

**PLANNING COMMITTEE WEDNESDAY 25 JANUARY 2017**

**Table of Key Adoptions**

<b>No</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
<b>3</b>	Minutes of Planning Committee Meeting held 21 December 2016	<i>Confirmed</i>
<b>5.1</b>	LA01/2016/0023/LDP: Land 115m North West of No. 214 Baranilt Road, Tartnakilly, Limavady	<i>Withdrawn by the Agent</i>
<b>5.2</b>	LA01/2015/0370/F: Site 115m NW of 214 Baranilt Road, Tartnakilly, Limavady	<i>Approve for reasons stated</i>
<b>5.3</b>	LA01/2016/0162/F: Approx 35m NW of No 11 Drumnagee Road, Lisnagunogue	<i>Deferred to February meeting</i>
<b>5.4</b>	LA01/2016/0295/F: 25m NW of 134 Glenshesk Road, Armoy, Ballymoney	<i>Deferred to February meeting</i>
<b>5.5</b>	LA01/2015/0811/O: Site 402m NW of 173 Whitepark Road, Dunseveric, Bushmills	<i>Refused</i>
<b>5.6</b>	LA01/2016/0805/F: 10 Hillmans Way, Coleraine	<i>Approved</i>
<b>5.7</b>	LA01/2016/0891/F: Coleraine Marina	<i>Approved</i>
<b>5.8</b>	LA01/2016/1160/F: Macosquin Playing Fields, Dunderg Road, Coleraine	<i>Approved</i>
<b>5.9</b>	LA01/2016/0742/F: Lansdowne Public Car Park, Portrush	<i>Approved</i>
<b>6</b>	Development Management Performance	<i>Noted</i>
	<b>6.1</b> Development Management Statistics	
	<b>6.2</b> Publication of Northern Ireland Planning Statistics: Second Quarter 2016/17 Statistical Bulletin	<i>Noted</i>

<b>7</b>	Development Plan <b>7.1</b> Planning Appeals Commission – Council Consultation on the Draft Procedures for Independent Examination of Local Development Plans DFI Consultation Paper	<i>Option 2, hold workshop 15 February 2017</i>
	<b>7.2</b> Mid Ulster Council – Local Development Plan (LDP): Preferred Options Paper Council Response	<i>Noted, agree to response</i>
	<b>7.3</b> Derry City & Strabane District Council: Pre-Pop Consultation – Council Response	<i>Noted</i>
	<b>7.4</b> Fermanagh/Omagh District Council: Preferred Options Paper Public Consultation: Council Response	<i>Noted</i>
<b>8</b>	Correspondence <b>8.1</b> Cam Burn Wind Farm C/2011/0459/F – Pac Report and Department for Infrastructure Notification of Decision	<i>Noted</i>
	<b>8.2</b> Department for Communities Advanced Notice of Listing	<i>Support Listing of 1, 5 &amp; 6 oppose Listing of No's 2,3,4,7,8,9,10,11,12, 13 &amp; 14</i>
	<b>8.3</b> Department for Infrastructure Public Consultation Document – Permitted Development for Minerals Exploration	<i>Option 3, Head of Planning to respond</i>
<b>9</b>	Matters for Reporting to Partnership Panel	<i>Nil</i>
<b>10</b>	Legal Issues	<i>Nil</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS  
WEDNESDAY 25 JANUARY 2017 AT 2 PM**

- In the Chair:** Councillor R Loftus
- Committee** Alderman Cole, Finlay, King, McKeown, McKillop, S, Robinson
- Members Present:** Councillors Baird, Fielding, Fitzpatrick, McCandless, McCaul, McLaughlin, McKillop, M A, Nicholl
- Officers Present:** D Dickson, Head of Planning  
S Mathers, Principal Planning Officer/Development Management Manager  
S Mulhern, Principal Planning Officer/Local Development Plan Manager  
J Lundy, Senior Planner  
D Hunter, Council Solicitor  
S Duggan, Committee & Member Services Officer
- In Attendance:** V Sinclair, Transport NI (Application LA01/2016/0162/F)  
D Donaldson (Application LA01/2015/0370/F)  
D Kearney (Application LA01/2016/0162/F)  
S Bailey (Application LA01/2016/0295/F)  
J Simpson (Application LA01/2015/0811/O)
- Press (1 No.)  
Public (10 No.)

