

**PLANNING COMMITTEE MEETING HELD
WEDNESDAY 26 AUGUST 2026**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Alderman Callan, Councillor Kennedy</i>
2.	Declarations of Interest	<i>Alderman Boyle</i>
3.	Minutes of Previous Planning Committee Meetings	
3.1	Minutes of Planning Committee Meeting held Wednesday 24 June 2026	<i>Confirmed as a correct record</i>
4.	Order of Items and Confirmation of Registered Speakers	
4.1	LA01/2023/1085/F (Major) Craigahulliar Holiday Park, 23 Ballymacrea Road Portrush, (including Land to South of existing holiday park)	<i>Deferred for a site visit</i>
5.	Schedule of applications	
5.1	LA01/2023/0008/F (Major) Lands Approximately 1.86km WSW of 175 Gelvin Road, in the townlands of Brishey and Curraghlane, approx 4.8km E of Dungiven	<i>Agree and Approve</i>
5.2	LA01/2025/1337/F (Objection) 9 Ballyrashane Road, Coleraine	<i>Agree and Approve</i>
5.3	LA01/2025/0030/F (Objection) 6 Captain Street Lower, Coleraine	<i>Agree and Approve</i>
5.4	LA01/2023/1276/F (Referral) Lands 300m SE of 41 Dogleap Road, Limavady	<i>Deferred for a Site Visit</i>
5.5	LA01/2024/0137/F (Referral) Lands 300m SE of 41 Dogleap Road, Limavady	<i>Deferred for a Site Visit</i>

6.	Correspondence	
6.1	DfI – Independent Inspectors: Hear and Report Procedures and Guidance	Noted
6.2	DfI – Draft Regional Report on the NI Planning System	Noted
6.3	DfI – Transforming Planning – Independent Inspectors Project	Noted
6.4	DfI – PAN Decision – Altahullion Phase 1 & ii	Noted
6.5	DfI – Consultation: Review of the Classes and Thresholds in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015	Noted
6.6	NIW – Consultation Launch – Proposed Article 161 Bond Incentivisation and Surety Policy Framework	Noted
6.7	BT – Decision Payphone/Telephony Removals: • The Crescent, Coleraine • Clarehill Park, Aghadowey • Main Street, Ballykelly	Noted
6.8	NIW – Consultation Launch – Proposed Article 161 Bond Incentivisation and Surety Policy Framework	Noted
6.9	Donegal Co Council – Variation (No.1) to Development Plan 2024-2030	Noted
6.10	NILGA – Call for Evidence – Fisheries, Aquaculture and Water Environment Bill	Noted
6.11	NILGA – Call for Evidence – Tree Protection Bill	<i>Draft response to the call for evidence will be provided to the Council Meeting on 1 September 2026 for Elected Member consideration</i>
6.12	RTPI – Politicians in Planning Annual Conference and Annual Law Update	Noted
7.	Reports for Decision	
7.1	Advance Notice of Listing – Agivey House, Aghadowey	<i>That Committee agree to Option 2 – agree to oppose the proposed listing.</i>

7.2	TPO Confirmation – Lands adj to Kilrea Golf Club, 47a Lisnagrot Rd, Kilrea	<i>That Committee agree to Option 2 – Resolve not to confirm the TPO</i>
8.	Reports for Noting	
8.1	Finance Report – Period 3	<i>Noted</i>
8.2	Planning Committee Training	<i>Noted</i>
9.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i>Nil</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, RIADA HOUSE
AND VIA VIDEO CONFERENCE
ON WEDNESDAY 26 AUGUST 2026 AT 10.30AM**

Chair: Alderman S McKillop (C)

Committee Members: Alderman Boyle (C), Brown Stewart (C), Coyle (R), Hunter (R), Councillors Anderson (C), C Archibald (C), McGurk (R), McMullan (C), McQuillan (R), Nicholl (R), Scott (R), Storey (C), Watton (C)

Non Committee Members Present: Councillor McCully (R)

Officers Present: D Jackson, Chief Executive (C)
S Mathers, Development Management Manager (C)
S Mulhern, Development Plan Manager (C)
R Beringer, Senior Planning Officer (C)
J McMath, Senior Planning Officer (C)
R Heaney, Senior Planning Officer (C)
M Jones, Council Solicitor, Corporate, Planning & Regulatory (C)
E Olphert, Planning Officer (C)
J Chisim, Planning Officer (C)
S McKinley, Planning Officer (R)
A Gamble, Environmental Health Officer (C)
U Harper, Senior Democratic Services Officer (C)
J Keen, Democratic Services Officer (C)

In Attendance: A Lennox, ICT Manager (Interim) (C/R)
C McTaggart, ICT Officer (C/R)

Public 20 no. (C) 10 no. (R) including Speakers
Press 4 no. (R)

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

Registered Speakers

Item No	Name
LA01/2023/0008/F	C McReynolds N Ni Bhrollaigh T Bell

	C Fegan
LA01/2025/0030/F	A Durrent

The Chief Executive undertook a roll call.

The Chair reminded Planning Committee of its obligations and protocol whilst the meeting was being audio recorded and of their obligations under the Local Government Code of Conduct and Remote Meetings Protocol.

1. APOLOGIES

Apologies were recorded for Alderman Callan and Councillor Kennedy. The Chief Executive advised that Councillor Storey had sent apologies for the morning but intended to join the meeting in the afternoon.

2. DECLARATIONS OF INTEREST

During consideration of Item 5.1 LA01/2023/0008/F (Major) Lands Approximately 1.86km WSW of 175 Gelvin Road, in the townlands of Brishey and Curraghlane, approx 4.8km E of Dungiven, Alderman Boyle declared an Interest.

Having declared an Interest, Alderman Boyle left the Chamber and did not participate in the vote.

3. MINUTES OF PREVIOUS PLANNING COMMITTEE MEETINGS

3.1 Minutes of Planning Committee Meeting held Wednesday 24 June 2026

Copy, previously circulated.

Proposed by Councillor McMullan

Seconded by Councillor Watton

– That the Minutes of the Planning Committee Meeting held Wednesday 24 June 2026 are signed as a correct record.

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.

RESOLVED - That the Minutes of the Planning Committee Meeting held Wednesday 24 June 2026 are signed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

4.1 LA01/2023/1085/F (Major) Craigahulliar Holiday Park, 23 Ballymacrea Road Portrush, (including Land to South of existing holiday park)

Alderman Brown Stewart requested that this Item be deferred for a site visit, to allow Planning Committee Members to assess the visual impact of the proposal.

Proposed by Alderman Brown Stewart

Seconded Alderman Boyle

- That the Committee defer consideration of Item LA01/2023/1085/F for a site visit, to allow Planning Committee Members to assess the visual impact of the proposal.

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 deferred for a site visit.

RESOLVED - That the Committee defer consideration of Item LA01/2023/1085/F for a site visit, to allow Planning Committee Members to assess the visual impact of the proposal.

* **Councillor Anderson joined the meeting in the Chamber at 10.36am.**

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2023/0008/F (Major) Lands Approximately 1.86km WSW of 175 Gelvin Road, in the townlands of Brishey and Curraghlane, approx 4.8km E of Dungiven

Report, presentation, addendums, erratum and speaking rights templates were previously circulated and presented by the Development Management (local applications) Manager.

