

**PLANNING COMMITTEE MEETING HELD
WEDNESDAY 26 FEBRUARY 2025**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Councillors Kennedy, McGurk, Nicholl</i>
2.	Declarations of Interest	<i>Alderman Callan, Hunter, Councillors Anderson, Peacock</i>
3.	Minutes of Previous Planning Committee Meetings	
3.1	Minutes of Planning Committee Meeting held Wednesday 22 January 2025	<i>Confirmed as a correct record</i>
3.2	Minutes of Special Planning Committee Meeting held Thursday 13 February 2025	<i>Confirmed as amended</i>
4.	Order of Items and Confirmation of Registered Speakers	<i>Received</i>
5.	Schedule of applications	
5.1	LA01/2024/1096/F, Major, Lands North of 1-7 Laurel Park, west of 73-89 Strand Road, east of Laurel Hill Gardens and south of Killowen Primary School, Coleraine	<i>Agree and Approved</i>
5.2	LA01/2024/0988/S54, Major, Lands are located immediately NE at 11 Bushtown Road extending eastwards. Lands begin approximately 470m North of 38 Kilmaconnell Road approximately 240m West. Northwest of 17 Kilmaconnell Road and approximately 200m West/Southwest of 406 Ballyness Park, Castleroe	<i>Agree and Refused</i>
5.3	LA01/2024/1213/A, Council, Land between 13-39 Quay Road, Ballycastle	<i>Agree and Approved</i>
5.4	LA01/2021/0772/O, Council, Land 25m South West of 29 Roe Mill Road Limavady	<i>Deferred for a site visit</i>
	<i>In Committee (Item 5.5)</i>	
5.5	Confidential Items - Update on Legal Issues - Judgment East Road Drumsurn Dated 6 February 2025	<i>That Planning Committee defer the applications specific in relation to infills for one</i>

		<p>month at least, as follows:</p> <ul style="list-style-type: none"> - Item 5.7 LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road, Rasharkin; - Item 5.8 LA01/2024/0172/O, Referral, Approx. 75m South West of 344 Craigs Road, Rasharkin; - Item 5.10 LA01/2023/0692/O, Referral, Between 88 & 90 Haw Road, Bushmills; - Item 5.11 LA01/2023/0582/O, Referral, Land 25m East of 62 Ballywoodock Road, Castlerock; - Item 5.12 LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock.
5.6	LA01/2024/1187/F, Council, Craigahullier Landfill Site, Ballymacrea Road, Portrush 5.5	Deferred for one month and ask the Director of Environmental Services to attend the meeting
5.7	LA01/2022/1587/F, Objection, Land to the side and rear of 12 Sunset Ridge, Portstewart 5.6	Agree and Approved
5.8	LA01/2023/0187/F, Referral, 25 Church Street, Limavady 5.9	Agree and Refused
5.9	LA01/2023/1164/F, Referral, Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin 5.13	Deferred for a site visit
5.10	LA01/2023/0667/F, Referral, Approximately 220m NE of 148 Torr Road, Cushendun 5.14	Deferred for a site visit
5.11	LA01/2022/0954/F, Referral, 244 Islandmore Crescent, Portrush 5.15	Deferred for a site visit
6.	Correspondence	
6.1	HED – Proposals to List	Noted
6.2	Dfl – Planning Improvement Programme Update	Noted
6.3	Dfl – LA01/2016/1328/F – Decision re: call in	Noted

6.4	Dfl – Avian Influenza Prevention Zone	<i>Noted</i>
7.	Reports for Decision	
7.1	Revised Statement of Community Involvement in Planning (SCI)	<i>Approve Option 2: Do not carry out public consultation in advance of publishing the Revised SCI set out at Appendix 1</i>
7.2	Update on outstanding Audit Recommendations	<i>Noted</i>
8	Reports for Noting	
8.1	Finance Report – Period 1-9	<i>Noted</i>
9.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND
VIA VIDEO CONFERENCE
ON WEDNESDAY 26 FEBRUARY 2025 AT 10.30AM**

Chair: Alderman Hunter (C)

Committee Members: Alderman Callan (C), Coyle (C), S McKillop (C),
Scott (C), Stewart (C)
Councillors Anderson (C), C Archibald (C), Kennedy (C),
McGurk (R), McMullan (C), Nicholl (R), Peacock (R), Storey
(C), Watton (C)

Officers Present: D Dickson, Head of Planning (C)
S Mulhern, Development Plan Manager (R/C)
S Mathers, Development Management & Enforcement Manager (C)
J Lundy, Development Management Manager (R)
M Jones, Council Solicitor, Corporate, Planning and Regulatory (C)
A McPeake, Director of Environmental Services (R)
J McMath, Senior Planning Officer (C)
M McErlain, Senior Planning Officer (C)
M Wilson, Senior Planning Officer (C)
R McGrath, Senior Planning Officer (C)
E Hudson, Senior Planning Officer (C)
J Chisim, Planning Officer (C)
R Heaney, Planning Officer (R)
S McKinley, Planning Assistant (R)
A Gamble, Environmental Health Manager (R)
J Keen, Committee & Member Services Officer (C/R)
S Duggan, Civic Support & Committee & Member Services Officer
(R/C)

In Attendance: S Hasson, DFI Roads - Network Planning, Northern Division (R)
D Madden, Senior Architect, Historic Environment Division (R)
K Morgan, BL (R)

C Ballentine, ICT Officer (C/R)

Press 2no. (R)

Public 18no. including Speakers

Key: R = Remote in attendance C= Chamber in attendance

Registered Speakers

Item No	Name
LA01/2024/1096/F	Rev D Collins (C) G Jobling (C) D Quinn (C) R Moore (C) C O'Reilly (R) S Warke (R)
LA01/2021/0772/O	M Bell (C)
LA01/2024/1187/F	D Dalzell (C) C Mayrs C Parkhill
LA01/2022/1587/F	C Wilson (C) S Wilson (C) M Acheson N Loughran M Bradley (C) G McPeake (C)
LA01/2024/0170/O	J Martin (R)
LA01/2024/0172/O	J Martin (R)
LA01/2023/0187/F	C Cochrane (R)
LA01/2023/0692/O	J Simpson (R)
LA01/2023/1164/F	J Wilson (R) J Muldoon (R) A Bradley (R)
LA01/2023/0667/F	T Cassidy (R) P Heron (R)
LA01/2022/095/F	R Moore (R)

The Head of Planning undertook a roll call.

The Chair reminded Planning Committee of their obligations under the Local Government Code of Conduct and Remote Meetings Protocol.

1. APOLOGIES

Apologies were recorded for Councillors Kennedy, McGurk and Nicholl.

2. DECLARATIONS OF INTEREST

Councillor Anderson declared an interest in Item 5.1 LA01/2024/1096/F, Major, Lands North of 1-7 Laurel Park, west of 73-89 Strand Road, east of Laurel Hill Gardens and south of Killowen Primary School, Coleraine. Having declared an interest, Councillor Anderson left the Chamber during consideration of the Item and did not vote.

Alderman Callan declared an interest in Item 5.4 LA01/2021/0772/O, Council, Land 25m South West of 29 Roe Mill Road Limavady. Having declared an interest, Alderman Callan left the Chamber during consideration of the Item and did not vote.

Alderman Hunter declared an interest in Item 5.10 LA01/2023/0692/O, Referral, Between 88 & 90 Haw Road, Bushmills. Having declared an interest, Alderman Hunter vacated the Chair and left the Chamber during consideration of the Item and did not vote.

During consideration of the item Alderman S McKillop declared an interest in 5.5 LA01/2024/1187/F, Council, Craigahullier Landfill Site, Ballymacrea Road, Portrush. Having declared an interest, Councillor C Archibald left the Chamber during consideration of the item and did not vote.

During consideration of the item Councillor C Archibald declared an interest in 5.5 LA01/2024/1187/F, Council, Craigahullier Landfill Site, Ballymacrea Road, Portrush. Having declared an interest, Councillor C Archibald left the Chamber during consideration of the item and did not vote.

Councillor Peacock declared an interest in Item 5.13 LA01/2023/1164/F, Referral, Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin. Having declared an interest, Alderman Callan left the Chamber during consideration of the Item and did not vote.

3. MINUTES OF PREVIOUS PLANNING COMMITTEE MEETINGS

3.1 Minutes of Planning Committee Meeting held Wednesday 22 January 2025

Copy previously circulated.

Proposed by Councillor C Archibald

Seconded by Councillor Watton

- That the Minutes of the Planning Committee meeting held Wednesday 22 January 2025 are signed as a correct record.

The Chair put the motion to the Committee to vote.
9 Members voted For, 0 Members voted Against, 1 Members Abstained.
The Chair declared the motion carried.

RESOLVED - That the Minutes of the Planning Committee meeting held Wednesday 22 January 2025 are signed as a correct record.

3.2 Minutes of Special Planning Committee Meeting held Thursday 13 February 2025

Copy previously circulated.

Alderman S McKillop stated that the Minutes are not a true reflection of what was discussed at the meeting.

Alderman S McKillop requested that the comments below are noted and reflected in the Minutes.

Reports to the committee

I stated that I wasn't suggesting that we dilute the information we have on record to support our PAC appeals.

I agreed that Elected reps needed all relevant information at our disposal as we are the decision makers when applications come through this committee. I supported that we Investigate a more concise report format for this committee.

NI water

I proposed that we dig deep to understand the impact of NI water issues on actual housing development outcomes and future potential developments by investors. How is this affecting our people? Seconded by Aaron - minute not a true reflection. The minute is missing a contextual summary of what we were trying to achieve from this special meeting also.