**1 APOLOGIES**

There were no apologies recorded.

**2 DECLARATIONS OF INTEREST**

Declarations of Interest were recorded for Councillor Fielding in Application LA01/2015/0370/F and Alderman Finlay in Application LA01/2016/0295/F.

**3. MINUTES OF PLANNING COMMITTEE MEETING HELD 21 DECEMBER 2016**

The Chair advised the Minutes of the 21 December Planning Committee were adopted at the 24 January 2017 Council Meeting.

Proposed by Alderman King  
Seconded by Councillor Baird and

**AGREED** – that the minutes of the 21 December Planning Committee were confirmed as a correct record.

#### **4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS**

The Head of Planning advised application LA01/2016/0023/LDP was withdrawn by the Agent.

Proposed by Alderman King  
Seconded by Councillor Baird and

**AGREED:** to receive the Order of Business as presented, subject to Application LA01/2016/0023/LDP being withdrawn by the Agent.

#### **5. SCHEDULE OF APPLICATIONS:**

##### **5.1 LA01/2016/0023/LDP**

**App Type:** Certificate of Lawful Development Proposed  
**Address:** Land 115m North West of No. 214 Baranait Road,  
Tartakilly, Limavady  
**Proposal:** Proposed completion of dwelling in accordance with  
plans approved under B/2001/0021/F

Councillor Fielding advised the Agent had been instructed to withdraw the Application for Lawful Certificate.

#### **AGREED MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Alderman Cole  
Seconded by Councillor McCaul and

**AGREED** - that the Committee proceed to conduct the following business ‘In Committee’.

- \* **Councillor Fielding left the Chamber at 2.04 PM**
- \* **Press and Public left the Chamber at 2.04 PM**

In response to points of clarification, The Principal Planning Officer and Head of Planning expanded on detail within the confidential report circulated.

#### **MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Alderman Finlay  
Seconded by Alderman Cole and

**AGREED** - that the Committee proceed to conduct the following business 'In Public'.

- \* **Councillor Fielding was invited to re-join the Chamber at 2.49 PM**
- \* **Press and Public returned to the Chamber at 2.49 PM**

## **5.2 LA01/2015/0370/F**

Report circulated.

**App Type:** Full Application

**Address:** Site 115m North West of 214 Baranailt Road, Tartnakilly, Limavady

**Proposal:** Retention and completion of chalet dwelling and detached double domestic garage with associated alterations to ground levels using inert material to provide mounding and landscaping to curtilage (Amended siting for chalet dwelling and detached domestic garage approved under planning permission ref. no. B/2001/0021/F)

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration.

### **RECOMMENDATION**

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 section 7 & 8 and resolves to **REFUSE** full planning permission for the reasons outlined in section 10.

The speaker addressed Committee and responded to queries from Members.

Councillor Fielding was invited to speak in support of the Application.

- \* **Councillor Fielding left the Chamber at 3.26 PM**

Proposed by Alderman Finlay

Seconded by Alderman Cole

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and

guidance in section 7 & 8 and resolves to **APPROVE** full planning permission for the reasons set out:

- Principle of the development already set by the grant of planning permission under B/2001/0021/F and development has commenced on site since 2003/4;
- Integration of the site is not significantly different to that previously considered acceptable under B/2001/0021/F and will not sit significantly higher than those buildings on the other side of the road from the development;
- The building does not erode rural character as its siting and design is not materially different than that initially approved;
- There are specific circumstances in this case relating to the history of development of the site over approx. 14 years; the dwelling is a retirement home and if refused, would cause genuine hardship;
- Subject to the following conditions and informatives
  - Landscaping as detailed in the submitted plans;
  - NIEA to be notified if any new contamination or risks are encountered; any new contamination will be investigated in accordance with Model Procedures for the Management of Land Contamination (CLR11).

The Chair put the proposal to the Committee to vote, 8 members voted for, 4 members voted against, 2 members abstained, the Chair declared the proposal carried.

\* **Councillor Fielding was invited to re-join the meeting at 3.38 PM.**

### **5.3 LA01/2016/0162/F**

Report and site visit report circulated.