Major Application to be determined by Planning Committee

App No: LA01/2023/0008/F

App Type: Full

Proposal: Construction of a windfarm comprising up to 4no. turbines (to a maximum blade tip height of 150 metres) an electrical

substation/control building, internal access tracks, spoil deposition areas, temporary construction compound, delivery route junction improvements and all associated ancillary 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 **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.

Addendum 3 Recommendation

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to allow submission of Further Environmental Information (FEI) regarding cumulative wind farm assessment.

Addendum 4 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 Recommendation

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

The Development Management (local applications) Manager delivered a verbal addendum as follows:

- *On 24 August lawyers on behalf of Save Benbradgh Community Group have written to the Council (Circulated) and:*

- *Sets out their client's position is that issues regarding public rights of way, public access and recreational pathways on Benbradagh Mountain must be properly investigated and addressed before application is determined.*
- *Sets out details of the public right of way application made to Council on 24 August 2026.*
- *Refers to public safety, public access, tourism and recreation in SPPS Edition 2.*
- *Calls for matters to be properly identified, investigated and assessed.*
- *Requests application to be adjourned, deferred or withdrawn from Schedule.*
- *Requests a written response to the issues raised.*
- *On 25 August lawyers on behalf of the Applicant have written to the Council in response to the correspondence referred to above (Circulated) and:*
 - *They state there is no legal basis to seek injunctive relief.*
 - *The Right of Way Investigation application was submitted on 24 August 2026.*
 - *States argument that unlawful to determine application before any right of way investigation has concluded is without foundation and wrong in law. Makes specific points on same.*
 - *States that claimed right of way would not be obstructed.*
 - *Rights of way referred to are speculative.*
 - *Tourism impacts are already considered in the environmental statement.*
 - *If position of objectors accepted, this would delay processing of application for many years.*
 - *Raises potential non-determination appeal and issue of costs.*
 - *In response to these matters, the position remains as set out, principally, in Paragraph 8.136 of Addendum 4- At this time, there is no asserted Public Right of Way identified that the proposal would impact on. Accordingly, the application remains on the agenda for the Planning Committee.*
- *Further representation of objection received. The letter does not raise any new issues. Issues raised in the letter include the visual impact, including cumulative impact, of the proposal on the cultural importance of Benbradagh Mountain, the impact of the proposal on the right of way and public access to the mountain and lack of community consultation. These issues have all been considered in Addendum 4.*
- *Four further objections have been received from the same objector. All relate to the issue of the investigation into the public right of way. This issue of the public right of way has been considered in the report. The objections contain testimonials from members of the Dungiven community regarding the historic use of the mountain and the pathway by the public.*
- *Further representation of objection received on morning of meeting. It:*

- *Sets out timeline in respect of the processing of the application to date, including the environmental statement and the addenda to that, changes to the application that they feel was due to an incomplete environmental impact statement*
- *States the delays to the application being attributable to the local community are not substantiated.*
- *Refers the importance of engaging communities as set out in SPSS edition 2 and the right for the public to participate in environmental applications affecting their surrounds.*
- *Refers to the public rights of way issue, which has been covered in addendum 4.*
- *Refers to the issue of ice throw, which is dealt with in addendum 4*
- *Raises the issue of noise, which is dealt with in addendum 4.*
- *Refers to the AONB management plan in respect of which the objector refers to SPSS edition 2 and states that the last submission by the applicant on the planning portal was dated 16 April 2026. On 25 June 2026 the first Sperrin Area of Outstanding Natural Beauty management plan 2026-36 and accompanying action plan was launched, and the objector says that the applicant has not taken account of this management plan in assessment of the application. The Planning Department position on that is that while they may not have referred specifically to the management plan or engaged with it, it will still be assessed with regard to the Sperrin Area of Outstanding Natural Beauty in line with policy.*
- *Refers to the emissions calculations and states that the figures claimed are tokenistic and not backed up with robust data and methodology to meaningfully support and demonstrate the claims of contributions to carbon budgets and NI emissions. Addendum 4 sets out issues to do with the environmental benefits of the proposal and the Planning Department does not dispute that, but this evidence is now also before the Committee.*
- *Refers to decommissioning bonds in the event that the scheme stops producing electricity. The Planning Department's position is that there is a condition with regard to decommissioning on the suggested conditions, and that would be enforceable against the landowner, even if the company were to no longer exist.*
- *It refers to landscape and visual impacts; the Planning Department's position is that those issues have already been addressed in addendum 4.*
- *A further representation raised the issue of active peat, which is addressed in the Planning Department's report.*
- *It refers to the Construction Environmental Management Plan (CEMP) and the Habitat Management Plan (HMP); those are referred to as suggested conditions in the Planning report.*

- *It refers to drainage and Sustainable Drainage Systems – details have been provided with the application.*
- *It refers to contaminated land, which is addressed in the Planning report.*
- *It refers to noise, which is addressed in the Planning report, addendum 4.*
- *It refers to radiation and the fact that the Planning report referred to the Scottish position on that; this was done because there was no equivalent known in Northern Ireland.*
- *It refers to visual amenity, which is addressed in the Planning report, addendum 4.*
- *It refers to the right of way issue, which is addressed in addendum 4, which also includes public safety pertaining to the right of way issue, so the Planning Department's position is that those matters have been covered.*
- *Currently, there have been 1429 letters of objection to the application, and there have been 526 letters of support.*

The Development Management (local applications) Manager presented via PowerPoint presentation as follows:

- *The application was last presented to the Planning Committee in November last year where it was deferred to allow for further environmental information to be submitted regarding cumulative windfarm assessment. That has since been submitted and assessed. In the intervening period SPPS Edition 2 was published in December last year. This cancels and replaces PPS 18. As this was the lead policy to assess the proposal, this Addendum takes the form of a complete Planning Committee Report which supersedes the previous report, addenda and erratum. The new Policy requires the Council to give appropriate weight to climate considerations and that it must help facilitate delivery of the necessary increase in appropriate renewable and low carbon energy developments.*
- *This proposal, for a new wind farm, is for 4 wind turbines, each with a tip height of 150m producing up to a total of 19.2 MW. In the context of this application, the scheme has been reduced from 6 wind turbines. The proposal includes a substation/ control building, internal access tracks and a temporary construction compound.*
- *As indicated in the Northern Area Plan 2016, the site is located with the Sperrins Area of Outstanding Natural Beauty. The Northern Area Plan 2016 is silent on the matter of wind farm development. Therefore, regional policies apply.*
- *As this is a major planning application, it was preceded by a Pre Application Notice accompanied by a community consultation report together with a Design and Access Statement.*

- *As this proposal is Environmental Impact Assessment development, it was accompanied by an Environmental Statement.*