We need to scrutinise, challenge, address issues of concern for those using our service. We also need to use our planning regimes as a positive force for good to meet our spatial community plan/needs of our community our people now. I felt we needed to dig deep to gather data from others and ensure we work with others including departments within this council and councillors to obtain this information only then will we improve our planning service and performance.

Alderman Callan spoke to second Alderman S McKillop's comments and stated the Special Planning Committee meeting was a useful meeting and it should be reflected on a positive note. Alderman Callan requested that the actions are

included in the table of contents at the beginning of the Minutes and stated that it would be good to receive a summary report before the Special Planning Committee meeting in May to have a record of actions completed.

In response to Alderman Callan, the Chair confirmed that she did find the meeting useful.

Proposed by Alderman S McKillop

Seconded by Alderman Callan

- That the Minutes of the Special Planning Committee meeting held Thursday 13 February 2025 are signed as a correct record subject to the amendments.

The Chair put the motion to the Committee to vote.

9 Members voted For, 0 Members voted Against, 1 Member Abstained.

The Chair declared the motion carried.

RESOLVED - That the Minutes of the Special Planning Committee meeting held Thursday 13 February 2025 are signed as a correct record subject to amendments.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair stated there was no change to the Order of Business and noted that no site visits had been requested.

* **Having declared an Interest, Councillor Anderson left The Chamber at 10.47am.**

* **Alderman S McKillop left The Chamber at 10.48am.**

* **Alderman Scott arrived in the Chamber at 11:09 during consideration of this item.**

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2024/1096/F, Major, Lands North of 1-7 Laurel Park, west of 73-89 Strand Road, east of Laurel Hill Gardens and south of Killowen Primary School, Coleraine

Report, Presentation, Addendum, Objections from J Glasgow, L McKinlay, R McKinlay and Speaking Rights Template for D Collins and G Jobling were previously circulated and presented by Development Management & Enforcement Manager.

Major Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Residential development (social & affordable tenure) on Housing Zoning CEH55, comprising 80 no units, including 6 no. 1 bed apartments, 14 no. 2-bed apartments, 9 no. two-storey town houses, 40 no. two-storey semi-detached dwellings and 7 no. two-storey detached dwellings, with open space and associated works, including stopping up of private laneway onto Strand Road and new access onto Laurel Park and the reallocation of surplus lands to residential curtilages.

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 and a favourable consultation response from NIEA Natural Environment Division (NED) including any suggested conditions.

Development Management & Enforcement Manager presented via powerpoint presentation as follows:

- This application proposes a total of 80 residential units on this zoned housing site within Coleraine.
- As a major application, it was preceded by a PAN and was accompanied by a Design and Access Statement.
- The scheme provides for a mix of house types comprising 7 two storey detached, 40 two storey semi-detached, 4 bungalows, 9 two storey terraced and 20 apartments. The scheme provides 3 main areas of open space in addition to a parkland area and woodland planting.
- In terms of the Northern Area Plan 2016, the site is within the settlement development limit of Coleraine. The site comprises housing zoning CEH 55. The site has specific key site requirements. In addition, the site is located within designated Local Landscape Policy Area CEL 17 Laurel Hill. The principle of housing is acceptable.

Main Issues

- Planning History- While housing has not been approved on the site previously, planning permission was granted in November 2023 for an access road into the site from Laurel Park.
- Context and Character- The proposed density averages 22 units per hectare. This density is within the 15- 25 range specified in the key site

requirements. The proposal comprises two detached dwellings adjacent the access point, albeit not with a direct frontage to Laurel Park. The remainder of the development is within the body of the site. The site is steeply sloping with a change in levels of 22m from the front to rear of the site. This imposes a constraint on the site, necessitating regrading and extensive provision of open space to the rear of the site towards the west boundary where the gradient is steepest.

- **Social Housing-** The key site requirements specify a minimum of 14 dwellings shall be provided for social housing. NIHE has confirmed the need for social housing at this location. A total of 77 social housing units are proposed and 3 affordable housing units. The various house types accommodate specific accommodation needs. Provision of these is regulated by condition. The 3 affordable housing units are located at the front of the site nearest Laurel Park.
- **Landscape Features-** The proposal has been designed to take account of the steeply rising levels. Retaining features are deployed sensitively across the site to minimise visual intrusion and to respect residential amenity.
- **Open Space-** Approximately 20% of the site is identified as open space. This exceeds the required 10% standard. The central open space area provides a focus for the scheme. As less than 100 dwellings are proposed, an equipped children's playground is not required. All plots provide adequate private amenity space and the apartments have appropriate, mainly shared, amenity provision.
- **Access & Parking-** The site is accessed from the approved access from Laurel Park. In curtilage car parking is provided for the dwelling units. DFI Roads is content with the overall layout which is to be adopted.
- **Relationship with other Properties-** By reason of the specific design and separation distances, the relationship with proposed and existing dwellings on the site boundaries is acceptable. This includes the adjacent properties at Strand Road, Strand Place, Laurel Park and Laurel Hill Gardens. The relationship with properties at Strand Road and Strand Place is to be improved through the provision of landscaping along this eastern boundary.
- **Sewage Connection-** NI Water has advised the sewerage network is constrained. To resolve this, the developer is funding a storm water offsetting solution at Laurel Park. This is acceptable to NI Water.

- Representations- The detail of these is provided in the report.
- Conclusion- The proposal is considered acceptable and the recommendation is to approve.

In response to questions, the Development Management and Enforcement Manager stated the density range in the key site requirements set out in the NAP 2016 is 15 – 25 houses per hectare; this residential development is 22 dwellings per hectare and meets this key site requirement and is comparable to other schemes in Coleraine.

The Chair invited Reverend Collins to speak in objection to the application.

Reverend Collins referred to the high archaeological potential for this site and conditions placed on applications. Reverend Collins questioned why the archaeological significance had been left out of the Executive Summary in the report and questioned what else had been left out. Reverend Collins stated that the access point to this residential development is in private ownership and that the owner is serving a pre-injunction and no one should take action until this is complete.

Reverend Collins cited from the Committee Report to refer to there being no significant environmental impact and questioned who decided this. Reverend Collins stated there was no air quality or noise impact assessments completed. Reverend Collins referred to there being no flood risk identified and asked about those living at the bottom of the site as there was damage here previously. Reverend Collins stated that consideration was not given to traffic nor was there an archaeological report and there should be no work done until these have been met. He advised that NIHE funding may not exist.

In response to questions from Planning Committee members, Reverend Collins stated the issue with the private ownership at the access point has not been resolved. Reverend Collins stated that he is not challenging the development of housing, he is challenging access and safety. Reverend Collins stated Richard Agus carried out the traffic survey which highlighted safety concerns and that danger with access onto Laurel Park still remains. Reverend Collins stated that he would contest the splay figures and that the tolerance levels are not correct, they should be much greater. Reverend Collins stated that DfI Roads stated all issues on access have been considered but there was not a traffic consultation undertaken, this should have happened.

The Chair invited G Jobling, D Quinn, R Moore, P O'Connor, S Warke and C O'Reilly to speak in support of the application.

G Jobling stated this application complies with Northern Area Plan policies, that the site is zoned for housing and the application adheres to requirements. G Jobling acknowledged that change can bring uncertainty. G Jobling stated that the applicant has engaged with the community for over 1 year through a design workshop, public exhibition and round table discussions. G Jobling stated that access has been approved, the maximum yield is 93 units, the proposal is for 80 units. G Jobling stated that the Department for Infrastructure are content with capacity and there has been engagement in designing a high quality scheme that includes a woodland park, a range of homes, pre application discussions and is front loaded with technical assessments. G Jobling stated the drainage system in site will remove storm water and improve flooding issues. G Jobling stated that land ownership at the access is a civil matter and are content the correct ownership certificate has been completed. G Jobling stated this application addresses the need for housing. G Jobling stated the applicant is committed to deliver as soon as possible and this scheme was carefully designed, assessed and consulted on.

In response to questions from Planning Committee Members, G Jobling stated that the historical points in the objection letters can be considered in the naming of streets but will be for Council approval. G Jobling stated that legal input has been provided regarding the access, that the bed and soil are under private ownership, that above this is under DfI Roads control; it is for DfI Roads to give authorisation and Works Licence issued. The road at the access is maintained and is on the DfI Roads maintenance schedule. In response to questions regarding traffic G Jobling stated the applicant engaged their SW Consultants to complete a survey which included CCTV and speed surveys, there was a difference of a couple of miles per hour between their survey and that commissioned by the objectors and both speeds fell below the threshold band for increased standards. G Jobling stated the DfI Roads were consulted several times and have assessed the access based on the yield on the maximum capacity and have confirmed their satisfaction.

In response to questions, G Jobling stated the traffic speed gives splays of 2.4m x 33m. G Jobling detailed the archaeological assessment which included a full walk over and the Historic Environment Division are in agreement with the assessment made and the Programme of Works prior to commencement of development. G Jobling stated the trenches will be monitored by the archaeologist on site and if anything is found, correct processes will be followed, a licence will be applied for prior to commencement of work. There will be dates provided to allow the Historic Environment Division to attend the site. G Jobling stated that the Historic Environment Division have been consulted and are content with the Developer's responses and proposal.

In response to questions, G Jobling stated that the applicant has engaged with Northern Ireland Water, a Waste Water Impact Assessment has been submitted and a drainage design has been agreed. G Jobling advised that run off water will be directed to drains on site and incorporated into green flow water device controlled by oversized pipes. G Jobling advised that Northern Ireland Water agreed storm water offsetting will reduce the risk of flooding and agreed through to Stage 3 of the process on the 14 December 2024. G Jobling advised that noise impact assessments and full ecological assessments have been completed and trees on the slopes will be retained on the upper slopes for woodland, which will improve biodiversity.