**App Type:** Full Planning

**Address:** Approx 35m N W of No 11 Drumnagee Road  
Lisnagunogue

**Proposal:** Proposed farm dwelling and garage

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration. The Officer answered queries from members.

## **RECOMMENDATION**

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 **REFUSE** planning permission for the reasons set out in section 10.

The speaker addressed the Committee and responded to queries from Members.

Transport NI representative explained the geometry of the proposed access and the reasons for it being unacceptable.

In response to a query from Alderman Finlay, The Head of Planning stated supplementary information in relation to the need for an alternative access arrangement had not been submitted; if submitted this would have to be considered and assessed accordingly.

The Agent advised supplementary information could, now, be submitted accordingly.

## **AGREED MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Baird  
Seconded by Alderman Cole and

**AGREED** - that the Committee proceed to conduct the following business 'In Committee'.

- \* **Press and Public left the meeting at 4.15 PM.**

Council's Solicitor presented a view concerning 'material considerations'.

## **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Alderman Robinson  
Seconded by Councillor MA McKillop and

**AGREED** - that the Committee proceed to conduct the following business 'In Public'.

- \* **Press and Public were invited to re-join the meeting at 4.17 PM.**

Alderman Finlay was of the opinion more time should be afforded to allow the submission of additional information.

Proposed by Alderman Finlay  
Seconded by Councillor Fitzpatrick

- that Committee defer consideration to the February Committee meeting.

The Chair put the proposal to the Committee to vote, 13 members voted for, 1 member voted against, 1 member abstained, the Chair declared the proposal carried.

- \* **Recess 4.19 PM - 4.38 PM**
- \* **Councillor Fitzpatrick did not re-join the meeting.**

#### **5.4 LA01/2016/0295/F**

- \* **Alderman Finlay left the Chamber at 4.38 PM.**

Report and site visit report circulated.

**App Type:** Full Planning Permission

**Address:** 25m North West of 134 Glenshesk Road, Armoy,  
Ballymoney

**Proposal:** Alterations to existing agricultural store/utility space

The Senior Planner presented the report and made a recommendation to the Committee for consideration.

#### **RECOMMENDATION**

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 section 7 & 8 and resolves to **REFUSE** planning permission subject to the refusal reasons set out in section 10.

The speaker addressed Committee and responded to queries from Members. The Agent advised amended plans had been receipted at the Planning Office on the morning of the meeting and presented evidence of same.

Proposed by Councillor Baird  
Seconded by Alderman Robinson and

**AGREED** – to defer consideration to the February Committee meeting to allow officers time to consider the amended plans.

- \* **Alderman Finlay was invited to re-join the meeting at 4.50 PM.**



## 5.5 LA01/2015/0811/O

Report and site visit report circulated.

**App Type:** Outline Planning

**Address:** Site 402m NW of 173 Whitepark Rd, Dunseverick,  
Bushmills

**Proposal:** Proposed Dwelling and Garage on a farm

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration. The Officer answered queries from members.

### **RECOMMENDATION**

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 **REFUSE** planning permission subject to the reasons set out in section 10.

The speaker addressed the Committee and responded to queries from Members.

Proposed by Alderman Cole  
Seconded by Alderman King

- 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 **REFUSE** planning permission subject to the reasons set out in section 10.

The Chair put the proposal to the committee to vote, 11 members voted for, 0 members voted against, 3 members abstained, the Chair declared the proposal carried.

## 5.6 LA01/2016/0805/F

Report circulated.

**App Type:** Full Application

**Address:** 10 Hillmans Way, Coleraine

**Proposal:** Provision of community facilities to carry out the charitable work of Vineyard Compassion, including office and staff accommodation. Proposed three storey annex to adjacent church building

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration. The Officer answered queries from members.

#### **RECOMMENDATION**

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 Section 7 & 8 and resolves to **APPROVE** full planning permission subject to the conditions set out in Section 10.

Proposed by Alderman Robinson  
Seconded by Councillor Baird

- 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 Section 7 & 8 and resolves to **APPROVE** full planning permission subject to the conditions set out in Section 10.

The Chair put the proposal to the committee to vote, 10 members voted for, 0 members voted against, 3 members abstained, the Chair declared the proposal carried.

#### **5.7 LA01/2016/0891/F**

Report and Addendum circulated.

