

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2025/0393/CLUED</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>27 August 2025</b>
<b>For Decision or For Information</b>	<b>For Decision- Council Interest Item</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Principal Planning Officer

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

<b>Legal Considerations</b>	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<b><u>No:</u></b>	LA01/2025/0393/CLEUD	<b><u>Ward:</u></b>	DUNDOOAN
<b><u>App Type:</u></b>	Certificate of Lawfulness of Existing Use or Development		
<b><u>Address:</u></b>	Causeway Coast and Glens Borough Council, Depot & Recycling Site, Unit 5, Loughanhill Industrial Estate, Coleraine		
<b><u>Proposal:</u></b>	The site has been used as a Council operational services depot for in excess of 5 years. The operations undertaken on site include the storage, bulking and transfer of waste, storage of skips and equipment storage.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	30.04.25
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Taggarts, 23 Bedford Street, Belfast		
<b><u>Applicant:</u></b>	Causeway Coast and Glens Borough Council, Cloonavin, 66 Portstewart Road, Coleraine		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## **EXECUTIVE SUMMARY**

- The application seeks certification that the site has been used as a Council operational services depot in excess of 5 years and is therefore lawful.
- The site is located within the Settlement Development Limit of Coleraine as outlined within the Northern Area Plan 2016.
- The site forms part of the Councils Civic Amenity Site granted approval under application C/1999/0035.
- Evidence has been provided in the form of an Affidavit and overhead photography over a number of years to support the application and demonstrate that the use is lawful.
- The use as set out in the application is considered lawful in line with the requirements of the Section 169(1) of the Planning Act (Northern Ireland) 2011 and a Certificate of Lawfulness of Existing Use or Development should be granted.

**Drawings and additional information submitted have been attached:**

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 and the legislation in section 6 resolves to certify as lawful the application proposal.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located is located within Loughanhill Industrial Estate, Coleraine and forms part of Causeway Coast and Glens Council's depot and recycling facility at this location. The site is bounded by agricultural land to the north, commercial properties within the industrial estate to the east, the Council's Civic Amenity Site to the south and a Council storage facility to the west.
- 2.2 The site is within the Settlement Development Limit of Coleraine on lands zoned for Economic Development.

## **3 RELEVANT HISTORY**

C/1999/0035 Civic amenity facility and relocation of existing car park. Approval 20/40/1999

C/1978/0825 Site for maintenance depot and ancillary accommodation. Approval 06/03/1979

C/1975/0506 Site for factory/warehouse development. Approval 16/12/1975

## **4 THE APPLICATION**

- 4.1 This application is for a Certificate of Lawfulness of Existing Use or Development, which seeks to certify that the site identified has been used as a Council operational services depot in excess of 5 years. The operations undertaken on site include the storage, bulking and transfer of waste, storage of skips and equipment storage.

## **5 PUBLICITY & CONSULTATIONS**

- 5.1 As this is an application for a Certificate of Lawfulness of Existing Use or Development, consultations, neighbour notifications and advertisements are not required.

## **6.0 MATERIAL CONSIDERATIONS & RELEVANT POLICIES AND GUIDANCE**

- 6.1 Section 169 (1) of the Planning Act (Northern Ireland) 2011(Planning Act) allows a person to submit an application to ascertain whether:
- (a) any existing use or operations is lawful.
  - (b) any operations which have been carried out in, on, over or under land are lawful; or
  - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.
- 6.2 Section 169 (2) states that uses or operations are lawful at any time if no enforcement action may be taken in respect of them because either the time for enforcement action has expired, because they did not involve development or because they did not require planning permission, and they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

## **7.0 CONSIDERATIONS & ASSESSMENT**

- 7.1 The Applicant in this case is seeking to demonstrate that the lands subject of this application has been in use as a Council operational services depot in excess of 5 years and is therefore lawful and immune from enforcement action in accordance with section 132 of the Act.
- 7.2 Approval was granted under application C/1999/0035 for a 'Civic amenity facility and relocation of an existing car park'. This approval incorporates the site subject of this application along with the Civic Amenity site adjacent. However, within this approval the area subject of this application was laid out as an area of hardstanding surrounded by areas of grass which does not reflect the current layout or use of the site as set out in this application for a Certificate of Lawfulness for an existing use.