In response to questions, G Jobling stated that an Open Space strategy has come from the site itself, trees at the top of the site will be retained. G Jobling stated the upper part of the site will have a woodland park, walkways along the northern section and ad hoc picnic areas will be available. G Jobling stated the flatter area of the development will have a green area and that the 80 units falls below the requirement for an equipped area of play.

In response to questions, S Warke, SW Consultancy, stated the traffic flow has been thoroughly assessed and confirmed that the DfI Roads is content.

In response to questions D Quinn, Radius Housing, stated the Council and local schools will be involved in the naming of streets and this will come back to Council to approve. D Quinn stated this is an 80 unit housing development and it is envisaged to be a family home scheme, with a mixture of 2 storey houses, apartments and bungalows. G Jobling stated there will also be provision for over 55's and people with complex needs.

In response to questions, S Hasson, Department for Infrastructure Roads, stated the Department has reviewed the site on numerous occasions and is content with the layout in relation to Creating Places and stated that it meets DCAN standards for vehicle access. S Hasson stated that both A and B tables allows for assessment against speeds and the development meets these standards. S Hasson stated there is low speed in Laurel Park, low volumes of traffic on the carriageway and there is capacity within the network for this housing development. S Hasson stated the Department engaged with an Independent Assessor to consider the assessment and they are content.

In response to questions, the Development Management and Enforcement Manager stated the Northern Ireland Environment Agency, Natural Environment Division have responded to the application and are content subject to Conditions and therefore this element of the recommendation has been resolved. The Development Management and Enforcement Manager advised the Certificate of Ownership was completed and the Developer served

Notice on the owner of the access and it is matter for these parties to resolve the issues, that is not a matter for the Planning Department.

Proposed by Councillor Peacock

Seconded by Councillor C Archibald

- 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 motion to the Committee to vote.

7 Members voted For; 0 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried and application approved.

RESOLVED - 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 declared a recess at 11.57am**

* **The meeting reconvened at 12.10pm**

* **Alderman Stewart joined the meeting in the Chamber at 12.10pm.**

* **Councillor Storey joined the meeting in the Chamber at 12.10pm.**

5.2 LA01/2024/0988/S54, Major, Lands are located immediately NE at 11 Bushtown Road extending eastwards. Lands begin approximately 470m North of 38 Kilmaconnell Road approximately 240m West. Northwest of 17 Kilmaconnell Road and approximately 200m West/Southwest of 406 Ballyness Park, Castleroe

Report and Presentation were previously circulated and presented by Development Management and Enforcement Manager.

Major Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Section 54 variation of Condition No.2 (Time Limit on which electricity is connected to the grid & submission of decommissioning scheme) from LA01/2015/0980/F:

From:

This permission is for a limited period, expiring 30 years from the date which electricity from the solar farm is connected to the grid. Within 12 months of the permanent cessation of electricity generation at the site, or upon the expiration of this permission, whichever is sooner, all above ground structures shall be

removed from the site and the land restored in accordance with a scheme to be submitted to and agreed in writing with the Planning Authority at least one year prior to the commencement of any decommissioning works.

To:

This permission is for a limited period, expiring 40 years from the date on which electricity from the solar is connected to the grid. Within 12 months of the permanent cessation of electricity generation at the site, or upon the expiration of this permission, whichever is the sooner, all above ground structures shall be removed from the site and the land restored in accordance with a decommissioning scheme to be submitted and agreed in writing with the Council. The scheme shall be submitted to the Council at least 3 months prior to the commencement of any decommissioning works.

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 reason set out in section 10.

Development Management and Enforcement Manager presented via powerpoint presentation as follows:

- Proposal comprises a variation of condition regarding the lifespan of a 45ha solar farm which was approved in 2016. The site is located to the south side of Coleraine.
- While a major application, no PAN was required as this is a variation of condition application. A Design and Access Statement was not required as the changes do not pertain to design issues.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside. The Plan does not contain specific policy on renewable energy development and directs to regional policy.
- The Existing Condition 02- The condition on the original permission allows the development to be in place for a 30 year period.
- The Proposed Condition 02- The proposed change extends this by a further 10 years to a 40 year period. An additional small change is proposed to the timing of submission of a scheme of decommissioning.

- Planning History- The solar farm was approved on 31 May 2016 with a five year timeframe for the commencement of development, expiring on 31 May 2021. Therefore, to preserve the planning permission, a lawful start was required before the end of the period. The solar farm has not been constructed with works undertaken limited to the access. For the reasons set out in the report, it has not been established that a lawful start was made on the permission before its expiry. Planning legislation makes clear that a variation of condition application cannot be approved where the original permission has become time expired without the development having been begun. As it has not been demonstrated that the previous planning permission was commenced lawfully, the principle of the proposal cannot be considered further.
- Representations- None received.
- Conclusion- Accordingly, given that the original permission is time expired, the proposed change to the wording of the condition is unacceptable and the recommendation is to refuse.

In response to questions from Planning Committee Members, the Development Management and Enforcement Manager advised there was no lawful start as the applicant did not comply with the negative conditions. A CLUD was submitted but there was no evidence of badger protection. The Development Management and Enforcement Manager confirmed a Senior Planning Officer spoke with the applicant and they are aware of the issues.

Proposed by Alderman Callan

Seconded by Alderman Scott

- 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 reason set out in section 10.

The Chair put the motion to the Committee to vote.

12 Members voted For, 0 Members voted Against, 0 Members Abstained.

The Chair declared the motion carried and application refused.

RESOLVED - 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 reason set out in section 10.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor Storey
Seconded by Councillor Anderson and

AGREED – that Planning Committee move ‘*In Committee*’.

- * **Press and Public were disconnected from the meeting at 12:23pm**

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Councillor Storey sought Legal Advice regarding Planning Committee Members making decisions on infill sites in light of the recent court Judgment.

The Head of Planning advised that this is on the Agenda for later in the meeting but could be brought forward for the Legal Advisor to address, if it was the Members wish.

Council Solicitor advised it would be beneficial for Planning Committee Members to hear from the Legal Advisor.

The Chair advised this Item will be referred to after lunch when the Legal Advisor would be available.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Alderman Callan
Seconded by Councillor Storey and

AGREED – that Planning Committee move ‘*In Public*’.

- * **Members of the Press, Public and Registered Speakers were readmitted to the meeting at 12.46pm.**

5.3 LA01/2024/1213/A, Council, Land between 13-39 Quay Road, Ballycastle

Report and Presentation were previously circulated and presented by Senor Planning Officer J McMath.

Council Interest Application to be determined by Planning Committee
App Type: Advertisement Consent

Proposal: Development of 7 x Leisure Centre signage- 1 x wall mounted building signage (illuminated), 2 x ground mounted totem signage (illuminated), 3 x ground mounted directional signage and 1 x assistance dogs toilet facility signage

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 GRANT Advertisement Consent subject to the conditions set out in Section 10.

Senior Planning Officer presented via powerpoint presentation as follows:

- The application seeks advertisement consent for 7 signs associated with the new Leisure Centre Facility in Ballycastle.
- The site is located at the existing playing fields at Quay Road Ballycastle
- The site is located within the settlement development limit, within the Conservation Area, the Tow Valley LLPA and within the Antrim Coast and Glens AONB. The site is zoned as a Major Area of Existing Open Space and the south-western portion is zoned for Open Space. The site bounds the Ballycastle Town Centre boundary to the west.
- The signage proposal comprises
 - 1 x wall mounted building signage on the front of the building, each letter is individually illuminated with halo effect lighting
 - 2 x ground mounted totem signage positioned at the entrance to Quay Road and at the entrance to the car park with only the directional text and arrows illuminated,
 - 3 x ground mounted directional signage within the car park
 - 1 x assistance dogs toilet facility signage.
- Consultation has been carried out with DFI Roads, Historic Environment Division (HED), and Causeway Coast and Glens (CCG) Conservation Section all of which are content with the proposal and have no objections.
- As discussed in detail in the Committee Report, the proposed signage will not have any adverse impact on the visual amenity or character of the host building and surrounding area including the conservation area. The proposed signage will not prejudice public safety. The signage is functional and will improve legibility for patrons. The proposed signage provides an aesthetically pleasing appearance and complies with PPS 17

Policy AD 1, paragraph 6.20 of the SPPS, Policy BH13 of PPS 6 and the Ballycastle Conservation Area Design Guide, the LLPA and Policy NH6 Areas of Outstanding Natural Beauty of PPS 2 and will not adversely impact the LLPA.

- No letters of support and no letters of objection have been received in relation to this application.
- This consent to display an advertisement is recommended for Approval.

Proposed by Councillor McMullan

Seconded by Alderman Callan

- 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 GRANT Advertisement Consent subject to the conditions set out in Section 10.

The Chair put the motion to the Committee to vote.

12 Members voted For, 0 Members voted Against, 0 Members Abstained.

The Chair declared the motion carried and application granted.

RESOLVED - 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 GRANT Advertisement Consent subject to the conditions set out in Section 10.

The Chair declared a recess for lunch for 30 minutes at 12.54pm.

The meeting resumed at 1.36pm.

The Head of Planning undertook a roll call.

- * **Having declared an interest, Alderman Callan left the meeting.**

5.4 LA01/2021/0772/O, Council, Land 25m South West of 29 Roe Mill Road Limavady

Report, two pieces of correspondence from the Agent, Speaking Rights Template and presentation were previously circulated, and presented by the Development Management and Enforcement Manager.