MAIN ISSUES

- *Public Safety/ Human Health & Residential Amenity- The fall over distance from public roads is met. Concerning the separation distance to occupied property, SPPS Edition 2, specifies a minimum 500m separation distance. This is met. In terms of noise, subject to applying the financially linked threshold for one dwelling, Environmental Health was content with the effect of the proposal on all properties. Given the separation distance, the maximum potential for shadow flicker at any dwelling is likely to be within guidance limits.*
- *Visual Amenity/ Landscape Character- SPPS Edition 2 requires a cautious approach in designated landscapes including Areas of Outstanding Natural Beauty. The proposal is located on the down gradient of the gentler eastern slopes of Benbradagh. The site is visible within and around Dungiven including from the A6 Dual Carriageway. The scheme has been amended from 6 to 4 turbines. This has reduced the level of impact from viewpoint locations. The application was accompanied by a professional Landscape and Visual Impact Assessment (LVIA) prepared by Park Hood Chartered Landscape Architects. This concluded, "The broader landscape and the existing visual resources identified have the capacity to absorb a proposal of this scale and size without unacceptable impacts arising and the proposal should be considered acceptable in landscape and visual terms." NIEA Countryside and Coast Landscape Team considers the proposal will appear as an extension to the existing windfarm at Evishagaran (13 turbines) and is acceptable on this basis. On the acceptability of the proposal in terms of visual amenity/ landscape character, determining weight is given to the conclusions of the professional LVIA and the position of NIEA Countryside and Coast Landscape Team.*
- *Natural Heritage- Consideration has been given to a range of issues such as priority habitat (including blanket bog), the presence of badgers, newts, lizards, bats, birds and impacts on the water environment. Through the submission of various reports, consultation with the relevant authorities and the use of specific conditions the proposal is considered acceptable in this respect.*
- *Other Issues- No unacceptable issues are arising regarding archaeology, water quality, peat slide, telecommunications or aviation safety.*
- *Economic, Environmental and Social Benefits- SPPS Edition 2 states that careful balancing is required of the local impacts with the wider environmental, economic and social benefits. The proposal offers significant economic and environmental benefits. These include:*

substantial rates revenue and; a contribution towards meeting the 80% renewable energy by 2030 target set by the Climate Change (NI) Act 2022. Social benefits in this case include the production of jobs. These benefits are afforded significant weight in this instance.

- *Representations- The detail of representations are considered in the report.*
- *CONCLUSION - Having regard to the relevant issues, the proposal is considered acceptable. Therefore, approval is recommended.*

The Chair invited questions to the Officer.

Councillor Watton queried the total number of objections. The Development Management (local applications) Manager advised that the current number on the database is 1,429. He clarified that there were also four petitions of objection registered.

Alderman Coyle stated that he was concerned regarding the cumulative effect of the different windfarms and individual turbines in the area and asked whether that was taken into consideration.

The Development Management (local applications) Manager advised that that was addressed when the application was deferred and the matter is addressed in addendum 4, which advises that it was addressed by the Planning Department and the NIEA Countryside, Coast and Landscape section, and they were content with the amended proposal.

The Chair requested confirmation that the most recent emails received were dealt with in the presentation. The Development Management (local applications) Manager advised that there was also an email from an individual who was the PEACEPLUS Coordinator and Causeway Coast and Glens Borough Council in 2023. The email refers to a flagship Benbradagh project for the Benbradagh DEA and says that at that time, the individual and their colleagues were not aware that the project was problematic or would not be feasible as there were no concerns around access to the mountain or pathways. The individual states that they departed from their role in December 2024 and understood at that time that the flagship Benbradagh project would be delivered, as per the codesign local action plan. The Development Management (local applications) Manager stated that this information does not directly pertain to the planning application as it is to do with the issue of the pathways, which is a secondary issue, and does not change the Planning Department's position, which is based on the prevailing circumstances.

The Chair invited C McReynolds and N Ni Bhrollaigh to speak in objection to the application.

N Ni Bhrollaigh stated that:

- She is a representative of the village of Dungiven where she had the privilege to grow up and has been an active member of the community.
- Public access is at the core of the objection.
- The loss of Benbradagh as a public amenity would be an incalculable and permanent loss to the people of Dungiven.
- Public access cannot and must not be determined through a planning application. The public rights of way have long been established.
- Causeway Coast and Glens Borough Council failed in its duty to record the pathways on Benbradagh and thereby failed the community.
- There has been no suggestion by Causeway Coast and Glens Borough Council, any of the public agencies that have funded the pathways through the mountain, or any of the local political representatives that there is no public access to the walkways or that the pathways are not public; the first time this assertion was made was in September 2025, as part of this planning application.
- There has been no due process or consultation with the community or key stakeholders.
- There were 3,828 objections if the petition signatures are also counted as objections.
- The objections came after September 2025 as the community has not previously been alerted that there would be an impact on public access or a change in the status of the pathways.
- The community had a legitimate expectation that the Council would deliver on projects on which there had been extensive consultation since 2017.
- There is now a Sperrins Management Partner plan, a key element of which is the Appalachian trail, which runs over Benbradagh.
- The people of Dungiven have a strong connection to the mountain and there was a lot of participation at a public clinic recently held in Dungiven library.
- There is evidence to prove the community's historic use of the mountain and the description of the objection as "speculative" is an insult to the community.
- Public access must be determined before a planning application is decided on.
- There is a duty on Council to ensure public access.
- Council must ensure due process is followed in order to restore confidence in Causeway Coast and Glens Borough Council.

The Chair invited questions to the speakers.

Councillor Watton asked whether, if the development goes ahead, the public pathways will definitely be gone.

N Ni Bhrollaigh stated that all wayfinding signage was removed in July 2026 and that “no trespassing” signs were installed in July 2026. She stated that it is critical that the right of way is determined before the planning application is decided on. She stated that the status of the rights of way should have been established when the application was first brought forward and that the loss of them would be a permanent, incalculable loss to the community.

Alderman Coyle stated that he was born and brought up in Dungiven. He stated that Benbradagh has always been used for recreation, as part of the Ulster Way and many other walking pathways, and for sports such as handgliding and motorsports. He asked about the impact on tourism if the walkways were to close.

N Ni Bhrollaigh stated that Causeway Coast and Glens has a fiduciary duty to maintain tourism in the area as it has invested in pathways on Benbradagh, which is a key tourism asset. She stated that there is a legitimate expectation that it will remain as a public asset. She stated that funding was withdrawn in 2025. She stated that the planning application can wait but that the community cannot afford to lose this asset.

The Chair invited T Bell and C Fegan to speak in support of the application.

T Bell stated that:

- The application has been submitted for the third time and is recommended for approval.
- The objection fails to acknowledge the concession to reduce the scale of the scheme, with two turbines removed in response to feedback.
- There have been five consultations carried out over three years and these were supported by an EQIA.
- The NIEA has carried out an impact assessment and is content.
- The impacts of the scheme are not unacceptably adverse.
- There is no evidence that tourism, the cultural heritage or the sense of place will be impacted.
- The vibrant tourism industry that exists in the area is evidence that the scheme will not impact tourism, as there are already windfarms in the area.

C Fegan stated that:

- He is disappointed by the characterisation of the right of way situation as there was no change to the situation in September 2025.
- At no point has it been said that the right of way will be removed.
- The applicant has nothing to do with the changes to the signage in the area and has no control over what the landowner chooses to do.
- Even if planning permission is granted, it would not extinguish or override an existing public right of way.
- A developer cannot build over a right of way even if planning permission is granted.
- The public right of way needs to be established by evidence and dealt with through a separate statutory process.
- The development will not impact the right of way, as it was taken into account throughout the design process.

The Chair invited Members to put questions to the speakers.

Councillor Watton noted that the application states that the windfarm would generate 19.2 megawatts of energy and queried what that would power. T Bell advised that it would power 27,126 homes. C Fegan advised that that would represent a saving of 41,500 tonnes of carbon emissions, which would assist with meeting the statutory targets set out in the Climate Change Act 2022. He noted that the development would be sensitive to the local landscape with no adverse impact on the local landscape.

