerblines and gullies are put in place prior to the construction of the primary holiday park extension, there is a risk that these elements will be damaged by heavy construction vehicles requiring the subsequent repair or replacement at significant inconvenience to the applicant.

A safe means of access will be provided in accordance with Condition 3. There is therefore no safety rationale for the improvement works to be provided prior to construction of the approved development and it should not prejudice the applicant's right to make a material start.

In summary, this Section 54 application merely seeks to amend the timing of the completion of works required for the improvement of a public road to facilitate the implementation of the permission. The improvement works will be completed thereafter, prior to the development becoming operational, which is considered to be the 'appropriate time'.

- 8.4 There will be no resultant changes to the approved holiday park.
- 8.5 DFI Roads was consulted in relation to this application and have no issues of concern in relation to the variation of the wording of the condition 5. DFI Roads responded on 29th April 2026 and state:
Dfl Roads has no objection to the variation of Condition 5 planning application ref.

LA01/2019/1217/F as detailed below:

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall become operational until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 15/4 bearing the date stamp 6th June 2022. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

- 8.6 The proposed amendment to Condition 5 is acceptable. The amendment to Condition 5 relates to the timing of works to improve the public road. These works are principally, the provision of a footway and verge to the south side of Agherton Road and provision of pedestrian crossing point to the northern side. The proposed change is from the commencement stage to the pre-operation stage. In practical terms, this change will allow the developer to start but not operate the development to implement the permission without the necessity of undertaking the works to improve the public road. The proposal does not result in any material planning concerns.

9.0 CONCLUSION

- 9.1 The proposed variation of Condition 5 regarding The Private Streets Determination is considered acceptable having regard to the Northern Area Plan 2016 and other material considerations. The application solely seeks to change the timing of works to improve the public road. The change is from the pre-development stage to the operational stage. DFI Roads is content with the proposal. The scheme is compliant with current planning policy as highlighted above. Approval is recommended.

10.0 CONDITIONS

1. As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of the approved permission of planning application LA01/2019/1217/F.

Reason: Time Limit.

2. All soft and hard landscaping incorporated in the stamped approved landscape plan on approved application ref LA01/2019/1217/F, Drawing No. 17/3 bearing Planning Authority date stamp 14th April 2022, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development or before occupation of the first caravan residential unit in the development, whichever is the later.

Reason: To ensure the provision of a high standard of landscape and adequate open space, consistent with Planning Policy Statement 16 'Tourism.

3. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 15/4 of approved planning application LA01/2019/1217/F. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The 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. 15/4 of approved planning application LA01/2019/1217/F, bearing the date stamp 6th June 2022.

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

5. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall become operational until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 15/4 bearing the date stamp 6th June 2022. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

6. The gradient of the accesses to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

7. No other development hereby permitted shall become operational until the existing accesses indicated on Drawing No. 15/4 of approved planning application LA01/2019/1217/F, bearing the date stamp 6th June 2022 have been permanently closed and the footway / verge reinstated to the satisfaction of DfI Roads.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

8. No development shall proceed beyond sub-floor construction until the wastewater network engineering solution to mitigate the downstream foul capacity issues is approved in writing by Council in consultation and agreement with NI Water.

Reason: To ensure a practical solution to sewage disposal from this site.

9. No caravan units or properties shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered.

Reason: To ensure a practical solution to sewage disposal from this site.

10. The lighting scheme for the development hereby approved shall be designed, installed, operated and maintained in accordance with the submitted Drawing, No. 16/2 of approved planning application LA01/2019/1217/F, date stamped 14th April 2022. Light pollution shall be obviated by ensuring adherence to the Institute of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light GN: 01/21.

Reason: In the interests of neighbouring amenity.

11. Light intrusion shall be limited from the exterior lighting scheme on surrounding premises and shall not exceed the maximum value of vertical illuminance as detailed within Drawing No. 16/2 of approved planning application LA01/2019/1217/F, date stamped 14th April 2022 and Table 3 , Maximum values of vertical illuminance on premises applicable to Environmental Zone E2 (Institute of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light GN: 01/21).

Reason: In the interests of neighbouring amenity.

12. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15

must be submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and elsewhere.

13. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable.

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

14. After completing the remediation works under Condition 13 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

15. No development shall proceed beyond sub floor construction until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) and no occupation shall be permitted until the storm water off-setting solution has

been delivered or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note that this also includes the purchase of any waste water treatment system.”

16. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:
- a. Construction methodology and timings of works; including construction of storm water outlet to watercourse;
 - b. Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
 - c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
 - d. Details of appropriate mitigation measures to protect badgers, including an updated survey prior to works commencing;
 - e. Water Quality Monitoring Plan;
 - f. Environmental Emergency Plan;

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Ecological Statement and to prevent likely significant effects on the Bann Estuary ASSI/SAC.

17. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction & recommendations.

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

18. All lighting shall be carried out in accordance with approved planning application LA01/2019/1217/F Drawing number 16/2 Lighting Layout and Light spill Contours, date stamped 14/04/22, with less than 1 lux on areas off boundary and onsite vegetation.

Reason: To protect local bat populations

19. The existing hedgerow and vegetation along the Agherton Road site frontages shall be retained in their entirety except where removal is required to provide visibility splays in accordance with the approved planning permission LA01/2019/1217/F stamped approved Drawing 08/4 date stamped 14 April 2022.

Reason: To ensure the maintenance of screening to the site.

20. The first floor flat within the Site Office building hereby permitted shall be occupied only by an employee of the holiday park and their dependants.

Reason: The site is located in the countryside where it is planning policy to restrict development and the planning permission hereby granted is solely because of the operational needs of the business.

21. The development hereby permitted shall be used only for holiday accommodation and shall not be used for permanent residences.

Reason: The site is located in the countryside where planning policy restricts development and this consent is hereby granted solely because of its proposed holiday use.

10.1 INFORMATIVES

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