Council Interest Application to be determined by Planning Committee
App Type: Outline

Proposal: Proposed site for 3 No. detached two storey dwellings with garages, installation of septic tanks and soakaways and all associated works. (on land previously approved for 5 No. dwellings under B/2000/0338/O)

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

Development Management and Enforcement Manager presented a Verbal Addendum

- Revised description received yesterday to remove “2 storey” from the description and indicative elevations changed roof material from black concrete roof tiles to natural slate.
- Historic Environment Division (HED) has considered revised proposal and are content subject to conditions. Therefore, second refusal reason is jettisoned. First refusal reason regarding LLPA remains.
- Rebuttal Statement has been provided from Agent. Sets out the following key points (excluding those referring to setting of listed building): outline application seeks principle of development; underlines the planning history for 5 dwellings; regarding the LLPA, Roe Park proper is far south of this proposal; states that LLPA is intended to safeguard landscape setting of The Hermitage; refusal reason lacks specificity; proposal can be designed to integrate sensitively within LLPA and would not obstruct key views or features of the LLPA; would use underused zoned land and; provides details of successful proposals.
- Response to Rebuttal Statement: Given the specific LLPA designation, the principle of development is unacceptable; the provisions of the policy in the Northern Area Plan 2016 outweigh the planning history; the site is squarely within the LLPA, the designation is the designation and this has gone through a public enquiry; The Hermitage is not identified as a specific feature in the LLPA; refusal reasons were drafted correctly and refer directly to the policy as required; whether proposal can integrate or not is not the test in the LLPA designation- it is the principle that is unacceptable; the successful proposals are not directly comparable and; the approval at Mountsandel Road was within LLPA designation CEL13 which specifically allowed single dwellings unlike the subject LLPA designation.

Development Management and Enforcement Manager presented via powerpoint presentation:

- Proposal comprises 3 detached dwellings.

- This is presented to the Committee as a Council interest item.
- In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Limavady on land zoned Local Landscape Policy Area. The specific designation is LYL02 Roe Park.
- Planning History- Outline permission was granted for 5 dwellings at this location in 2002. No follow-up reserved matters application was submitted to have enabled the development to take place.
- Principle Of Development- Policy ENV 1 Local Landscape Policy Areas in the Northern Area Plan states that where development is permitted, it will be required to comply with any requirements set out for individual LLPAs in the District Proposals. The Plan states that LYL02 Roe Park shall have no further development other than modest extensions to the hotel, sensitively integrated into the landscape, or modest facilities associated with existing recreational areas. The proposal does not meet these typologies of development. Accordingly, the proposal is contrary to Policy ENV 1 and the principle of development is unacceptable.
- Setting Of Listed Building- The proposal is located in close proximity to “The Hermitage”, a Grade B2 listed building. Historic Environment Division express concern that the proposal may become a competing focus within the immediate landscaped setting. While further information to allow comprehensive assessment of the proposal was requested, this was not forthcoming. In its absence, it has not been demonstrated that the proposal will not harm the setting of The Hermitage, a listed building.
- Other Issues- Regarding other issues, the proposal is acceptable in terms of access, parking, amenity provision, flood risk and natural heritage.
- Representations- None received.
- Conclusion- The proposal fails to comply with the principle of development within a specific Local Landscape Policy Area. In addition, it has not been demonstrated that the proposal would not harm the setting of a listed building. The recommendation is to refuse.

In response to questions from Planning Committee Members, the Development Management Manager clarified the green areas are islands within the car park of the Recreation Grounds. The issue is the principle of development as the site is within the Landscape Policy Areas, and dwellings are not accepted within it.

The second issue had been dropped. The River Roe is located to the west, to the left, there were other buildings within the LLPA but the Policy states, 'no further development'. The dwellings do not accord with Policy. The car park was already there when designated and possibly why it is on the map.

* **Councillor Anderson returned to The Chamber at 1.59pm.**

The Chair invited M Bell to present in support of the application.

M Bell stated the Limavady application for 3 detached dwellings with garages; it had been scaled down reducing the previously approved 5 dwellings approved under B/2000/0338/O. M Bell considered substantial weight should be given to the previous approval. If no development was allowed, then the development limit should have excluded the site.

M Bell stated Roe Park is far south of the proposed development, primarily concentrates on impact and not Limavady Town. Can protect landscape without hindering Limavady development. Proposal would not degrade the landscape or obstruct views. Bushmills and Mountsandel are examples where development has been approved. This proposal a reasonable balance of heritage and growth and urged approval.

M Bell responded to questions by Planning Committee Members. He stated the issue of the precedent effect, and the issue of harm from subsequent applications if allowed would others follow? Distinctiveness of this application from others is the previous approval and this may be why the development limit is drawn as is. To the west is a flood risk zone to the bottom left, the 3 dwellings are outside the flood risk.

M Bell referred to the Mountsandel application where the dwelling was approved because LLPA allowed for individual dwelling but was outside the black line for development limit; this application is inside the black line for development in Limavady.

M Bell stated this would support The Hermitage and its future survival, maintenance and upkeep. The 3 dwellings would contribute to financial income for The Hermitage. He referred to recent responses from HED.

Proposed by Councillor Watton

Seconded by Alderman Scott

- That Planning Committee defer LA01/2021/0772/O, Council, Land 25m South West of 29 Roe Mill Road Limavady for a site visit to see the situation on the ground.

The Chair put the motion to the Committee to vote.
11 Members voted For, 0 Members voted Against, 1 Member Abstained.
The Chair declared the motion and application deferred for a site visit.

RESOLVED - That Planning Committee defer LA01/2021/0772/O, Council, Land 25m South West of 29 Roe Mill Road Limavady for a site visit to see the situation on the ground.

The Chair invited a proposal to move *In Committee* in order to hear Legal Advice from the Council Barrister.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Alderman Scott
Seconded by Alderman Boyle and

AGREED – that Planning Committee move *‘In Committee’*.

- * **Press and Public were disconnected from the meeting at 2.10pm, members of the gallery left The Chamber.**
- * **K Morgan, BL joined the meeting.**

5.5 Confidential Items – update on Legal Issues - Judgment East Road Drumsurn Dated 6 February 2025

The Barrister, representing Council in these legal proceedings, presented verbal legal advice and responded to questions and comments by Planning Committee Members. Planning Committee Members sought the legal advice in writing.

The Chair thanked the Barrister for his attendance.

- * **Councillor Anderson left the meeting at 3.40pm during consideration of the Item.**
- * **Council Barrister left the meeting at 3.46pm.**

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Alderman Scott
Seconded by Councillor Watton and

AGREED – that Planning Committee move *‘In Public’*.

- * **Press and Public were admitted to the meeting at 3.50pm.**

The Chair declared a recess at 3.50pm.

*** The meeting reconvened at 4.02pm.**

Councillor Storey stated, that following the session and discussion, that applications specific in relation to infills are deferred until legal opinion clarified and ensure there was in place a proper way of addressing the issues that have emanated as a result of the Judgment received over the last number of days. Councillor Storey stated it would be of courtesy to inform the Agent of the need to defer, the rationale, and reason and to be made aware of the Judgment from the Appeal Court.

Proposed by Councillor Storey

Seconded by Alderman Scott

- That Planning Committee defer the applications specific in relation to infills for one month at least:

- Item 5.7 LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road, Rasharkin;
- Item 5.8 LA01/2024/0172/O, Referral, Approx. 75m South West of 344 Craigs Road, Rasharkin;
- Item 5.10 LA01/2023/0692/O, Referral, Between 88 & 90 Haw Road, Bushmills;
- Item 5.11 LA01/2023/0582/O, Referral, Land 25m East of 62 Ballywoodock Road, Castlerock;
- Item 5.12 LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock.

The Chair put the motion to the Committee to vote.

12 Members voted For; 0 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried and applications deferred.

RESOLVED - That Planning Committee defer the applications specific in relation to infills for one month at least:

- Item 5.7 LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road, Rasharkin;
- Item 5.8 LA01/2024/0172/O, Referral, Approx. 75m South West of 344 Craigs Road, Rasharkin;
- Item 5.10 LA01/2023/0692/O, Referral, Between 88 & 90 Haw Road, Bushmills;
- Item 5.11 LA01/2023/0582/O, Referral, Land 25m East of 62 Ballywoodock Road, Castlerock;
- Item 5.12 LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock.

5.6 LA01/2024/1187/F, Council, Craigahullier Landfill Site, Ballymacrea Road, Portrush

- * **During consideration of the Item, Alderman S McKillop declared an interest, did not vote on the Item and left The Chamber.**

Report, erratum, Addendum, Objection Colin Mayrs Objection David Dalzell Objection David Alexander Speaking Rights Template David Dalzell/Colin Mayrs/Chris Parkhill Correspondence from Adrian Thomson Agent Correspondence from Stuart Semple Agent and Presentation, were previously circulated, and presented by Senior Planning Officer, M Wilson.

Council Interest Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Use of existing waste transfer station to allow for storage and transfer of dry recyclables and mixed municipal wastes due to closure of existing landfill site. (Amendment to planning permission (C/2002/1040/F – Shed for the storage and transfer of dry recyclables.)

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.

Erratum and Addendum Recommendation

That the Committee note the contents of this Erratum & Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee Report.

Senior Planning Officer proceeded to present:

- Use of existing waste transfer station to allow for storage and transfer of dry recyclables and mixed municipal wastes due to closure of existing landfill site. (Amendment to planning permission (C/2002/1040/F – Shed for the storage and transfer of dry recyclables.)
- This is a Local application and is being presented to the Planning Committee on the basis that the Council is the applicant.
- The Planning Committee report has been circulated and there is an erratum and addendum which considers a letter of objection received after the report was published.