Alderman Boyle declared an interest as having sat on the PEACEPLUS board and been involved in discussions regarding plans for Benbradagh. Having declared an interest, Alderman Boyle left the Chamber and did not participate in the vote.

*** Alderman Boyle left the Chamber at 11.29am.**

It was decided that the meeting should go In Committee to allow the Council Solicitor to brief the Committee.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McGurk
Seconded by Councillor McMullan and

AGREED – That Planning Committee move *'In Committee'*.

*** Members of the Press and Public left the meeting at 11:32am**

In response to questions the Council Solicitor briefed the Committee in relation to the status of the right of way investigation, the process and its effect on the planning application.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor C Archibald
Seconded by Alderman Brown-Stewart and

AGREED – That Planning Committee move *'In Public'*.

- * **The Press and Public were readmitted to the meeting at 11:49am.**

The Chair declared a comfort break at 11:50am.

- * **Councillor McCully joined the meeting remotely at 11.57am.**

The meeting resumed at 12:00pm.

Proposed by Councillor Nicholl
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.
10 Members voted For; 0 Members voted Against, 2 Members Abstained.
The Chair declared the motion carried.

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.

- * **Alderman Boyle returned to the Chamber at 12.04pm.**

5.2 LA01/2025/1337/F (Objection) 9 Ballyrashane Road, Coleraine

Report and presentation were previously circulated and presented by Senior Planning Officer J McMath.

Major application to be determined by Planning Committee

App No: LA01/2025/1337/F

App Type: Full
Proposal: Conversion of existing 6 bedroom dwelling to 8 bedroom HMO with internal and external alterations.

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.

Senior Planning Officer presented a verbal addendum as follows:

Since the application was committed to the schedule, 4 objections have been received.

The issues raised have been raised by previous objections and have been assessed in the committee report and our presentation but to summarise the 4 further objections, the issues raised are:

- *The area doesn't need this*
- *Family area so not a suitable place for intensive residential use*
- *Cumulative effect on community and character of area*
- *Local services / infrastructure have not increased at the same rate as population*
- *Increased demand for on street parking, road safety problems*
- *Noise, general disturbance*
- *Privacy*
- *Is the property suitable for the number of occupants*
- *Over concentration of HMOs*
- *Removes family sized housing*

Senior Planning Officer presented via PowerPoint presentation as follows:

- *LA01/2025/1337/F is a full application seeking a change of use (COU) from a 6 bedroom dwelling to an 8 bedroom House in Multiple Occupancy (HMO) the proposal includes internal and external alterations.*
- *The site is at 9 Ballyrashane Road, which is a large detached dwelling with a detached garage and store. A large tarmacked area is located to the rear with a landscaped area to the western side, parking currently exists to the rear and the front.*
- *The site is outwith the settlement development limit of Coleraine as identified in the Northern Area Plan 2016, it is located in the rural area and is immediately surrounded by agricultural land and therefore sits in isolation. The nature of the area is rural but the site is in close proximity to a vets surgery, timber yard and other residential dwellings.*

- *In addition to the COU, the external alterations include the installation of a single dormer window on the rear elevation, alteration of other windows and the installation of a ramped access to the rear. Internal alterations relate to the layout and repurposing rooms.*
- *8 parking spaces are provided in curtilage with various ample area of amenity space.*
- *Following advertisement 51 (now 55) letters of representation have been received from 43 different addresses.*
- *As outlined within the committee report 23 representations were received from Coleraine addresses, 2 from Portrush, 3 from Portstewart, 3 from Belfast and the remaining were single representations from Carrickfergus, Ballymena, Crumlin, Newtownabbey, Lisburn, Bushmills, Limavady, Mosside, England, Londonderry, Ahoghill and Castlerock.*
- *The issues raised in the representations include:*
 - *Property values*
 - *Increased traffic and parking issues*
 - *Noise and disturbance*
 - *Anti-social behaviour*
 - *Health and wellbeing*
 - *Poor precedent*
 - *Reducing the number of family housing.*
 - *Over provision of HMO*
 - *Impact on services and utilities*
 - *Impact on character of area*
 - *Unethical room sizes/overcrowding*
 - *Waste management*
 - *Managed by fit and proper manager*
 - *Some representations just stated that they objected*
- *Consultation was carried out with DFI Roads who after the submission of amended entrance details advised that they were content with the proposal. Environmental Health, NI HMO Unit & NIW raised no objections.*
- *The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS Edition 2 (2025), PPS3, and PPS 7 (Addendum).*
- *In accordance with Policy HOU4 of NAP, the premises are suitable to accommodate the proposed number of occupants, the bedroom and communal spaces have all been measured and exceed the minimum space standards required by legislation. The agent has confirmed that the dwelling will house 8 people, one per bedroom and the kitchen,*

bathroom and communal spaces are adequate for this level of occupancy. The HMO unit have not raised objection

- The change of use will not result in an adverse impact on the amenity of neighbours or character of the area in that the general nature of the use remains as residential, it would not be unusual for a large family to reside in a dwelling and the property sits in isolation with no immediate neighbours. In addition Environmental Health Officers have not raised any concerns.*
- The external spaces are of safe and secure design and provide easy and convenient access to yards, gardens, bin storage and parking. 8 parking spaces and a large storage facility is available with space for additional parking and the quality and quantity of amenity space exceeds that required by policy.*
- Parking and service requirements will not have an adverse traffic impact or detract from the amenity of local residents and no changes are proposed to landscaped areas. The rear of the property is hard landscaped and facilitates 8 parking spaces with hard standing available for further visitor parking if needed and amenity areas with soft landscaping areas to be retained to the western boundary. This is appropriate to the character of the area. The access although onto a protected route complies with policy in that the principle of development is acceptable and the access makes use of an existing access onto a protected route and access onto a minor road is cannot reasonably be obtained.*
- The proposal complies with all 5 criteria of HOU4 of NAP.*
- External alterations such as the rear dormer, alterations of windows and installation of a ramp access are of an appropriate scale, design and material and will not impact on neighbouring properties and therefore comply with PPS7A.*
- The 51 representations have been outlined and considered within the officer's committee report. In addition to the points already addressed,*
- In terms of noise and disturbance, the increased number of residents in a property isolated in the countryside is not considered to have an adverse impact on neighbouring properties. Environmental Health have not raised any objection and any late night noise would be regulated under Environmental Health.*
- In terms of Health and Safety issues such as overcrowding, inadequate maintenance and poor waste management, HMOs are one of the most heavily regulated forms of housing and are subject to compliance with licencing legislation. HMO unit and Environmental Health did not raise any objection.*
- In terms of overprovision and precedent. Each application is considered under its own merit in accordance with policy and in doing so account is*

made of potential cumulative changes. In this case there are no current HMOs on Ballyrashane road as such a single HMO will not detrimentally impact the character of an area. The replacement of a family home with a HMO in this instance is acceptable.

- No evidence was submitted in terms of impact on property values, therefore the perceived loss of property value is not a planning consideration and therefore weight cannot be given to this element of the objection.*
- Ample space has been provided for bin storage and NIW have not raised any objection as the proposal is connected to a septic tank. No demonstrable impact on service provision has been provided.*
- Planning acknowledges the concerns expressed in the representations however the concerns must be weighed against the Northern Area Plan and the HMO policy framework. The proposed change of use from a 6 bed dwelling to an 8 bed HMO is compliant with planning policy and no consultees have raised any objection. The proposal will not affect amenity, the environment or character of Ballyrashane Road and approval is recommended.*

The Chair invited questions to the Senior Planning Officer.