**App Type:** Full Planning

**Address:** Coleraine Marina, Cloonavin, 66 Portstewart Road, Coleraine

**Proposal:** The existing Marina gangways, half-landing pontoon and foundations are to be replaced with a new 24m long single-run gangway and landing pontoon. Localised dredging will be required and existing water and electric services are to be upgraded to comply with current regulations.

The Principal Planning Officer presented the reports and made a recommendation to the Committee for consideration. The Officer answered queries from members.

## **RECOMMENDATION**

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.

Proposed by Alderman Robinson  
Seconded by Alderman S McKillop

- 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.

The Chair put the proposal to the committee to vote, 13 members voted for, 0 members voted against, 1 member abstained, the Chair declared the proposal carried.

### **5.8 LA01/2016/1160/F**

Report circulated.

**App Type:** Full Planning Application  
**Address:** Macosquin Playing Fields, Dunderg Road, Coleraine  
**Proposal:** Erection of 3no. 6m high timber columns to NE side of Playing Field. Each column to have 2no. 400W HQI Flood Lights

The Principal Planning Officer presented the reports and made a recommendation to the Committee for consideration. The Officer answered queries from members.

## **RECOMMENDATION**

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** Full Planning Permission subject to the conditions set out in section 10.

Proposed by Alderman King  
Seconded by Councillor Cole

- 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** Full Planning Permission subject to the conditions set out in section 10.

The Chair put the proposal to the committee to vote, 12 members voted for, 0 members voted against, 1 member abstained, the Chair declared the proposal carried.

\* **Alderman McKillop left the meeting from 5.23 PM – 5.25 PM and did not vote on the application.**

## **5.9 LA01/2016/0742/F**

Report circulated.

**App Type:** Full Planning

**Address:** Lansdowne Public Car Park positioned approx. 96m North of 24 Lansdowne Crescent, Portrush

**Proposal:** Provision of 4 no trading points within existing public car park. Works including service path and new electrical installation points

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration. The Officer answered queries from members.

### **RECOMMENDATION**

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 condition set out in section 10.

Proposed by Councillor McCaul

Seconded by Councillor Baird

-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 condition set out in section 10.

The Chair put the proposal to the committee to vote, 7 members voted for, 1 member voted against, 4 members abstained, the Chair declared the proposal carried.

\* **Press left the meeting at 5.37 PM**

## **6. DEVELOPMENT MANAGEMENT PERFORMANCE:**

Reports circulated.

### **6.1 DEVELOPMENT MANAGEMENT STATISTICS**

Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of December 2016, excluding Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, to correspond with official validated statistics published by DFI.

The number of applications received remain high and above the 100 mark for the fourth month in a row. Staff issued 76 planning application decisions, plus 5 Discharge of Conditions and 2 Certificate of Lawful Development Proposed or Existing applications. The number of live applications in the system has risen to 685.

**IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.

**AGREED** - that the Planning Committee note the update on the development management statistics.

### **6.2 PUBLICATION OF NORTHERN IRELAND PLANNING STATISTICS: SECOND QUARTER 2016/17 STATISTICAL BULLETIN**

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. The Second Quarter 2016/17 Statistical Bulletin was published on 15 December 2016 providing provisional planning statistics for this period. It also provides a summary of 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 IS RECOMMENDED** that the Planning Committee note the update on the Northern Ireland Planning Statistics 2016/17 Second Quarterly Statistical Bulletin.

**AGREED** - that the Planning Committee note the update on the Northern Ireland Planning Statistics 2016/17 Second Quarterly Statistical Bulletin.

## **7. DEVELOPMENT PLAN**

Reports circulated.

### **7.1 PLANNING APPEALS COMMISSION – COUNCIL CONSULTATION ON THE DRAFT PROCEDURES FOR INDEPENDENT EXAMINATION OF LOCAL DEVELOPMENT PLANS DFI CONSULTATION PAPER**

The Planning Appeals Commission wrote to Council on 5<sup>th</sup> January 2017 (circulated) inviting comment on its public consultation paper 'Independent Examination of Local Development Plans (LDPs): Draft Procedures' (paper circulated).