- 2 further letters of objection have been received and as these were received after the 10am deadline on Monday, will be dealt with by a verbal addendum. One letter of objection appended a review of the Odour Management Plan which was dated 9th January 2025 and this will also be addressed by the verbal addendum.
- A summary of the matters raised in the objections are:

At this point in the meeting Councillor Storey interjected and raised that the report was unavailable on the website, additionally in light of the technical information presented he requested the Director of Environmental Services attend the meeting to answer questions.

The Head of Planning advised the Report had been uploaded to the website, but had now been replaced by late correspondence; it was a matter for Planning Committee Members whether to proceed without the report in front of them if they had already read the Report.

Referring to Declarations of Interest, Councillor Storey stated some Planning Committee Members were also Members of Environmental Services Committee.

The Chair stated she declares an interest at Environmental Services Committee on matters relating to Planning Committee.

Proposed by Councillor Storey
 Seconded by Alderman Stewart
 - That Planning Committee defer consideration for one month and ask the Director of Environmental Services to attend the meeting.

The Chair put the motion to the Committee to vote.
 11 Members voted For, 0 Members Against, 0 Members Abstained.
 The Chair declared the motion carried and application approved

After the vote was declared, Councillor Archibald declared an interest as a member of the Environmental Services Committee and retracted his vote.

The Chair recalled the vote.
 10 Members voted For; 0 Members voted Against: 0 Members Abstained.
 The Chair declared the motion carried.

RESOLVED – That Planning Committee defer consideration for one month and ask the Director of Environmental Services to attend the meeting.

* **Alderman S McKillop returned to The Chamber.**

5.7 LA01/2022/1587/F, Objection, Land to the side and rear of 12 Sunset Ridge, Portstewart

Report, Site Visit Report Speaking Rights Template Claire & Stephen Wilson
Speaking Rights Template Mary & Colin Acheson, Speaking Rights
Template Nuala Loughran, Speaking Rights Template Maurice Bradley,
Speaking Rights Template Gerard McPeake, Presentation and Speaking
Rights Template for J Simpson, previously circulated, was presented by Senior
Planning Officer M Wilson.

Objection Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Construction of 2no two storey semi-detached dwellings with parking
and private driveway upgraded to serve additional dwellings.

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

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the
recommendation to approve the application in accordance with Paragraph 1.1
of the Planning Committee report.

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the
recommendation to Approve the application in accordance with Paragraph 1.1
of the Planning Committee report.

Senior Planning Officer presented via PowerPoint presentation:

- Full planning permission is sought for Construction of 2no two storey semi-detached dwellings with parking and private driveway upgraded to serve additional dwellings.
- This is a Local application and is being presented to the Planning Committee as it is an Objection item.
- Planning Committee Report circulated and 2 Addendums. Following the site visit on Monday past, you also have the Site Visit report.

- There have been a total of 40 objections from 10 separate addresses. The matters raised in these objections have been addressed in the Planning Committee Report, addendums and verbal addendums which are recorded within the relevant minutes.
- This application was previously presented to the October 2024 and January 2025 meetings of the Planning Committee. Following presentation at January's Committee meeting the application was deferred to allow a site visit which took place on Monday 24th February 2025.
- During the processing of the application the proposal has been amended from 2no. 2 storey detached dwellings to a pair of 2 storey semi-detached dwellings. A summary of the objections is set out in Section 5.1 of your Planning Committee Report and in the further Addendums.
- The site is located within the settlement development limit for Portstewart. It is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016.
- (Slide) This is a satellite image showing the site in relation to the surrounding development and is identified with the red star within Portstewart.
- (Slide) This is the red line of the application site. You will see the land outlined in blue - no. 12 Sunset Ridge indicating that this property is under the control of the planning applicant.
- (Slide) This is the site which has been zoomed in to show the extent of the application site and its relationship to the more immediate properties next to the site. To the left of the star is Sunset Ridge, to the right Milford Avenue and then above the star are the properties on Lever Park.
- (Slide) The proposed layout, and you will see the amenity and parking for the existing property at no.12 and then the proposed semi-detached dwellings and the parking and amenity areas. Having regard to the proposal and the surrounding context of the site, it is considered that the proposed dwellings are acceptable having regard to the policies and guidance as set out in 8.2-8.52 of the Planning Committee Report.
- (Slide) This photo shows Nos.12&14 Sunset Ridge with the site located to the rear of No.12.

- (Slide) The site looking NE with properties at Lever Park and Milford Avenue visible.
- (Slide) Just rotating looking in a more easterly direction you will see the relationship between the site and those properties on Lever Park and Milford Avenue.
- (Slide) The site when looking west towards properties in Sunset Ridge and you can see Nos 10 and 14 as well as no. 12.
- (Slide) This is a photo looking at the parcel of land to the south of site; the properties to the left are properties on Milford Avenue while there are properties on Sunset Ridge to the right which are out of shot. For Members information, Condition 13 seeks the inclusion of a condition imposing the erection of the fence shown in the site layout to ensure this area is protected from anti-social behaviour. Part of this land has been removed from the site due to the previous land ownership challenge.
- (Slide) This next photo shows where the access will come in from Sunset Ridge, next to No.12 where previously a garage was sited which has been demolished to facilitate the access into the site.
- (Slide) These next 2 photos show the relationship between some neighbouring properties and the site. This first photo is no. 13 Milford Avenue and shows you the site to the rear, and then this next photo [SLIDE] is taken from between nos 11 & 13 and the relationship between the site and these properties. These 2 properties will have built development closest to them as it is a rear to side relationship.
- (Slide) The proposed floor plans and elevations of the proposal, and you will note these are semi-detached dwellings, and present as 2 storey on the front elevation with the roof sloping steeper to the rear and a more acute angle so there is more roof slope on the rear and reads as single storey built form on this elevation. This is due to the change in levels between the proposal and properties on Lever Park which site on a lower ground level.
- (Slide) Contextual sections which illustrate the change in levels and separation distances between properties.
- No objections have been raised by any consultee, including NED of NIEA who has been consulted through the processing of the application as the

competent authority on ecological and conservation matters and has considered the matter of bats.

- The application is recommended for approval subject to the conditions including a condition relating to bats, as set out in Section 10 of the Planning Committee Report.

In response to Councillor Storey, Senior Planning Officer clarified the issue of bats had been considered through a bat roost emergence survey and Preliminary Ecological Assessment, referring to Condition 8 Section 10 and cited from the report.

The Chair invited C Wilson to present in objection to the application.

C Wilson advised she was representing the residents of the local community and presented the following matters:

- Crucial development does not compromise environment, community safety concern and referred to the SPPS and development in existing residential areas.
- There have been a number of significant objections and personal circumstances surrounding the lack of objections from no 10 and no.14, were stated at the meeting.
- Safeguard privacy - Planning Committee report objection not adequately addressed, PPS 7 Addendum adverse effect on nearby properties and natural heritage.
- Privacy – severe impact no. 13, no. 82 and no. 84, 1-2m elevated direct overlooking, loss of light, increased noise levels and devalue the properties.
- Substantial traffic congestion and safety, an increase in accidents, blocked accesses and child safety, lack of visitor parking, the road struggles to cope with traffic, no. 10 is an AirBnb and the area not built for the demands placed on it.
- Restriction of access for emergency vehicles, inconsistent with PPS 2 and SPPS – balanced assessment required; documents prepared 6 months after site cleared.
- Beyond the reach of first-time buyers, concern it will be used for second homes or short term holiday rentals which is displacing local residents and increasing carbon footprint.
- Fails to adequately address holistic impact, a global approach needs to be adopted.
- Asked to reject the proposal.

Councillor Storey sought clarification of the reference to being out of date for 6 months.

C Wilson clarified the ecological studies were carried out in July 2023, 6 months after the site had been cleared.

The Chair invited M Bradley MLA to speak in objection to the application:

M Bradley MLA spoke in objection to the application:

- Loss of Privacy: The elevated position will result in direct overlooking of no. 13, no 82 and no. 84 a significant loss of privacy, contravening PPS7 Quality Residential Environment.
- Loss of Light and increased noise not adequately considered by Planning.
- Increased traffic, lack of sufficient visitor parking, local road network already struggling. Negatively affect the quality of the life of local residents, some of whom are elderly.
- Habitats – bats and hedgehogs Contrary PPS 2 Natural Heritage. Bat boxes suggested but bats do not like street lights,
- The current infrastructure cannot support local services. Does the new Plan not aim to balance development with current natural environment. How does it fit with the new Area Plan which is yet to be announced, residents are being forced out by Air BnBs and second homes.
- The Planning Committee report, collectively a material concern, impact on the local community, an holistic approach is required.
- Contributes to the displacement of local residents, cumulative effect on dynamics of the area. A change of social dynamics of the area.
- Current plan is out of date since 2016– decisions should carry weight of new Local Development Plan.
- Urged Planning Committee consider concerns of the community and reject the development.

In response to questions from Planning Committee Members, M Bradley MLA stated there was over intensification, he referred to a development at Grassmere where people could not get out onto the road network.

The Chair invited G McPeake to speak in support of the application.

G McPeake stated engagement had taken place with all statutory consultees including NIEA with bat reports, NIW for sewers and DFI Roads content that more than enough parking being provided for this development. He advised that no neighbours will be overshadowed or overlooked as there are large rear and side gardens. There will be no negative impact and existing hedge retained. Regarding sewers they had conducted CCTV to inspect the infrastructure, updated sections and works and NIW now be able to adopt previously unadopted sewers. NI Water responsibility to maintain and repair.

In response to questions by Planning Committee Members, G McPeake detailed the elevations that resulted in no overlooking by someone standing at ground level. The design proposal would not affect residents nearby, there was no overshadowing, overlooking. In response to a comment regarding Air BnB's and holiday homes, G McPeake advised he could not say what they were going to be afterwards.