In response to a query from Councillor McMullan, the Senior Planning Officer advised that the application proposes the installation of a ramp for accessing the premises.

Councillor Anderson queried whether the application had provided any information on the end user of the development, as applications will usually indicate if it is for students, for example. The Senior Planning Officer stated that there is no end user specified but that the application states that the development can house eight individuals.

Councillor Anderson queried how it was determined that the application site is in the countryside and noted that there are two large housing estates in proximity to it. The Senior Planning Officer advised that the site is located outside the settlement development limit as shown on the map and is therefore within a rural area.

In response to a query from Councillor Anderson regarding the traffic entrance, the Senior Planning Officer advised that the proposal complies with the policy in respect of protected routes as the access is to be widened to 4.8 metres. The Senior Planning Officer referred to sections 8.20 – 8.24 of the planning report, which details how the proposal intends to comply with the requirements.

Councillor Watton stated that the proposal is not in keeping with the local area and approving it would set a poor precedent. He stated that SPPS 2 edition 2 refers to a “supply of quality housing to meet the needs of everyone” and stated that this proposal goes against that as it does not meet the needs of everyone, and it will not reduce waiting lists, so he will not be voting for the proposal.

Proposed by Councillor Nicholl

Seconded by Alderman Boyle

- 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.

Councillor Anderson requested a recorded vote.

The Chair put the motion to the Committee to vote.

9 Members voted For; 3 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.

Recorded Vote Table

For (9)	Alderman Boyle, Brown Stewart, Coyle, Hunter
	Councillors C Archibald, McGurk, McMullan, McQuillan, Nicholl
Against (3)	Alderman Scott
	Councillors Anderson, Watton
Abstain (1)	Alderman S McKillop

* **Councillor McCully left the meeting remotely at 12.36pm.**

5.3 LA01/2025/0030/F (Objection) 6 Captain Street Lower, Coleraine

Report, presentation, and speaking rights template were previously circulated and presented by Senior Planning Officer R Beringer.

Major application to be determined by Planning Committee

App No: LA01/2025/0030/F
App Type: Full
Proposal: Change of Use of 1st and second floor flat to 4-room HMO.

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.

Senior Planning Officer delivered a verbal addendum as follows:

Further to the receipt of amended plans as noted in your written addendum, a further amended plan of the existing floor plans was submitted to correct existing details which had become hatched during the clarification in relation to the existing window. This was uploaded to the portal yesterday and as it relates again to a point of clarification only, no further notification is required in relation to this.

Since 10am Monday morning, two further objections have been received. This brings the total number of objections to 41.

By way of an update in relation to these further objections, issues raised relate to no need for Houses for Multiple Occupation (HMO) in the area, suitability of location for further intensive residential use, impact on local services and infrastructure, impact on parking and traffic, bin storage/refuse, increased noise and general disturbance, impact on character of the area, suitability of accommodation for level of occupancy, sufficient amenity space.

These issues have been raised previously and are considered and assessed in the Planning Committee Report under Section 8.0 Considerations and Assessment.

It is recommended that the Committee note the contents of this verbal addendum. There is no change to the recommendation as set out in Section 10 of the Planning Committee report.

Senior Planning Officer presented via PowerPoint presentation as follows:

- *LA01/2025/0030/F is a full application for a change of use of 1st and 2nd floor flat to 4-room HMO. A Committee Report and an Addendum accompany this application.*
- *A verbal addendum has also been provided.*

- *This application is a local application being presented to the Committee as an objection item with a recommendation to approve. To date there have been 41 objections to the proposal from 40 separate addresses. The objection points are set out in Section 5 of the Committee Report (and mainly relate to HMO size/space standard, noise/anti-social behaviour, traffic/parking, impact on character and impact on services, waste management and impact on property values). These issues and others have been considered within the Planning Committee Report.*
- *(Slide 2 – SLP/Block Plan) The site, as outlined in red, is located within the settlement development limit for Coleraine and lies within the defined town centre boundary as defined in the Northern Area Plan. The surrounding area contains a mix of uses. The site is located at No. 6 Captain Street Lower and comprises the 1st and 2nd floor flat. There is an existing café on the ground floor of the property. The rear of the property is accessed from a separate gate on Killowen Street. There are no changes proposed to the footprint of the existing building.*
- *(Slide 3 – Floor Plans) The existing and proposed floor plans indicate the layout of accommodation to the upper floors. There are no changes proposed to the existing ground floor. On the first floor the proposed accommodation comprises 3 bedrooms, each with ensuite shower rooms, a kitchen/dining room and separate lounge. On the second floor is a further bedroom with shower room. There is access to the rear of the property via an existing set of stairs from the first floor. No changes are proposed to these existing arrangements.*
- *(Slide 4 - Elevations) There are no external alterations proposed. Window openings are all as existing. Wall finishes are as existing and no alterations to the roof are proposed.*
- *Moving to some photographs of the site:*
- *(Slide 5) This is a view of the front of the property, with the existing café premises on the ground floor. The red box identifies the part of the property to which this application relates. The upper floors as existing comprise a 5 room flat.*
- *(Slide 6) Existing rear access and yard area. An amenity area with Bike and Bin Storage are proposed here.*
- *(Slide 7) View of the rear/side entrance from Killowen Street.*
- *(Slide 8) Map of Coleraine Town Centre from the NAP 2016. The red star identifies the location of the proposal.*
- *The proposal is for the change of use of a 1st and 2nd floor flat to a 4 room HMO. The 1st and 2nd floor flat currently comprises a 5 room flat with dining and kitchen. There are internal changes proposed to re-configure some of the rooms, but the proposal does not result in any external alterations to the property. The proposal will provide a four room HMO with four en-suite bedrooms, kitchen/dining and separate lounge.*

- *Policy HOU 4 of the Northern Area Plan 2016 relates to the use of dwellings for Multiple Occupation and states that Planning Permission will only be granted for the use of dwellings for multiple occupation where all of the criteria are met. The premises are suitable to accommodate the proposed number of occupants. The description includes reference to use as a 4-room HMO and the agent has confirmed that the total number of proposed residents is 4. Objections raised issues in relation to room sizes and overcrowding. The bedroom sizes have been considered under the HMO guidance and are acceptable. Ensuite facilities are provided for each bedroom, along with separate kitchen and lounge facilities. Consultation was carried out with the NI HMO Unit who raised no objection.*
- *Externally, there are no changes proposed to the building. The application site lies within the defined town centre boundary. Paragraph 6.137 of the SPPS (Ed 2) states that within town centres residential use above shops and other business premises should be facilitated, where appropriate, as this can promote sustainability through utilising underused space, maintaining the fabric of buildings, and contributing to the vitality and viability of town centres. There is an existing residential use on the 1st and 2nd floors and the proposal is also considered a residential use. The proposal is consistent with the objective of the SPPS to facilitate a residential use above a business premises. Objections raised issues in relation to the impact on the character of the area and the proposed use as a HMO. Given the existing residential use on the upper floors and the town centre location it is considered that the proposed change to HMO use would not be substantially detrimental to the character of the surrounding area.*
- *Objections also raised issues in relation to waste management, bin storage and amenity space. Adequate external space is provided for bin storage and bicycle parking. The proposal utilises the existing rear yard, and the existing rear access steps to access this space and proposes landscaping improvements to this existing space. Given the existing residential used and the proximity of the proposal to existing town centre facilities the proposed arrangements are considered acceptable.*
- *Consultation was carried out with Environmental Health and the Northern Ireland HMO Unit, with no objection. Issues raised in objections referred to noise and anti-social behaviour. The proposal would require to be licensed under The Houses in Multiple Occupation Act (NI) 2016, which is a separate process to the planning application. In the event of any noise or anti-social behaviour issues this matter would be dealt with through the Environmental Health. Responsible management of the property should include procedures to deal with noise and anti-social behaviour.*