The document outlines the following:

- Relevant legislation
- Soundness tests
- Making representations
- Submitting the Plan
- PAC Process
- Hearing Details
- Commissioner's Report

The Planning Act (NI) 2011 introduced entirely new provisions for the preparation and examination of LDPs. Councils are required to prepare a plan strategy and a local policies plan for their areas. Councils must submit their plans to the Department for Infrastructure (DfI) and the Department may request the PAC to carry out an independent examination of that Plan. Council is required to send DfI certain prescribed documents in addition to the plan.

The purpose of an examination is to determine whether a plan satisfies statutory requirements and is 'sound'. The examination process will involve the consideration of written evidence as well as hearing sessions.

When the hearing sessions are concluded, the Commissioner will prepare a report to DfI, make recommendations and give reasons for the recommendations. On receipt of the report, it will be for DfI to decide whether to direct the Council to adopt the plan as submitted, adopt it with modifications, or withdraw it.

The consultation document highlights that... *"It is very important that all participants appreciate that the focus of the examination and the*

*Commissioner's report will be on the **soundness** of the plan and not on individual representations or sites. This represents a fundamental change from the development plan system that existed before the 2011 Planning Act came into force."*

The document also highlights that substance of the representation submitted is of more significance than the number of people making representations.

**IT IS RECOMMENDED** that Members note the content of the letter and report and agree to one of the following three options:

- Option 1 - Council provides no response;
- Option 2 – Hold a workshop to agree a response;
- Option 3 – Head of Planning to respond on behalf of Council.

Proposed by Alderman Cole  
Seconded by Alderman Robinson and

**AGREED-** that Committee note the content of the letter and report and agree to Option 2, hold a workshop to agree a response.

The Head of Planning advised the workshop would merge with the Wednesday 15 February 2017 Local Development Plan workshop currently scheduled.

- \* **Councillor Baird left the meeting at 5.49 PM.**
- \* **Alderman McKillop left the meeting at 5.49 PM.**

## **7.2 MID ULSTER COUNCIL – LOCAL DEVELOPMENT PLAN (LDP): PREFERRED OPTIONS PAPER COUNCIL RESPONSE**

Mid Ulster Council wrote to Council as a 'consultation body' (adjoining council) on 15<sup>th</sup> November 2016 in accordance with Regulation 10 of the Planning (LDP) Regs (NI) 2015 following publication of its LDP 'Preferred Options Paper' (POP) on 7<sup>th</sup> November 2016 (circulated).

The POP is a public consultation paper intended to promote debate on issues of strategic significance which are likely to influence the shape of future development within Mid Ulster. It sets out the Councils' 'preferred options' for dealing with such issues and will be used, in conjunction with feedback received, to inform the preparation of the Mid Ulster Local Development Plan 2015 – 2030.

The letter was presented at the December 2016 Planning Committee, where it was agreed that the Head of Planning would draft a response and

return it to this Committee for approval before forwarding to Mid Ulster Council.

**IT IS RECOMMENDED** that Members note the content of the letter and agree to the issue of a response along the lines of the draft attached at Appendix 2.

**AGREED** - that Committee note the content of the letter and agree to the issue of a response along the lines of the draft, circulated.

### **7.3 DERRY CITY & STRABANE DISTRICT COUNCIL: PRE-POP CONSULTATION – COUNCIL RESPONSE**

Derry City & Strabane District Council wrote to Council as a 'consultation body' on 30<sup>th</sup> November 2016 in accordance with Regulation 9 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 prior to the publication of its Local Development Plan 'Preferred Options Paper' (POP) (circulated).

The purpose of pre-engagement with consultation bodies is to enable the Council to take into account any relevant input this Council, or any other consultee, may have on specific planning issues to allow them to consider these in the development of their alternative strategies and options for their LDP.

The consultation letter was presented at the December 2016 Planning Committee for decision, where it was agreed that, given the deadline for responses (11<sup>th</sup> January 2016), the Head of Planning would respond on behalf of Council.

Letter issued to Derry City & Strabane District Council on 23<sup>rd</sup> December 2016 (circulated).

**IT IS RECOMMENDED** that Members note the content of the response issued on behalf of Council.

**AGREED** - that Committee note the content of the response issued on behalf of Council.



#### **7.4 FERMANAGH/OMAGH DISTRICT COUNCIL: PREFERRED OPTIONS PAPER PUBLIC CONSULTATION: COUNCIL RESPONSE**

Fermanagh and Omagh District Council published its Local Development Plan 'Preferred Options Paper' (POP) for public consultation on 3<sup>rd</sup> October 2016.