In response to questions by Planning Committee Members, Senior Planning Officer clarified the policy for social housing provision was not relevant as the threshold of development had not been reached; this is only for 2 dwellings. He advised that there was no mechanism in planning to dictate the end user. Senior Planning Officer referred to policy QD1 PPS 7 Quality New Residential Development criteria and cited from the document in relation to the issue of overlooking and light. The guidance document Creating Places recommended distances, and referred to page 15 of the Planning Committee report. The Dfl Roads considered the size and width of the road and capacity in terms of vehicle movements per day. Parking arrangement is within the shared drive and Dfl roads are content.

Alderman Callan suggested the issue of Second Homes should be progressed to the Partnership Panel as it needs to be examined going forward NI wide, there were no powers to condition second homes or holiday lets.

The Head of Planning advised she had resent correspondence from November 2022 to the new Director in Dfl to bring to their attention the concerns.

Proposed by Councillor Archibald
Seconded by Councillor McMullan

- 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 motion to the Committee to vote.

8 Members voted For, 2 Members voted Against, 2 Members Abstained.

The Chair declared the motion carried and application approved.

RESOLVED – 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

5.8 LA01/2023/0187/F, Referral, 25 Church Street, Limavady

Report, Presentation, Speaking Rights Template Conor Cochrane, were previously circulated, and was presented by the Development Management and Enforcement Manager.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Change of use of existing outbuilding with WC to a one bed self contained dwelling. New pedestrian opening in boundary wall. Associated external works to create external amenity space.

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.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.

Development Management and Enforcement Manager presented via powerpoint presentation:

- Proposal comprises conversion of a small, detached outbuilding to a small, one person dwelling.
- This is presented to the Committee as a referral item.
- In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Limavady on unzoned land. Regional policies apply to this specific proposal.
- Planning History- The use of the building, as approved by a planning permission in 2020, is for "Storage of house repair tools and supplies". This did not approve any living accommodation.
- Standard Of Accommodation- The proposal comprises an open plan kitchen/ living/ dining area, a shower, toilet and bedroom. The proposal has only one window in ordinary clear glazing at the end of the open plan kitchen/ living dining area. All other windows have obscured or "frosted" glass in an attempt to prevent overlooking of the adjacent dwelling at no. 25 Church Street. This results in unacceptable living accommodation as the occupier would be unable to see out of any but one window at the end of the building.

- Amenity Space- The external amenity space comprises an elongated strip along the length of the building. This measuring 25sqm, falls far short of the 40sqm minimum standard. The problem is compounded by the amenity space being unacceptably overlooked by a first floor window of no. 25 Church Street. In addition, severing the curtilage of no. 25 to create the amenity space results in a poor standard of provision for a 3 bedroom dwelling.
- Representations- None received.
- Conclusion- The proposal would result in substandard, unacceptably poor living accommodation, contrary to Policy QD1 of PPS 7. The recommendation is to refuse.

In response to questions from Planning Committee Members, Development Management and Enforcement Manager clarified the building will be a separate dwelling and clarified its location.

The Chair invited C Cochrane to present in support of the application.

C Cochrane stated the application is for a change of use to single storey, self-contained efficient use of existing buildings contribute to urban regeneration, design and much needed accommodation. Proposed development will enhance how it sits in development, semi-private garden, meets internal space standard, meets DfI Roads standards. In keeping with character of area, there is off-street parking. Already exists, dwelling well established. Design approach in keeping with the streetscape, no objections from the surrounding residents nor statutory consultees.

In response to questions from Planning Committee Members, C Cochrane clarified the applicant travels between UK and Limavady, the primary residence needed for to facilitate his needs for his local business. Dwelling is modest and low maintenance. It will enhance what is currently an eyesore and contribute to the urban scene. The building will be retrofitted to meet the applicant's needs; balancing needs of natural light with privacy by using translucent and transparent windows striking a balance without causing adverse impact on privacy issues and achieving an acceptable level of light into the property.

Proposed by Alderman Scott

Seconded by Alderman Callan

- 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 Chair put the motion to the Committee to vote.

9 Members voted For; 0 Members voted Against; 3 Members Abstained.
The Chair declared the motion carried and application refused.

RESOLVED – 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.

* **Having declared an interest, Councillor Peacock left the meeting at 5.30pm.**

5.9 LA01/2023/1164/F, Referral, Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin

Report, Addendum, Correspondence from Agent, Correspondence from Applicant, Speaking Rights Template Judith Wilson/Johann Muldoon/Aidan Bradley Correspondence from Applicant Presentation, presented by Senior Planning Officer R McGrath.

Referral Application to be determined by Planning Committee

App Type: Full

Proposal: Realignment and extension of existing laneway

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

Addendum Recommendation

Recommendation 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.

Senior Planning Officer presented via powerpoint presentation as follows:

- Full planning sought for the realignment and extension of existing laneway.
- Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin.
- Addendum to the report which is included in the packs.

- (Slide) Verbal addendum as we have received an amended plan this morning from the agent which highlights a mistake within the additional information in relation to the consolidation of farmland. The colouration of the plan should be reversed.
- The application is for the realignment of the laneway.
- Existing laneway follows field boundaries between no 1 and no 4 Drumack Hollow. The proposed realignment is the sweeping curve which takes the lane around to the front of no 3 where it rejoins the laneway and then a new section of laneway is proposed running on down past No.5.
- The access arrangement crash barriers and laneway are retrospective whereas the sweeping lane and extension of the laneway are proposed.
- If we look at some of the site photos, we can see the access arrangement.
 - (Slide) crash barriers
 - (Slide) point of entry adjacent to no 2.
 - (Slide) We have an aerial view
 - (Slide) Subject field to rear of no. 2 - Sweeping through field contrary to policy
 - (Slide) Existing junction at the end of the lane.
 - (Slide) The existing lane heading to 4 and 5
- However, as required under policy CTY 1 there are no overriding reason why the development is essential in this rural location.
- The proposal is contrary to policy CTY 13 of Planning Policy Statement 21, in that the proposed ancillary works do not integrate with their surroundings. The construction of the access arrangement and the associated crash barriers detract from the character of the rural area and are contrary to policy CTY14.
- Indeed, as you can see from the photos there seems to be a deliberate design concept within the housing development to deliver a housing scheme in the rural area which reflects the character and appearance of a suburban development. There has been no soft landscaping carried out to any of the dwellings, with timber fencing used throughout the development.
- The agent has submitted additional information which is considered in the addendum.

- This seeks to provide justification for the scheme, however the arguments put forward do not provide adequate justification.
 - Agri Consolidation
 - Health and Safety
 - Tree Planting 0.5 Woodland Trust

- There was also an office meeting which took place where the agent confirmed that the application was in part to meet the needs of policy CTY 8 of PPS21, with a view to securing infill development.

- The applicant has previously submitted 2 applications for infill development, both have been withdrawn following recommendations to refuse and this application would appear to be a direct response to engineer the site to address policy CTY 8.

- However, policy CTY 8 is not a permissive policy. Planning policy exists to protect the rural environment, and the council should not permit development which seeks to manipulate the exceptions afforded through planning policy.

- Refusal is recommended.

Senior Planning Officer circulated the amended plan drawing illustrating the colouration area.

In response to questions from Planning Committee Members Senior Planning Officer clarified there was harm in the context of the rural area, driving past it catches the eye, scarred the landscape. He had looked into access approved in a similar scale, older planning permission predates PPS 21, material start had been made within the timeframe. Access retrospective, access barriers, detrimental impact on the character of the rural area. Senior Planning Officer referred to Plan no. 4 2006, extensive soft landscaping proposed similarly for sites 1,2,3,4,5, however no landscaping had been carried out, there was timber fencing, a level of engineering for laneway that erodes the rural character of this rural area.

Proposed by Councillor McMullan

Seconded by Councillor Storey

- That LA01/2023/1164/F, Referral, Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin is deferred for a site visit, in order to see it on site.

The Chair put the motion to the Committee to vote.

7 Members voted For, 2 Members voted against, 2 Members Abstained.
The Chair declared the motion carried and application deferred for a site visit.

RESOLVED - That LA01/2023/1164/F, Referral, Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin is deferred for a site visit, in order to see it on site.

The Chair declared a recess at 5.55pm.

- * **The meeting resumed at 6.04pm.**
The Head of Planning undertook a roll call.
- * **Councillor Peacock rejoined the meeting.**

5.10 LA01/2023/0667/F, Referral, Approximately 220m NE of 148 Torr Road, Cushendun

Report, Addendum, Letter of Support Alistair McKay, Letter of Support John McKay, Letter of Support Vincent Hamilton, Letter of Support John Hamilton, Letter of Support PJ McFall, Speaking Rights Template Theresa Cassidy/Paul Heron Presentation, were previously circulated and presented by Senior Planning Officer E Hudson.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Proposed tourism amenity facility comprising of a viewing point with associated parking, seating areas and ancillary features

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 as set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 9.1 of the Planning Committee report.

Senior Planning Officer presented via powerpoint presentation as follows:

(Slide) Planning Application LA01/2023/0667F. Is a full application for a Proposed tourism amenity facility comprising of a viewing point with associated parking, seating areas and ancillary features. Sited at Approximately 220m NE of 148 Torr Road, Cushendun.