- 7.3 The site is currently operated by Causeway Coast and Glens Borough Council and formerly Coleraine Borough Council as a depot. Operations on the site include waste storage, bulking and transfer operations, skip storage and equipment storage. The Applicant has advised that the site accepts segregated waste from the adjacent Coleraine household waste recycling centre and operates under a Waste Management Licence regulated by the NIEA. All vehicles entering and exiting the site do so via the existing Civic Amenity Site entrance off the Gateside Road.
- 7.4 The use is Sui Generis as no use class is specified in the Planning Use Classes Order (Northern Ireland) 2015 for a waste management facility.
- 7.5 In support of this application, the Applicant has provided dated aerial photographs of the site taken from Google Earth on March 2003, January 2010, July 2011, April 2015, July 2017, February 2019, March 2020 and March 2022.
- 7.6 The aerial photographs have been provided to demonstrate the use of the site for at least 22 years. The Applicant has advised that the aerial photographs provided show storage bays for bulking and transferring waste, the external storage of waste and the use for skip storage.
- 7.7 The aerial photographs provided as evidence have been assessed individually.
- 7.8 Photograph dated March 2003 shows the site containing hardstanding and what appears to be bays in the location of storage bays identified in the application. The remainder of the site contains grass and hardstanding with two accesses to the site at this time. There does not appear to be any skips stored on the site at this date. This photograph demonstrates that part of the site was likely in use as a depot on this date.
- 7.9 Photograph dated January 2010 shows the use of the site for the storage of skips, storage bays in place and in use and the entire site has been covered in hardstanding.
- 7.10 Photograph dated July 2011 shows the use of the site for the storage of skips, compacter onsite and storage bays in place.

- 7.11 Photograph dated April 2015 shows the use of the site for the storage of skips, compacter onsite and storage bays in place and in use.
- 7.12 Photograph dated July 2017 shows the use of the site for the storage of skips, compacter onsite and storage bays in place and in use.
- 7.13 Photograph dated April 2019 shows the use of the site for the storage of skips, compacter onsite and storage bays in place and in use.
- 7.14 Photograph dated March 2020 shows the use of the site for the storage of skips, compacter onsite and storage bays in place and in use.
- 7.15 Photograph dated March 2022 shows the use of the site for the storage of skips, compacter onsite and storage bays in place and in use.
- 7.16 The Applicant has also provided photographs showing the operation of the site and an Affidavit from the Operations Manager for the Coleraine household waste recycling centre and depot. The Affidavit states that they are employed by Causeway Coast and Glens Borough Council and formerly Coleraine Borough Council, working out of the Operations Works Depot at Loughanhill Industrial Estate for 22 years. They state that the Council has used the old civic amenity site for spare containers, road sweeping waste, use of a compacter for street cleansing waste, general storage and changing over of containers over this period of employment.

## **8 CONCLUSION**

- 8.1 In order to satisfy the requirements of section 169 of the Planning Act, an applicant must demonstrate on the balance of probability that the site has operated for a continuous period of 5 years prior to, and up to, the date of the submission of the application. In this case the aerial photographs and affidavit provided as part of this application demonstrates that the site identified has operated as a depot continuously, and for a period of 5 years prior to, and up to, the date of submission of the application. The use is therefore lawful in accordance with section 169 of the Planning Act and a Certificate of Lawfulness of Existing Use or Development should be granted.