The POP provides the basis for consulting with the public and stakeholders on a series of options for dealing with key issues in the Fermanagh & Omagh plan area. It aims to stimulate public comment and help interested parties to become involved in a more meaningful way at this earliest stage of plan preparation.

Effective community and stakeholder engagement also strengthens the evidence base for plans and strategies which in turn, is used to inform the preparation and help justify the 'soundness' of the local development plan.

Given that the Sperrins AONB extends across both districts, the Head of Planning issued a response on 23<sup>rd</sup> December 2016 on behalf of Council (circulated).

**IT IS RECOMMENDED** that Members note the content of the response letter and completed questionnaire, issued on behalf of Council.

**AGREED** - that Committee note the content of the response letter and completed questionnaire, issued on behalf of Council.

#### **8. CORRESPONDENCE:**

Reports circulated.

##### **8.1 CAM BURN WIND FARM C/2011/0459/F – PAC REPORT AND DEPARTMENT FOR INFRASTRUCTURE NOTIFICATION OF DECISION**

At the Planning Committee meeting of 23<sup>rd</sup> September 2015 Planning Committee determined to refuse planning permission for the above application. The Minister for the Environment subsequently 'called-in' the application on 14 October 2015 and DoE Strategic Planning Division issued a Notice of Opinion to approve the application.

Under Section 29(7) of the Planning Act (Northern Ireland) 2011, Council requested an opportunity to appear before and be heard by the Planning Appeals Commission.

The Hearing took place on 29<sup>th</sup> August 2016 and the PAC issued its report to the Department of Infrastructure (DfI) on 5<sup>th</sup> December 2016.

The Head of Planning wrote to DfI on 14<sup>th</sup> December 2016 requesting, under the Environmental Information Regulations 2004, a copy of the Report. DfI responded via email on 22<sup>nd</sup> December 2016 (circulated) enclosing a copy of the PAC report (circulated) and advising that the formal decision notice to approve the application will issue to Council in the next few days.

The formal notification of decision was published on the Planning Portal website on 22<sup>nd</sup> December 2016, date of approval of application (circulated).

**IT IS RECOMMENDED** that the Planning Committee note the update on the planning application C/2011/0459/F.

Alderman Cole and Alderman Finlay expressed their disappointment.

**AGREED** - that the Planning Committee note the update on the planning application C/2011/0459/F.

## **8.2 DEPARTMENT FOR COMMUNITIES ADVANCED NOTICE OF LISTING**

The Department for Communities (DfC);HED wrote to Council on 18<sup>th</sup> November and 14<sup>th</sup> December 2016 advising that they are considering a number of listings within the Borough, under Section 80(1) of The Planning Act (Northern Ireland) 2011 (circulated).

The proposed listings were attached at Table 1, Appendix 3. Commentary on DfC's evaluation, including any inappropriate replacements and/or alterations affecting the original historic character was also detailed.

Revised Annex C of PPS6: Planning, Archaeology and the Built Environment sets out the key criteria for listing; either architectural interest or historic interest. The overall test is that the interest must be considered 'special'.

The proposed listings relates to both architectural and historic interest.

<b>Item No.</b>	<b>Reference</b>	<b>Address</b>	<b>Proposed Listing</b>
1	<b>HB05/16/010A</b>	Lighthouse Fog Signal Building and structures, East Light, Ballycarry TD, Rathlin Island	B+
2	<b>HB05/16/010B</b>	Lightkeeper's House, East Light, Ballycarry TD, Rathlin Island.	B1
3	<b>HB05/16/010C</b>	Semi-detached Lightkeepers' Houses, House No.2 (NE) East Light, Ballycarry TD, Rathlin Island	B1
4	<b>HB05/16/010D</b>	Semi-detached Lightkeepers' Houses, House No1 (SW) East Light, Ballycarry TD, Rathlin Island	B1
5	<b>HB05/16/016</b>	Rathlin West Light Seabird Centre, Keeble TD, Rathlin Island	B+
6	<b>HB05/16/022</b>	South Light, Rue Point, Rathlin Island	B2
7	<b>HB05/02/049</b>	18 High Street, Cushendall	B1
8	<b>HB05/04/013</b>	Lime Kiln, Torglass TD, Murlough Rd, Torr, Ballycastle	B2
9	<b>HB05/08/005B</b>	Coach Yard, Dundarave Estate, Bushmills	B+
10	<b>HB05/08/005C</b>	Farm Yard, Dundarave Estate, Bushmills	B2
11	<b>HB05/08/005D</b>	Ice House, Dundarave Estate, Bushmills	B2
12	<b>HB05/08/005G</b>	Walled Garden, Dundarave Estate, Bushmills	B2
13	<b>HB05/10/015</b>	Dwelling House on unnamed road opp. No.28 Ballinlea Rd, Maghernahare, Ballycastle	B1
14	<b>HB05/10/016</b>	Ballinlea Mill, 34 Kilmahamogue Rd, Ballycastle	B1