Addendum to report referring to letters of support

- (Slide) This is the red line boundary of the site. The site is located in the open countryside as defined in the Northern Area Plan 2016 and within the Antrim Coast and Glens AONB. The map also includes land in blue in the ownership of the applicant. The applicant is an active and established farmer and the proposal has been assessed under farm diversification as well as relevant policies within tourism and transport policies.
- (Slide) This is the site layout drawing. The site is currently an open agricultural field which is part of the applicant's farm holding. It is a roadside field with the topography falling steeply in a southerly direction – the site has an elevated position in the landscape. The northern boundary runs along the roadside, the eastern boundary is defined by a laneway and the remaining boundaries are undefined. A new access is proposed off Torr Road leading to the site which comprises parking for up to 10 car park spaces, 3 mini bus/van spaces and seating areas. The site is sloping in nature. In order to create a flat platform, levels will be dropped on the site and then raised along the southern boundary to create the parking/seating areas. The proposal requires the removal of roadside vegetation and boundaries in order to put required visibility splays in place.
- (Slide) These are a number of sections through the site and an image of the proposal. The proposal will require a retaining wall to be constructed along the entire length of the visibility splays, below the road level, and above this will be a vehicle containment barrier along the roadside for approximately 93m. The proposal also includes stone pillars and a vehicular barrier along the entrance point. It's not clear how the barrier would operate or how the site would be managed long term. The agent advised this was still to be finalised.
- In terms of the principle of development the proposal has been considered under PPS 16 in relation to tourism and PPS 21 in relation to farm diversification. Looking at PPS 16 firstly the relevant policies are policy TSM 2 tourist amenities in the countryside, policy TSM 7 criteria for tourism development and policy TSM 8 safeguarding of tourism assets. The proposal does not meet policy TSM 2 as it is not in association with a particular tourism attraction and does not require a countryside location. The AONB is defined as a tourism asset and Policy TSM 8 seeks to protect and safeguard tourism assets. The proposed development would have an adverse impact on the scenic value of the AONB, would damage its character and in turn could diminish its effectiveness of attracting tourists. The proposal is also contrary to policy TSM 7 as it is not

considered compatible with the surrounding landscape and will detract from the landscape quality. In relation to farm diversification the applicant is an active and established farmer however as previously advised it is considered the proposal will have an adverse impact on the character and natural heritage, is more suited to an urban context and as such fails to meet all the criteria under policy CTY 11.

- The proposal has also been assessed against policies AMP 9 and 10 in PPS 3 in relation to the provision and design of car parks. It is also considered contrary to these policies as the design is inappropriate to the area and a specific need has not been identified. Also contrary to PPS 2 Policy NH 6 due to the adverse impact on the AONB.
- (Slide) A number of photomontages were submitted by the agent during processing of the application. This first montage is taken along the site frontage looking in an easterly direction. You can see the removal of roadside boundary to provide the necessary splays and the containment barrier.
- (Slide) This is taken looking the opposite direction along Torr Road towards the eastern boundary.
- (Slide) This is a longer distance view of the site. The site has an elevated prominent position on Torr Road. As the land slopes steeply towards this part of Torr Road there would be a perception of cars and vehicles parked on the site and there is little intervening vegetation or topography to help screen it.
- A car park feasibility study was submitted with the application. The study included details of a survey undertaken on 28th August 2021 which identified that 8 cars stopped in informal laybys along the road every hour for approximately 3 minutes. This survey was only carried out on 1 day over 3 years ago so does not demonstrate a robust analysis of findings. DFI Roads have not indicated any issues of congestion/accidents at this location or a need for a facility at this location. Torr Road is part of the Causeway Coastal Route. Car parking and associated facilities are located in Cushendun approx. 2 km south of the site. Parking provision is also located at Torr Head further north. The route is characterized by areas and locations of formal and informal parking which have minimal impact on the landscape and are long standing.
- (Slide) A photograph along the immediate site frontage. Concerns relate to the impact on the character and integration of the proposal. The local

landscape character assessment of the area identifies that large scale development would be inappropriate to this scenic and sensitive landscape. The location of campsites and car parks where they are visually prominent should be resisted. The immediate frontage of the site is defined by a post and rail fence and then the vehicle containment barrier along the frontage. This type of roadside boundary together with views of parked vehicles and this highly engineered development will appear out of place along this scenic route.

- (Slide) This last photo is also taken along the frontage. You can see the wider landscape is characterised by open countryside with small clusters of development comprising single dwellings and farmsteads.
- The proposal is considered unacceptable and refusal is recommended in line with Part 9 and 10 of the Committee report.

In response to questions from Planning Committee Members, Senior Planning Officer clarified there was informal parking to take photographs, there was no need for a car park of this scale in the sensitive landscape. There were 10 spaces and 3 minibus spaces and a circulation space. Planning did consult the Countryside Team who didn't identify a need and their concern is on a more sustainable approach to parking in the area that would not have as big an impact on the AONB. AONB draw people to area to look at, to drive the Causeway Coastal Route, drive Torr Road, the barrier extending over 90m, a very rural road and the site unacceptable.

In response to questions from Planning Committee Members, Senior Planning Officer advised relevant Policy TSM2 and cited from the document. Planning do not consider it meets either exceptions. In terms of policies CTY11, TSM 7 and TSM 8, development must be acceptable in the landscape and protect the natural heritage tourism asset. When taking all in the round the site specific location and engineered works would have a negative impact on the AONB.

In response to comments from Planning Committee Members about seeing no difference in the slides that point out where the site is and to point to the adverse effect, Senior Planning Officer clarified with regards to the crash barrier, the site rises to the rear, the view of parked vehicles, the view on the approach, and past the crash barrier.

Proposed by Councillor McMullan

Seconded by Councillor Archibald

- That LA01/2023/0667/F, Referral, Approximately 220m NE of 148 Torr Road, Cushendun is deferred for a site visit in order to see the area talking about the view.

The Chair put the motion to the Committee to vote.
10 Members voted For, 0 Members voted against, 2 Members Abstained.
The Chair declared the motion carried and application deferred for a site visit.

RESOLVED - That LA01/2023/0667/F, Referral, Approximately 220m NE of 148 Torr Road, Cushendun is deferred for a site visit in order to see the area talking about the view.

5.11 LA01/2022/0954/F, Referral, 244 Islandmore Crescent, Portrush

Report, Speaking Rights Template Richard Moore Presentation, were previously circulated, presented by Senior Planning Officer J McMath.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Proposed ground floor store and first floor balcony with associated wing walls

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 conditions set out in Section 10.

Senior Planning Officer presented via powerpoint presentation:

- The site is located at 244 Islandmore Crescent, within the countryside outside any defined settlement development limits and is not subject to any notable designations or zonings in the Northern Area Plan 2016.
- Full planning permission is sought for the construction of a first floor balcony to the rear of the dwelling incorporating an external staircase providing access to the rear garden, together with a small store and a retaining wall at ground level.
- The site has been subject of a previous approval (LA01/2020/1143/F) for an attic conversion and two storey extension to provide additional living accommodation with internal alterations to include a first floor Juliet balcony.
- The proposed balcony extends out a further 4.4m from the previously approved extension for the entirety of the rear elevation (9.1m). the western rear elevation is finished in frameless glazed balustrade and 1.8m

high solid screen panels are proposed to each side to limit overlooking. The solid panels are proposed at first floor level which is approximately at the eaves height of 243.

- The proposal fails to comply Paragraph 4.27 of the Strategic Planning Policy Statement and criteria (a) and (b) of Policy EXT1 of the Addendum to PPS 7.
- Firstly, the site is located at a group of rural dwellings. No 90 Gateside Road screens views of some of the recently constructed 2 storey extension but public views are still available. As the proposed balcony extends out 4.4m further from the previous extension for the entirety of the rear elevation, and accommodates up to 28 sqm, the size, scale and massing will detrimentally increase the visual impact of the existing built form (modest bungalow) to the rear and result in unsympathetic form of development that will detract from the appearance and character of the rural area.
- Secondly, to address overlooking the applicant proposes to construct a 1.8m solid panel to either side elevation of the balcony, the panels are to be installed at first floor level of the balcony which is a similar level to the eaves of no 243. The solid side panel to the balcony coupled with the wall of the ground floor store will result in a side wall 4.9m high installed along the boundary of the other half of the semi which projects out 4.4m further than the existing 2storey extension. The scale, mass and finish adjacent to the party boundary creates a dominant form of development which is detrimental to the residential amenity of no.243
- The extension has the potential to detrimentally affect the privacy and amenity of no 90 Gateside Road as the balcony is situated some 3m from the shared boundary and 4.4m from the actual dwelling. The balcony is generous in proportions at 28.7 sqm and due to direct access from primary living space and the garden, overlooking and noise nuisance arising from use of the balcony would have a detrimental impact on residential amenity.
- The applicant/agent advised that the balcony with the wing walls will improve privacy for the adjoining dwellings. While the inclusion of solid screens can sometimes be a reasonable solution to overcome privacy concerns, this needs to be balanced with the dominant impact that their scale and position would have. Looking at the particular details of this case, the solid screen combined with the ground floor store will result in a large blank wall 4.9m high which projects out 4.4 further than the existing

extension which is approximately 8m from the rear elevation of the adjoining property. This would result in a dominant form of development which would give a sense of being hemmed in (243) and which would unduly affect the residential amenity of neighbouring dwellings.

- It is apparent that an alternative proposal which would propose a reduced balcony set back sensitively from the adjoining properties could address policy concerns.
- The proposal fails to comply Paragraph 4.27 of the Strategic Planning Policy Statement and criteria (a) and (b) of Policy EXT1 of the Addendum to PPS 7.
- Two letters of support have been received from adjoining neighbours but planning operates in the public interest and encompasses the present as well as future needs therefore Council, must safeguard neighbouring privacy and amenity in perpetuity.
- This application is recommended for Refusal.

In response to a question from Councillor Watton, Senior Planning Officer illustrated the elevations and proposed balcony and gable, the hemmed impact to the adjoining property.

Proposed by Councillor Watton

Seconded by Councillor Archibald

- That LA01/2022/0954/F, Referral, 244 Islandmore Crescent, Portrush is deferred for a site visit, in order to look at it.