## **9 Condition**

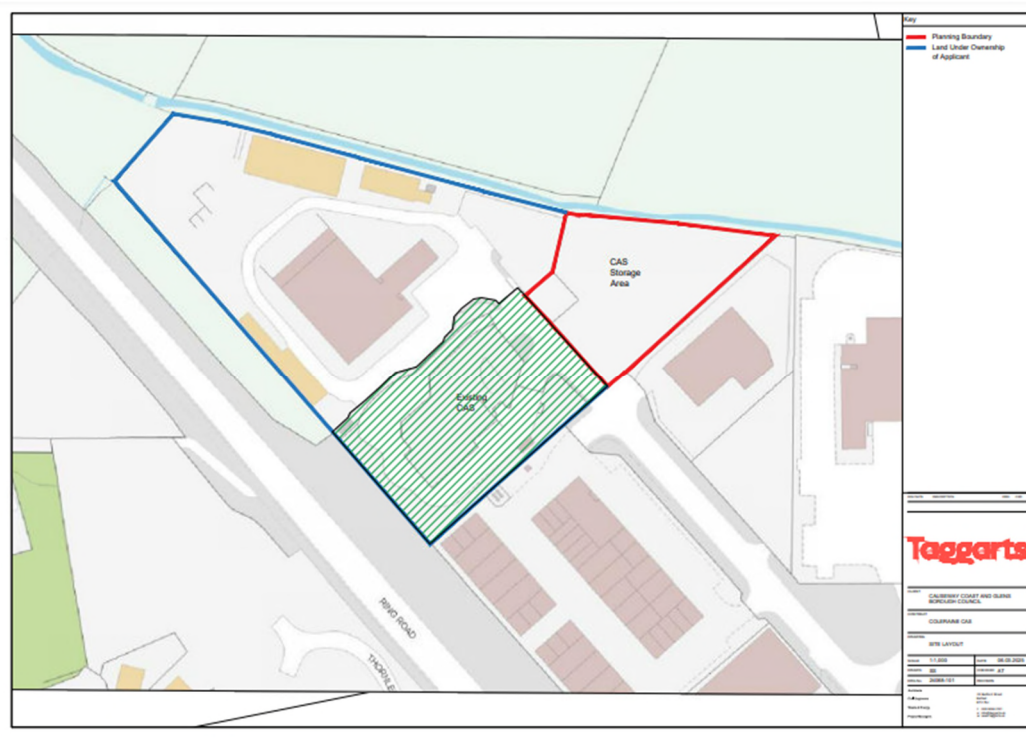
- 9.1 The Council, having considered the information provided, is satisfied that sufficient evidence has been submitted to show that the land on the attached drawings No's. 01, 02 and 03, which were received on 18 April 2025, has been used for the purposes stated in the First Schedule for more than 5 years up to and including the date of application and the time for enforcement action has expired.