- *Objections also raised issues in relation to parking. There are no parking standards for HMO use within PPS 3 or the Parking Standards Guidance. Policy AMP 7 states that proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. There is currently no parking provision within the site to serve the existing development. A Parking and Transport Statement accompanied the application identifying the location of nearby on-street parking provision. Considering a mix of factors including the modest size of the HMO, the existing use of the property which relies on on-street parking for the existing 5 room flat, the level of on street parking and parking areas in the area, and its town centre location, the proposal is considered acceptable and it is considered that it would not unacceptably adversely impact existing parking provision. The proposal complies with all the criteria of Policy HOU 4 of the Northern Area Plan.*
- *Other matters raised included impact on services, healthcare and schools. No demonstrable evidence of any impact was submitted and as the proposal would not result in a significant intensification of residential use of the property it is considered not to have a significant impact on pressure on these services and local infrastructure. Impact on property values was also raised. Again, no evidence has been submitted to demonstrate this. The perceived impact is not a planning consideration to which significant weight can be attached. It should be noted that both the existing and proposed uses are residential in nature and the property is located within the town centre where a variety of uses are present.*
- *No objections have been raised by statutory consultees in relation to this proposal. This application was initially submitted as a proposal for the change of use of rear portion of existing Cafe to ground floor apartment and the change of use of two-storey flat over to 6 room HMO. During the processing of the application, the proposal was amended to remove the proposed ground floor flat, and to reduce the number of rooms to the HMO. NI Water had recommended refusal however as the amended proposal is considered not to result in a significant intensification of the existing use on the upper floors no further consultation was carried out and no conditions are considered necessary.*
- *The application has been assessed in relation to the relevant policy considerations including the Northern Area Plan 2016, the SPPS Ed 2, and PPS 3, and the proposal is considered acceptable. The recommendation is to approve planning permission (with conditions.)*

The Chair invited questions to the Senior Planning Officer.

Councillor Anderson noted that there is one other HMO in the street and asked how this worked with the 20% threshold. The Senior Planning Officer advised that the application was judged against policy HOU4 for houses in multiple occupation, which does not contain a specific threshold and went on to clarify that there is currently no threshold set for the Borough.

Councillor Anderson noted that the layout of the property indicates that it may have been a family home and queried what work has been done to establish whether this was the case. The Senior Planning Officer advised that no information was provided with the objection to indicate that it had been a family home.

Councillor McMullan queried whether the Fire and Rescue Service should be added to the list of statutory consultees due to the importance of fire escapes in HMOs. The Senior Planning Officer advised that this will be assessed when the property is registered through HMO licensing. The Development Management (local applications) Manager advised that this is not a planning issue and would be considered when the property is regulated.

The Chair invited the objector, R Guy, to speak. R Guy was not in attendance.

The Chair invited A Durrent to speak in support of the application.

A Durrent stated that the application aims to bring a disused property in the town centre back into use. She advised that fire safety will be addressed at the building control stage and in the HMO application.

The Chair invited questions to the agent.

In response to a question from Councillor Anderson regarding who would be housed in the accommodation, A Durrent stated that she has no reason to believe that it will be anyone other than local students or healthcare workers.

The Chair confirmed that the objector, R Guy, was still not in attendance.

The Chair noted that there is a recommendation to approve.

Councillor Watton stated that there are 41 objections on a street that is not that long, and that the application is not in keeping with the area. He stated that it is not the right place for a HMO. He stated that it goes against SPSS edition 2: "The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone" and that he would request refusal.

The Development Management (local applications) Manager provided some commentary on all criteria needing to be met in Policy HOU 4 and that non-compliance with one would be sufficient to refuse. He advised that if it is felt that the proposal has an adverse impact on the character of the surrounding area, that would be sufficient for the Committee to refuse the application.

Proposed by Councillor Watton

Seconded by Councillor Anderson

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission for the following reasons:

- The development will have an adverse impact on the character of the surrounding area.
- SPPS 2 edition 2 para 6.136 states that “The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone” but this does not.
- There are too many local objections.

Councillor Anderson requested a recorded vote.

Councillor Nicholl stated that he had requested to speak prior to the proposal being made.

Alderman Boyle stated that she disagreed with the refusal reason that it will have an adverse impact on the character of the surrounding area, as she lives in the area and feels that the development would be fitting.

The Chair put the motion to the Committee to vote.

4 Members voted For; 9 Members voted Against, 0 Member Abstained

The Chair declared the Motion lost and application approved.

RESOLVED – That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission

Recorded Vote Table

For (4)	Alderman S McKillop, Scott
	Councillors Anderson, Watton
Against (9)	Alderman Boyle, Brown Stewart, Coyle, Hunter
	Councillors C Archibald, McGurk, McMullan, McQuillan, Nicholl

* **Alderman Brown Stewart left the meeting at 1:12pm.**

* **Councillor Anderson left the meeting at 1:15pm.**

The Chair declared a recess for lunch at 1:15pm

The meeting resumed at 2:00pm

* **Councillor Storey joined the meeting in the Chamber at 2:00pm.**

The Chief Executive undertook a roll call.

5.4 LA01/2023/1276/F (Referral) Lands 300m SE of 41 Dogleap Road, Limavady

Referral Application to be determined by Planning Committee

App No: LA01/2023/1276/F

App Type: Full

Proposal: Proposed Retention, Refurbishment, change of use and extension of existing unlisted Mill Buildings to provide a new Mens Shed Community Facility and ground mounted solar panel array for on-site energy generation, and all associated 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** outline planning permission subject to the reasons set out in section 10.

Proposed by Councillor McMullan

Seconded by Councillor C Archibald

- That the Committee defer consideration of Item LA01/2023/1276/F and Item LA01/2024/0137/F for a site visit as it would be beneficial for Committee Members to see the site.

The Chair put the motion to the Committee to vote.

12 Members voted For; 0 Members voted Against, 0 Member Abstained

The Chair declared the motion carried.

RESOLVED – That the Committee defer consideration of Item LA01/2023/1276/F and Item LA01/2024/0137/F are deferred for a site visit as it would be beneficial for Committee Members to see the site.

5.5 LA01/2024/0137/F (Referral) Lands 300m SE of 41 Dogleap Road, Limavady

Referral Application to be determined by Planning Committee

App No: LA01/2024/0137/F

App Type: Full

Proposal: Refurbishment of existing cottage to provide a caretakers cottage as adjacent accommodation support to the proposed Mens Shed community facility, and all associated 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** outline planning permission subject to the reasons set out in section 10.

This item was considered with Item 5.4 above.