The Chair put the motion to the Committee to vote.

12 Members voted For, 0 Members voted against, 0 Members Abstained.

The Chair declared the motion carried and applications deferred for a site visit.

RESOLVED - That LA01/2022/0954/F, Referral, 244 Islandmore Crescent, Portrush is deferred for a site visit, in order to look at it.

6. CORRESPONDENCE

6.1 HED – Proposals to List

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for Communities, Historic Environment Division, dated 5 February 2025, regarding: Proposals to List

Planning Committee NOTED the correspondence.

6.2 Dfl – Planning Improvement Programme Update

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for Infrastructure, dated 22 January 2025, regarding: Planning Improvement Programme – Update

Planning Committee NOTED the correspondence.

6.3 Dfl – LA01/2016/1328/F – Decision re: call in

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for Infrastructure, dated 18 February 2025, regarding:

LA01/2016/1328/F - Full application for a hotel and spa complex (including conference and banqueting facilities, holiday cottages, North West 200 visitor attraction (including exhibition space, tourist retail unit (c.150 sq m) and office space), demonstration restaurant, car/coach parking, access/junction alterations, landscaping, private sewerage treatment plant and water bore holes together with associated apparatus/ infrastructure works on land south of 120 Ballyreagh Road (A2), Portstewart, BT55 7PT

Planning Committee NOTED the correspondence.

6.4 Dfl – Avian Influenza Prevention Zone

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for Infrastructure, dated 18 January 2025, regarding: Avian Influenza Prevention Zone

Planning Committee NOTED the correspondence.

7. REPORTS FOR DECISION

7.1 Revised Statement of Community Involvement in Planning (SCI)

Report, previously circulated, was presented by the Development Plan Manager.

Purpose of Report

Councils are required, under Section 4 of the Planning Act (NI) 2011 to prepare a Statement of Community Involvement in Planning (SCI). The SCI sets out how a Council proposes to engage with interested parties, including the local community and key stakeholders, in exercising its planning functions.

The Planning (Statement of Community Involvement) Regulations (NI) 2015 (the “SCI Regs”) set out the minimum requirements for an SCI including its form, content, and availability. It also lists the SCI as one of many “submission” documents to be submitted for Independent Examination (IE) during the Local Development Plan (LDP) process.

Public consultation prior to the publication of an SCI is not mandatory, therefore a decision to undertake it is at a Council’s discretion.

Background

The Council published its original SCI in November 2016. No comments were received in response to the public consultation exercise carried out.

Following a review of the initial (2016) document, an updated SCI, published in December 2017, related (only) to a change of contact details, following the Planning Department’s move from County Hall to Cloonavin. On that basis, the Department for Infrastructure (DfI) at the time agreed that it was not necessary to take a decision on whether or not to publish it for comment.

The current SCI was published back in March 2021 following a review of the previous document. The revision included updated text relating to the continuation of the provision of services whilst ensuring compliance with prevailing government and public health guidelines arising from the Covid-19 pandemic. The Planning Committee resolved not to publish that revision for consultation.

SCI Review

This SCI review is undertaken in the context of the publication, on 8th January 2025, of a Revised Timetable for the preparation of the Council’s Local Development Plan (LDP), which is available to view at:

<https://www.causewaycoastandglens.gov.uk/live/planning/development-plan>

The revised notional end date of the LDP is now 2038, therefore the SCI text requires updating to reflect this.

The document also requires updating regarding the text relating to amended work practices that resulted from government guidelines during the COVID-19 pandemic.

In addition, there have been a number of Development Management documents published and procedural changes that need to be reflected in the SCI, as follows:

- Validation Checklist
- Pre Application Discussion (PAD) Process
- Operating Principles

A revised SCI is attached at Appendix 1 (circulated).

Options

As previously stated, public consultation on the Revised SCI is not mandatory.

The Council must therefore (under Regulation 5(1) of the SCI Regs) firstly consider whether it is appropriate to invite representation from persons who have an interest in development in the area.

Under Regulation 5(2) if the Council decides that it is appropriate to invite representations under (1), it must make such arrangements for the purposes of inviting representations from such persons as it thinks appropriate. In preparing the SCI, the Council must take into account any representations received in response to the invitation.

It should be noted that any public consultation exercise will only consider representations relating to the SCI itself. It is not a mechanism for comment or debate on any planning policy or procedure that lies outside of the remit of this statement.

The two options going forward are:

Option 1: Carry out public consultation on the Revised SCI set out at Appendix 1 (circulated).

Option 2: Do not carry out public consultation in advance of publishing the Revised SCI set out at Appendix 1 (circulated).

Recommendation

It is recommended that the Planning Committee note the content of this Report and agree to either Option 1 or Option 2 as set out in the Report.

Proposed by Councillor Storey
Seconded by Alderman Stewart and

RESOLVED - That Planning Committee approve Option 2: Do not carry out public consultation in advance of publishing the Revised SCI set out at Appendix 1 (circulated).

7.2 Update on outstanding Audit Recommendations

Report, previously circulated, was presented by the Head of Planning.

Purpose

This Report is to provide Members with an update on the outstanding audit recommendations from the NIAO and Public Accounts Committee reports published in February and March 2022 respectively.

Details

The Northern Ireland Audit Office (NIAO) and the Northern Ireland Assembly (PAC) published reports on the Planning System in Northern Ireland in February and March 2022 respectively.

The Reports considered how the system has operated since April 2015 and conclude that it is not working effectively and not providing certainty and the impact that this has on applicants, developers and the economy, communities or the environment.

It found that progress on Local Development Plans (LDPs) is equally poor and commented that the process is stymied by a complete underestimation of the complexity and volume of the work required, necessary skills and resources, compounded by the oversight by Dfl.

The Report highlights the Committees concerns including:

- about the long-term, cumulative effect of widespread quality issues and the need to amend legislation to improve the quality of planning applications.
- transparency in decision-making and seeks urgent remedial action to ensure better transparency for those applications called in and for applications overturned by a Planning Committee contrary to the recommendation of the planning officers.
- greater transparency in the exercise of enforcement powers due to the considerable variation across councils.

- Schemes of Delegation should ensure that decisions are taken at the appropriate level and that only the most significant or controversial applications should be considered by committee. The review found that specific applications coming to committee are not always the most significant and complex applications and that some councils appear to be excessively involved in decisions around the development of new single homes in the countryside which are rarely the most complex.
- decisions against officer recommendations must always be supported by clear planning reasons. It states that the variance in overturn rate across councils, the scale of the overturn rate and the fact that 90% of these overturns were approvals which are unlikely to be challenged raises considerable risks.
- that there is no system in place to monitor such decisions and ensure that decisions being made are compliant with overall planning policy. It considered that consistent and on-going training on planning matters is essential to a well-functioning planning committee, suggesting a minimum of 10 hours per year for all committee members with the potential that this is centralised to ensure those making decisions have the same training, making the process fairer for people submitting planning applications.

The Report noted concerns regarding silo-working within the public sector. It advises that there is an urgent need for radical cultural change in the way in which central and local government interact.

The recommendations from the Reports are set out in the attached Appendix 1 with an update on the implementation of each of the recommendations.

Recommendation

It is recommended that the Planning Committee considers and notes the update position in relation to the implementation of the NIAO and PAC Report recommendations.

Alderman S McKillop referred to page 2, reviewing past decisions, and cited from the document. Alderman S McKillop stated she did not feel she had any input to understand the impacts of decisions made, there had been no input into real world outcomes.

Alderman S McKillop, referred to the conclusion of NIAO and PAC published reports, in that Planning Service was not working efficiently and impact on performance.

Alderman S McKillop, referring to Committee training on 2 August 2023 felt more work was needed to be done regarding Elected Member training, not just from a legal perspective, advised that one of her colleagues felt there was a lack of Elected Member input into outcomes.

Alderman S McKillop referred to a proposal put forward by Alderman Callan to consider the matter at the forthcoming Special Planning Meeting. ¹

The Head of Planning clarified not all development had been built within the 5 year time period. She advised Council's Independent Legal Advisors Cleaver Fulton Rankin could take training this year to look at the overturns.

The Head of Planning agreed to change the bullet to 'Orange', in response to Alderman Callan agreed to bring a report to the Special Planning Committee meeting in May.

Planning Committee NOTED the report.

8. REPORTS FOR NOTING

8.1 Finance Report – Period 1-9

Report, previously circulated, was presented by the Head of Planning.

Purpose

This Report is to provide Members with an update on the financial position of the Planning Department for the Period 1-9 of 2024/25 business year.

Details

Planning is showing a variance of just under £192k favourable position at end of Period 9 based on draft Management Accounts.

The favourable position at the end of Period 9 is due to favourable position in relation to wages and salaries expenditure of over £207k due to vacant posts.

This favourable position in relation to wages and salaries is reduced by a deficit in income of under £10k from that predicted within the budget. Nevertheless, this is a significant improvement in deficit from Period 8 by over £43k. This is assisted by an increase in the number of decisions issuing resulting in a reduction in deferred income of over £26k since Period 8. The number of planning applications received over this period has increased when compared

¹ Amended Planning Committee 26 March 2025

to the same period last year, however they are of a lesser fee category resulting in a decreased fee income.

There are no other areas of concern at this time in relation to other expenditure codes.

Recommendation

It is recommended that the Planning Committee considers and notes the content of this report for the Period 1-9 of 2024/25 financial year.

9. ANY OTHER RELEVANT BUSINESS IN ACCORDANCE WITH STANDING ORDER 12 (O))

There were no matters of Any Other Relevant Business.

This being all the business the meeting closed at 7.02pm

Chair