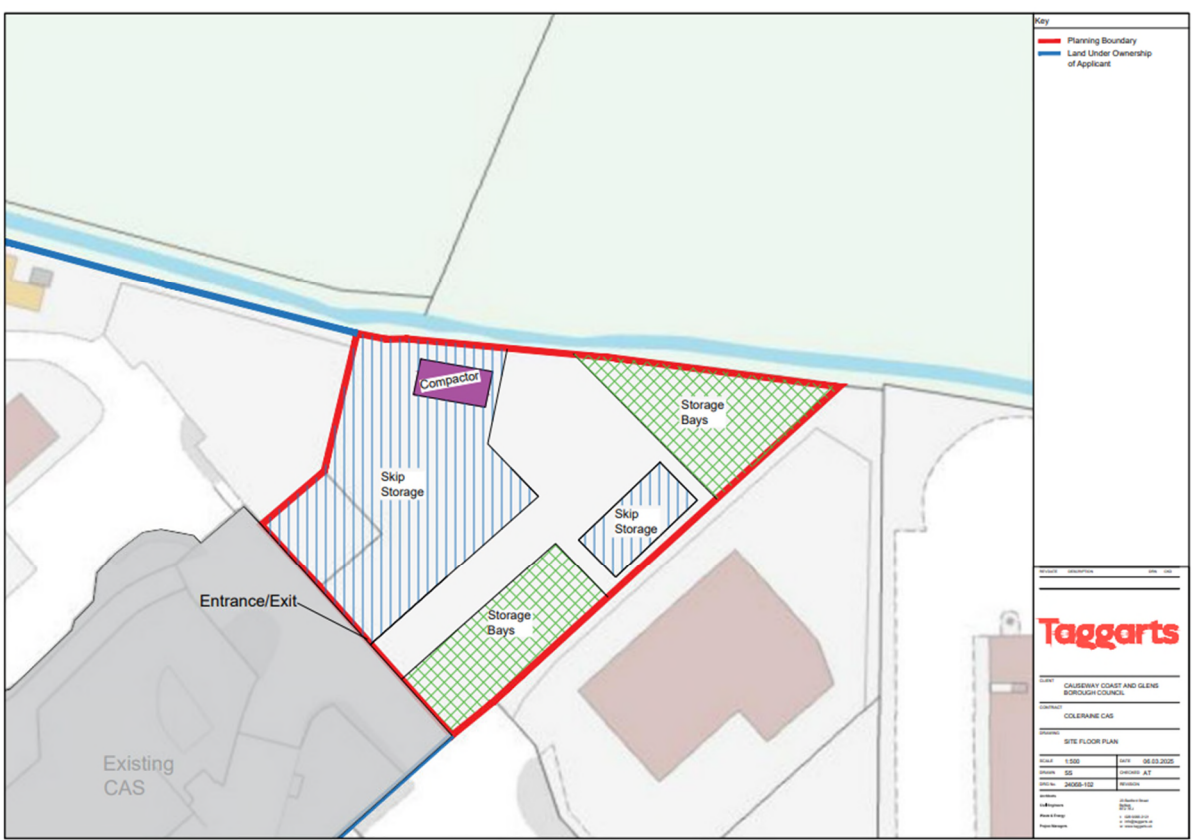
## Site location Map



## Site Layout



Site Block Plan



Causeway Coast and Glens Borough Council

Coleraine Civic Amenity Site

CLEUD Supporting Statement

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## Waste & Engineering

We have been involved in waste management and waste facility developments for more than 50 years.



# Report

TITLE	CLEUD Supporting Statement
PROJECT	24068
CLIENT	Causeway Coast and Glens Borough Council
STATUS	FINAL
VERSION	00
AUTHOR	Stuart Semple

DOCUMENT CONTROL

REVISION	DESCRIPTION	STATUS	DATE	BY	CHECKED	APPROVED
00	FIRST ISSUE	FINAL	APR 25	SS	AT	AT

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# 1 Introduction

Taggarts have been instructed by Causeway Coast and Glens Borough Council (CCGBC) to apply for a Certificate of Lawful Existing Use or Development for lands adjacent to their existing Household Waste Recycling Centre within the Loughanhill Industrial Estate, Coleraine.

The site in question has been operated by CCGBC and formerly Coleraine Borough Council as a depot for a period in excess of 5 years. These operations have included the following:

- Waste storage, bulking and transfer operations;
- Skip storage
- Equipment storage.

The layout of the development is shown in Drawings 24068-101 and 24068-102

This Supporting Statement and enclosed supporting evidence seeks to demonstrate the existing use and development of the site for a period in excess of 5 years.

The supporting evidence accompanying this application includes:

- Dated aerial photographs dating back to May 2012;
- Photographs of operations undertaken at the depot site; and
- An affidavit of Stuart Purcell, an Operations Manager within CCGBC, who has worked at the site for a period of 22 years.

## 1.1 Location of Development

The site is within the Loughanhill Industrial Estate and can be accessed via Gateside Road. The site is approximately 2km northwest of Coleraine and is located at Irish Grid Reference C 86014 34335

The site is bounded by the following:

- Agricultural land to the north of the site
- Various commercial properties within the industrial estate to the east and south
- Coleraine CAS to the south and a CCGBC storage facility to the west

## **1.2 Description of the Development**

The HWRC was granted planning approval in 1999 under approval C/99/0035). However, a section of the recycling centre that has been in use for approximately 22 years was not explicitly included in this planning approval for waste storage and bulking operations. This application aims to prove the site has been in use for an excess of 5 years and allow planning and waste management licence consents to be regularised.

The site has been used as a Council operational services depot for in excess of 5 years. The operations undertaken on site include the storage, bulking and transfer of waste, storage of skips and equipment storage.