6. CORRESPONDENCE

Items 6.1 – 6.12 inclusive were presented by the Development Plan Manager as read.

6.1 Dfl – Independent Inspectors: Hear and Report Procedures and Guidance

Copy, previously circulated was presented as read.

Planning Committee NOTED the correspondence.

6.2 Dfl – Draft Regional Report on the NI Planning System

Copy, previously circulated, presented as read.

Planning Committee NOTED the correspondence.

6.3 Dfl – Transforming Planning – Independent Inspectors Project

Copy, previously circulated, presented as read.

Planning Committee NOTED the correspondence.

6.4 Dfl – PAN Decision – Altahullion Phase 1 & ii

Copy, previously circulated, presented as read.

Planning Committee NOTED the correspondence.

6.5 DfI – Consultation: Review of the Classes and Thresholds in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015

Copy, previously circulated, presented as read.

The Development Plan Manager advised that a Council response to the consultation will be submitted before the closing date.

Planning Committee NOTED the correspondence.

6.6 NIW – Consultation Launch – Proposed Article 161 Bond Incentivisation and Surety Policy Framework

Copy, previously circulated, presented as read.

The Development Plan Manager advised that a Council response to the consultation will be submitted before the closing date.

Planning Committee NOTED the correspondence.

6.7 BT – Decision Payphone/Telephony Removals:

- **The Crescent, Coleraine**
- **Clarehill Park, Aghadowey**
- **Main Street, Ballykelly**

Copy, previously circulated, presented as read.

Planning Committee NOTED the correspondence.

6.8 BT – Decision Payphone/Telephony Removals:

- **Gelvin Road Dungiven**

Copy, previously circulated, presented as read.

Planning Committee NOTED the correspondence.

6.9 Donegal Co Council – Variation (No.1) to Development Plan 2024-2030

Copy, previously circulated, presented as read.

Planning Committee NOTED the correspondence.

6.10 NILGA – Call for Evidence – Fisheries, Aquaculture and Water Environment Bill

Copy, previously circulated, presented as read.

The Development Plan Manager advised that a Council response to the call for evidence will be submitted before the closing date.

Councillor McMullan requested that the dangers in rivers with fisheries is highlighted within the response. Councillor McMullan stated that there is a lack of salmon in rivers and that they are being depleted of stock.

The Chair requested that the need for adequate and regular maintenance of the riverbanks is highlighted within the response. The Chair also highlighted her view that anglers are not the issue. Fishing is a sport and anglers have the right to fish.

Councillor Nicholl commented on the maintenance of tributaries flowing into main rivers and stated that tributaries and rivers need to be maintained in order to prevent floods occurring.

Planning Committee NOTED the correspondence.

6.11 NILGA – Call for Evidence – Tree Protection Bill

Copy, previously circulated, presented as read.

The Development Plan Manager advised that a Council response to the call for evidence will be submitted before the closing date.

Councillor Storey queried if the Elected Members would have sight of the response to the call for evidence prior to it being submitted.

The Development Plan Manager agreed that a draft response could be provided at the Council Meeting on Tuesday 1 September 2026.

Planning Committee NOTED the correspondence.

6.12 RTPi – Politicians in Planning Annual Conference and Annual Law Update

Copy, previously circulated, presented as read.

The Development Plan Manager advised that up to 8 Elected Member can attend this conference and requested that any Members wishing to attend advise her through their party leads by Friday 18 September 2026.

Planning Committee NOTED the correspondence.

7. REPORTS FOR DECISION

7.1 Advance Notice of Listing – Agivey House, Aghadowey

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

Purpose of Report

To present the Department for Communities (DfC) advance Notice of Listing of Agivey House, Aghadowey.

Verbal Erratum: Paragraph 2.5, second last sentence of the addendum – replace “a meeting” with “further engagement”.

The Department for Communities (DfC) wrote to the Council on 26th June 2026 seeking comment on the proposed listing of Agivey House, Aghadowey. They also informed the property owners of the proposal.

The Council subsequently received correspondence, via email, on 24th August 2026 (see Appendix 1 to the addendum) from Messrs. James and Philip Mooney (property owners), including their original correspondence to DfC objecting to the proposed listing (see Appendix 2 to the addendum).

Consideration

DfC is the competent authority on matters relating to listed buildings in Northern Ireland. The Council is a consultee in the listing process and is asked for its views (only) on a listing proposal. The final decision on whether to list is a matter for DfC.

In its correspondence to the Council, dated 26th June 2026 (set out at Appendix 1 of the Committee Report), DfC states that if no reply is received within 6 weeks (in this case officials were granted an extension until 2nd September due to the summer recess) they will assume agreement. DfC also advises there is no right of appeal against listing. However, an owner or occupier can write to

DfC or their local Council at any time, if they consider that the building is not of special architectural or historic interest sufficient to justify its listing.

Where the owner, or council acting on their behalf, opposes the proposed listing, then any such view must be supported by factual evidence relating only to the special architectural or historic interest ascribed to the building in the list description. DfC may then reassess the building's merit in light of the information supplied. Planning officials do not have this expertise.

Property Owners' E-mail to Council

In their email to the Council, dated 24th August 2026 (see Appendix 1) Messrs. Mooney set out their views as owners, for the Council's consideration in making its decision to agree or oppose the proposed listing.

The owners' letter to DfC (see Appendix 2 of this addendum) details the evidence to support their opposition to the listing, including a rebuttal to DfC's evaluation of the property. The rebuttal refers to the characterisation of the house having original fabric. The owners object to the assertion that the internal fabric or the external envelope is properly historic in the way that DfC describe.

The owners have also requested further engagement with DfC prior to their final decision on the proposal. This process lies outside the remit of the Council.

Options

Option 1: Agree to support the proposed listing: or

Option 2: Agree to oppose the proposed listing.

Recommendation

It is recommended that the Planning Committee agree to either Option 1 or Option 2 and agree to the Head of Planning responding to DfC on behalf of the Council.

Councillor C Archibald proposed Option 2 – agree to oppose the proposed listing to give the family who own the property time to respond.

Councillor Storey concurred with the comments from Councillor C Archibald and expressed concern regarding the listing process, particularly the lack of an appeal mechanism and the potential costs and implications for property owners. He stated that greater consideration should be given to the personal circumstances of owners and that the process should provide more scope for engagement. He clarified that he was not opposed to the protection of historic buildings but believed the process required greater flexibility. He supported Option 2.

In response to questions regarding postponing the listing of the building the Development Plan Manager stated that the Department for Communities assess if a building is of historic or architectural merit, that Council and the owners of the building have 6 weeks to respond to the Department for Communities and that if there is no response then it is assumed the Council and the owners are in agreement with the Department for Communities assessment. The Development Plan Manager stated that in this case the owners of the property are challenging the Department for Communities assessment and that Council's view can be sent to the Department for Communities.

Proposed by Councillor C Archibald

Seconded by Councillor McMullan

- That Committee agree to Option 2 – agree to oppose the proposed listing.

The Chair put the motion to the vote

8 Members voted For; 0 Members voted Against; 0 Members Abstained

The Chair declared the motion carried.

RESOLVED - That Committee agree to Option 2 – agree to oppose the proposed listing.

7.2 TPO Confirmation – Lands adj to Kilrea Golf Club, 47a Lisnagrot Rd, Kilrea

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

Purpose of Report

To present the TPO confirmation, with modification, for Lands adjacent to Kilrea Golf Club, 47a Lisnagrot Road, Kilrea.