## Options

**Option 1:** Agree to support all 14 listings: or

**Option 2:** Agree to support the listing of No's 1, 5, 6, 9, 11 & 14 but oppose listing of No's 2, 3, 4, 7, 8, 10, 12, & 13 (which have some inappropriate replacements/alterations): or

**OPTION 3:** Agree to oppose all 14 listings.

**IT IS RECOMMENDED** that Members agree either Option 1, 2 or 3 above to the proposed listings as detailed at Appendix 1, 2 & 3 and to the Head of Planning responding to DfC on behalf of Council.

Proposed by Alderman Finlay  
Seconded by Alderman McKeown

- that Committee agree Option 3: Agree to oppose all 14 listings.

Discussion ensued on the merits of Listing Buildings of Interest and the disadvantage proprietors are put to with maintenance and lack of grant funding.

Alderman Finlay, with the consent of Alderman McKeown withdrew their proposal.

Proposed by Alderman Cole  
Seconded by Alderman McKeown and

**AGREED-** that Committee support the listing of No's 1, 5 and 6 but oppose the listing of 2, 3, 4, 7, 8, 9, 10, 11, 12, 13 & 14.

\* **Alderman Robinson left the meeting at 6.00 PM during consideration of the above item.**

### **8.3 DEPARTMENT FOR INFRASTRUCTURE PUBLIC CONSULTATION DOCUMENT – PERMITTED DEVELOPMENT (PD) FOR MINERALS EXPLORATION**

On 14 March 2016 the former Department of the Environment (DOE) launched a 'Call for Evidence' to help inform the future approach to PD Rights for Mineral Exploration. Members will recall a Workshop held on 12<sup>th</sup> May 2016 at which this topic was discussed (presentation circulated).

The Department for Infrastructure (DfI) wrote to Council on 8<sup>th</sup> December 2016 advising that following this 'Call for Evidence' they have published a public consultation paper on proposals to amend PD rights in respect of minerals exploration (letter circulated and Consultation Paper circulated).

Dfl has stated that *“Overall the responses support an update of the GPDO in relation to the drilling of petroleum exploration boreholes, to bring the North’s position into line with other jurisdictions”*.

The purpose of the consultation is to obtain views on the Department’s proposal to amend PD rights, including removing PD rights for petroleum exploration (see paragraph 2.9 below). The Department is also seeking views on three minor amendments in respect of PD rights for all mineral exploration (see paragraph 2.14 below).

The period for consultation responses closes at 5pm on 3<sup>rd</sup> February 2017.

**IT IS RECOMMENDED** that Members note the content of the letter and report and agree to one of the following three options:

Option 1 - Council provides no response;

Option 2 – Hold a workshop to agree a response;

Option 3 – Head of Planning to respond on behalf of Council.

Proposed by Alderman Finlay

Seconded by Alderman McKeown and

**AGREED-** that committee note the content of the letter and report and agree to Option 3, Head of Planning to respond on behalf of Council.

Council’s Solicitor agreed to bring a view back on general Conflict of Interest issues.

\* **Alderman King left the meeting at 6.07 PM**

\* **Councillor McCandless left the meeting at 6.10 PM**

## **9. MATTERS FOR REPORTING TO PARTNERSHIP PANEL – 23 May 2017**

There were no matters for reporting to the Partnership Panel.

## **10. LEGAL ISSUES**

There were no Legal Issues.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 6.12 PM

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Chair