The use is considered Sui Generis. No use class is specified in the Planning Use Classes Order (Northern Ireland) 2015 for a waste management facility.

Storage bays within the boundary of the Council's depot site are used for the storage, bulking and transfer of wastes. The bays are constructed from concrete and are divided by concrete walls, with concrete surfaces. The site accepts segregated waste from the adjacent Coleraine HWRC. A visual inspection by operational staff is used to check the stockpiles on a regular basis.

The site is operated under a Waste Management Licence and regulated by the NIEA.

## **1.3 Access**

All vehicles will continue to access the CAS via the existing entrance off the Gateside Road. This entrance services site as both an entrance and exit. The access road facility is hardstanding.

The existing access to the site will remain unaltered subject to the proposal, it provides the necessary clear visibility splays as outlined in Development Control Advice Note 15.

## **2 Evidence of Use**

### **2.1 Aerial Photographs**

Appendix B of this document includes dated aerial photographs of the site. These dated photographs include:

- March 2003
- January 2010
- July 2011
- April 2015
- July 2017
- February 2019
- March 2020
- March 2022

The enclosed photographs clearly show the use of the site for at least 22 years. This is well in excess of the 5-year requirement for a Certificate of Lawful Existing Use or Development Application.

The photographs clearly show:

- The storage bays for bulking and transferring waste;
- The external storage of waste;
- The use for skip storage.

### **2.2 Operational Photographs**

The photos below show the use and operation of the site.



**Figure 2.1 Skip/Waste Storage**



**Figure 2.2 Waste Storage Bays**



## **2.3 Affidavit**

Appendix C of this report refers to an Affidavit from Stuart Purcell, current Operations Manager for the Coleraine HWRC and depot. This statement confirms the that the site in question has been used as a depot site for a continuous period in excess of five years.