Addendum

Officials received a call on 21st August 2026 from the agent working on behalf of the golf club - advising that the representation, submitted 25th July 2026, should not be made public as it contains concept plans not yet agreed by the club. This was not made clear to the Council at the time of submission. The representation has now been removed from the members area, as requested.

Background

On 23rd February 2026 - member of the public requested Tree Preservation Order (TPO) to prevent trees being removed as a result of exploratory activities to create an additional golf hole at Kilrea Golf Club.

13th March 2026 - Provisional TPO was served on site: effective immediately and provides protection for all trees on site for a period of six months (until 13th September 2026).

The public consultation period allowed comments/representations to be submitted within 28 days from the date of Notice of the TPO (up to 13th May 2026).

Representation:

- *Objects to a TPO being served, stating that the TPO would significantly impact the day-to-day management of the golf course due to the inability to carry out general maintenance such as pruning, thinning, removal etc. to maintain the playability, safety and turf health of the course.*
- *Questions the amenity value of trees, given that they sit within the grounds of the private golf course.*
- *No precedents for any TPO being placed on a golf course in Northern Ireland*
- *Highlights restrictions on future development of the golf course.*

Consideration of issues

The TPO area lies outside the current extent of the golf course. To minimise any operational impacts on Kilrea Golf Club in the future, the boundary of the provisional TPO site was set back by approximately 10m from the woodland margin. As a result, most trees along the golf course's edge are positioned outside the TPO boundary.

The course is not limited to golf club members only - tee time slots are available to members of the public.

In planning terms, golf courses (including privately owned ones) fall within the definition of Public Open Space (PPS 8, Annex A), and are of public value, and can also act as a visual amenity asset.

The woodland is partially on elevated ground with views available from Lisnagrot Road providing a substantial landscape feature and attractive entrance to Kilrea from the south.

Nothing in legislation prohibits a Tree Preservation Order being placed on a golf course. For example -Cushendall Golf Course is located within the town's Conservation Area, within which trees are automatically protected as if covered

by a Tree Preservation Order. Conversely, there is nothing in legislation that prohibits the placing of a golf course in an historic setting. The consideration in this instance relates to lands that have been identified by historic maps as relating to long-established woodland, which also have a public visual amenity value.

Detailed Assessment of Trees

- *Site surveyed 31st July 2026.*
- *A total of 7no. woodland groups were identified, based on their location, ground conditions and tree mix.*
- *All Woodland Groups are in healthy condition and considered worthy of protection.*

Planning officials met club representatives on site to gain a better understanding of the course layout, and to discuss the club's proposed potential works and the potential implications of the provisional Tree Preservation Order.

The placing of a Tree Preservation Order will not prohibit the club's future aspirations, but may require some amendments to design, for example to the position or width of a fairway, to ensure the integrity of the Tree Preservation Order is not diminished. It is understood from discussions with the club representatives that the proposals are at a concept stage only - therefore design amendments can be incorporated.

It is recommended that Woodland Groups W001, W002, W007 and a southern portion of W006 are protected.

Woodlands W003, W004, W005 and W006 are located in lowland /boggy areas with limited amenity value and do not form part of the long-established woodland.

Summary - Tree Preservation Order to be confirmed, with modification to include Woodlands W001, W002 and W007.

Options

Option 1: Resolve to confirm the TPO, with modifications, as detailed above.

Option 2: Resolve not to confirm the TPO.

Recommendation

It Is Recommended that Members agree to either Option 1 or 2 above.

Councillor Storey commented on the financial cost to Council stating that there are costs in relation to Officers' time in processing a Tree Preservation Order

(TPO). Councillor Storey stated that the financial burden of maintaining a protected tree falls on the property owner. He highlighted a previous local case where a TPO had adversely affected the disposal of a property.

Councillor Storey expressed concern that Tree Preservation Orders can impose significant obligations on individual property owners following a third-party request. He considered the representations from the owners and their agents to be reasonable and noted that the business concerned was a well-respected local enterprise making a significant contribution to the local economy. Having considered the owners' circumstances and proposed plans for the future development of the business, Councillor Storey recommended that Option 2 – resolve not to confirm the TPO be approved.

In response to questions regarding trees at Cushendall Golf course the Development Plan Manager advised that trees located in a conservation protected area have the same protection as if covered by a Tree Preservation Order and confirmed that Cushendall Golf Course would be responsible for the trees within their ownership.

Alderman Scott commented on the growth in golf tourism since The Open and suggested that the Golf Club may wish to take advantage of this increased interest. Alderman Scott stated that obstacles should not be put in the way of the Golf Club wanting to enhance their course and that he agrees with Option 2.

Alderman Boyle spoke of her support in protecting trees and stated that she would not support Option 2. Alderman Boyle referred to a Notice of Motion presented to Council previously regarding the planting of trees and will be making enquiries in respect of progress on this.

Proposed by Councillor Storey

Seconded by Councillor McMullan

- That Committee agree to Option 2 - Resolve not to confirm the TPO.

The Chair put the motion to the vote

8 Members vote For; 1 Member voted Against; 1 member Abstained

The Chair declared the motion carried.

RESOLVED – That Committee agree to Option 2 – Resolve not to confirm the TPO.

8. REPORTS FOR NOTING

8.1 Finance Report – Period 3

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

Purpose of Report

This Report is to provide Members with an update on the financial position of the Planning Department for the Period 3 of the 2026/27 business year.

Details

Planning is showing a variance of around £102k favourable position at end of Period 3 based on draft Management Accounts.

The favourable position at the end of Period 3 is due to a favourable position in relation to income from planning application fees and property certificate income of around £58K.

This favourable position is supported by a favourable position of around £40K in salaries and wages and a favourable Development Plan of £30k and Other Professional Costs £15k.

There are no 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 3 of the 2026/27 financial year.

Committee NOTED the report.

8.2 Planning Committee Training

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

Purpose of Report

The purpose of this report is to advise Members of plans for delivering Planning Committee training and to request input regarding the content of the training.

Background

The Planning Committee receives annual training to ensure that all Members are aware of their duties and responsibilities. This training is mandatory for all Members.

Proposals

It is planned to source an external provider to deliver training on:

- The role of the Planning Committee
- Northern Ireland Local Government Code of Conduct for Councillors
- Decision Making

It is anticipated that this session will be delivered in autumn 2026, subject to scheduling.

It is also planned to deliver further “toolbox talks” on key planning policies. It is anticipated that these will be delivered by Planning officers as lunchtime sessions over the coming months. These sessions will be available to all Members.

Members are asked to advise of any specific training requirements that they wish to have covered in the autumn 2026 mandatory training session or toolbox talks.

Recommendation

It is recommended that the Planning Committee notes this report and advises of any specific training requirements that they wish to have covered in the upcoming training.

Proposed by Councillor McMullan

Seconded by Councillor C Archibald and

RESOLVED – That the Planning Committee notes this report and advises of any specific training requirements that they wish to have covered in the upcoming training.

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

There were no items of Any Other Relevant Business.

Councillor Storey reflected on fond memories of being in the Council Chamber in Riada House as a Councillor in Ballymoney Borough Council.

This being all the business the meeting closed at 2:40pm

Chair

UNCONFIRMED