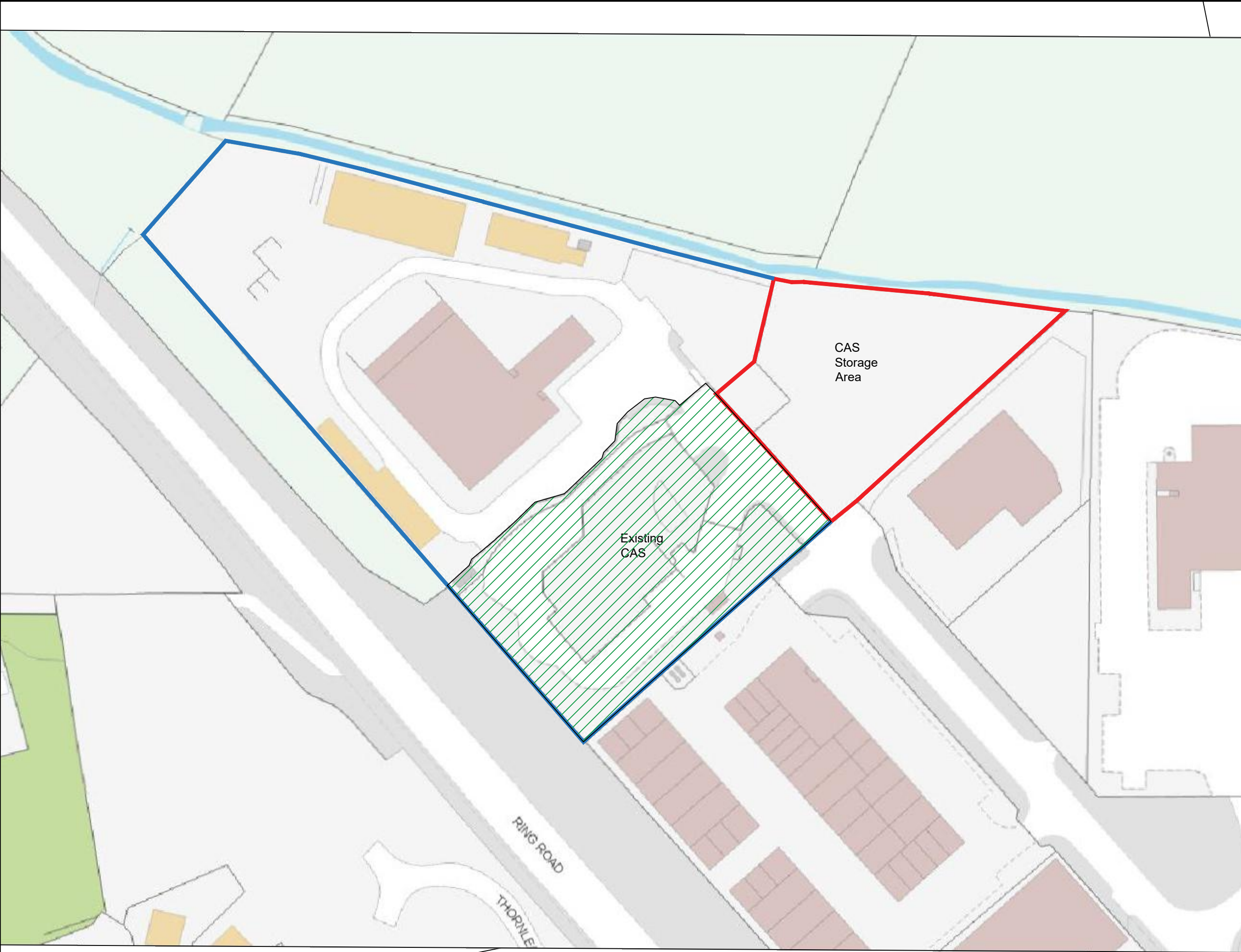
### **3 Summary**

This statement and enclosed supporting evidence have demonstrated the existing use and development of the site for a period in excess of 5 years. Aerial photographs have shown use of the site since 2003, along with operational photographs showing use of the site.

An affidavit provided from the Operations Manager provided further evidence of the use of the site for a period in excess of five years

The information provided in this statement and its appendices provide sufficient evidence that this site has been in use since 2003 and therefore is lawful for planning purposes.

## Appendix A Drawings



**Key**

- Planning Boundary
- Land Under Ownership of Applicant

REV	DATE	DESCRIPTION	DRN	CKD

**Taggarts**

**CLIENT**  
CAUSEWAY COAST AND GLENS BOROUGH COUNCIL

**CONTRACT**  
COLERAINE CAS

**DRAWING**  
SITE LAYOUT

SCALE	1:1,000	DATE	06.03.2025
DRAWN	SS	CHECKED	AT
DRG No.	24068-101	REVISION	

Architects  
Civil Engineers  
Waste & Energy  
Project Managers

23 Bedford Street  
Belfast  
BT2 7EJ  
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w: www.taggarts.uk



Key

Planning Boundary

Land Under Ownership of Applicant

REV	DATE	DESCRIPTION	DRN	CKD

Taggarts

CLIENT  
CAUSEWAY COAST AND GLENS  
BOROUGH COUNCIL

CONTRACT  
COLERAINE CAS

DRAWING  
SITE FLOOR PLAN

SCALE	1:500	DATE	06.03.2025
DRAWN	SS	CHECKED	AT
DRG No.	24068-102	REVISION	

Architects  
Civil Engineers

Waste & Energy

Project Managers

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## **Appendix B**

### **Aerial Photographs**



# Coleraine CAS

Date 18/03/2003

## Legend



Causeway Coast and Glens Borough Council Depot & recycling site



Causeway Coast and Glens Borough Council Depot & recycling site

Google Earth

Image © 2025 Maxar Technologies



80 m



# Coleraine CAS

Date 01/01/2010

## Legend

- Feature 1
- Feature 2
- Lynas Food Outlet



Google Earth



# Coleraine CAS

Date 24/07/2011

## Legend

- Feature 1
- Feature 2
- Lynas Food Outlet





# Coleraine CAS

Date 09/04/2015

## Legend

- Feature 1
- Feature 2
- Lynas Food Outlet





# Coleraine CAS

Date 17/07/2017

## Legend

- Feature 1
- Feature 2
- Lynas Food Outlet



Google Earth

Image © 2024 Maxar Technologies

90 m



# Coleraine CAS

Date 07/02/2019

## Legend

- Feature 1
- Feature 2
- Lynas Food Outlet



Google Earth

Image © 2024 Maxar Technologies

80 m



# Coleraine CAS

Date 11/03/2020

## Legend

- Feature 1
- Feature 2
- Lynas Food Outlet



Google Earth

Image © 2024 Maxar Technologies

80 m



# Coleraine CAS

Date 20/03/2022

## Legend

- Feature 1
- Feature 2
- Lynas Food Outlet



Causeway Coast and Glens Borough Council...

Lynas Food Outlet

DVA Test Centre

Google Earth

Image © 2024 CNES / Airbus

80 m



## **Appendix C**

### **Affidavit**



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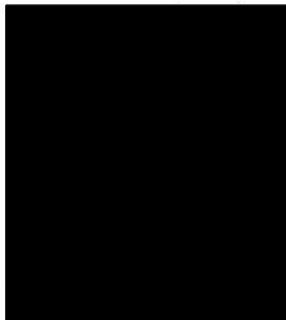
**AFFIDAVIT**

**In the matter of Loughanhill Council Depo**

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I, **Stuart Purcell**, Operations General Manager, aged 18 years and upwards, of Causeway Coast and Glens Borough Council, Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY, make oath and say as follows:

1. I am an Operations General Manager within the Environmental Services Causeway Coast and Glens Borough Council and am authorised to make this affidavit on behalf of the Council.
2. I am employed with Causeway Coast and Glens Borough Council and worked in the former Coleraine Borough Council, working out of the Operations Works depot at 2a Loughanhill Estate, Gateside Road, Coleraine BT52 2NR, ("Loughanhill") for 22 years.
3. Loughanhill is held by Council under lease from the Department of Economic Development from 14<sup>th</sup> April 1989 and registered in Folio LY6335L County Londonderry.
4. Council have used the old civic amenity site for spare containers, road sweeping waste, a compactor for street cleansing waste, general storage and changing over containers on site.
5. Save as where otherwise stated or appearing I depose to the foregoing from facts within my own personal knowledge.



Sworn at *35 New Row, Coleraine*

in the County of *Londonderry*

this *16th* day of *April* 2025

before me, a solicitor of the Court of Judicature in Northern Ireland empowered to administer Oaths

Signed: 

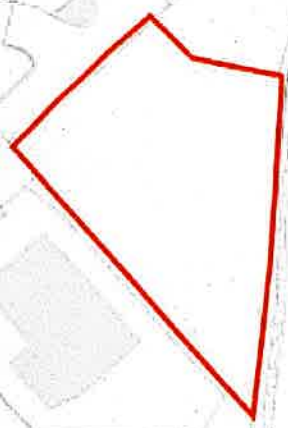
Solicitor

This affidavit is filed on behalf of Causeway Coast and Glens Borough Council, Cloonavin 66 Portstewart Road, Coleraine, County Londonderry, BT52 1EY.

ERRY LANE

THORNLEA COURT

LEA DRIVE



REV	DATE	DESCRIPTION	DRN	ENG
INFORMATION				

**Taggart's**

CLIENT	CAUSEWAY COAST AND GLENS BOROUGH COUNCIL
CONTRACT	COLERAINE RECYCLING CENTRE

1:1 DRAWING  
CLUD PROPOSAL BOUNDARY

SCALE	DATE	NOV 08
DRAWN	DF	CHECKED DF
DRG No	REVISION	-

Author: 23 Bedford Street  
CML Engineers  
Vine & Eryu  
1 028 9608 2121  
e: info@taggart.co.uk  
f: www.taggart.co.uk  
Project Engineer

THE Council have visited this site for a continuous period of 22 years and this has not changed

16/04/2008

# Taggarts

23 Bedford Street,  
Belfast, BT2 7EJ

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**taggarts.uk**