

<b>TITLE</b>	<b>Supporting Planning Statement</b>
<b>PROJECT</b>	<b>Site for dwelling and garage</b>
<b>CLIENTS</b>	<b>Ciaran O'Donnell and Maeve McAlister</b>
<b>LOCATION</b>	<b>Lands adjacent and south of 15 Kilnadore Road, Cushendall BT44 0SG</b>
<b>DATE</b>	<b>February 2023</b>
<b>STATUS</b>	<b>Final</b>
<b>VERSION</b>	<b>F1</b>
<b>AUTHOR</b>	<b>Caoimhe O'Callaghan MRTPI</b>

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**THE PROPOSAL**

1. Outline planning permission is sought for the erection of a dwelling and garage on a site that lies adjacent and south of No.15 Kilnadore Road, Cushendall. The site lies in a green field at the edge of the town of Cushendall, one of 8 towns within Causeway Coast and Glens Borough Council. The settlement, as seen on the ortho below, has a low-density, sprawling nature and is concentrated around the 4 main streets within the town.



2. It is proposed to site a dwelling on a site that lies adjacent and west of No. 15 Kilnadore Road. The settlement's development limit runs adjacent to the western boundary of a one and half storey dwelling at No.15 Kilnadore Road. This dwelling fronts onto an unadopted laneway that adjoins Kilnadore Road (at the junction with Middlepark Road). A housing development lies on the opposite side of the laneway and the development limit extends 70 metres west along the laneway to include this development at Middlepark Crescent. There is an unnatural edge to the settlement with the countryside jutting across the front of No.15 Kilnadore Road and no defined feature on the ground distinguishing why No.15 and the housing development to the south should lie inside the settlement but this site should be excluded.

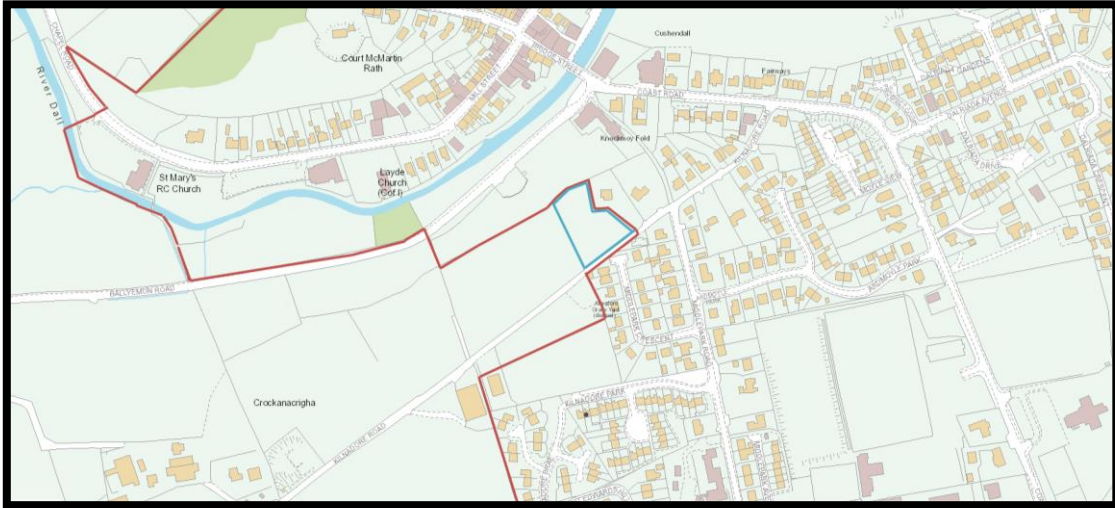
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**CHARACTERISTICS OF SITE**



***Proposed site shown in blue on the above map and development limit of Cushendall delineated in red.***

3. The site is a green field located on a quiet lane which serves as access to several dwellings. The site in itself has no distinguishing features and is part of a larger agricultural field that stretches to the south west. The western boundary of the site is undefined.



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4. In keeping with the settlement limit, the character of the area to the east and south is predominantly urban with a mix of house types and high and low density development. Glenballyemon River Corridor lies north of this proposed site and will be unaffected by this development. Although the area immediately west of the proposed site is agricultural and thereby has a more rural 'feel', looking west from the site however, it is apparent that the settlement stretches some 420 metres north west and a further 240 metres to the south west, such is the nature of the proposed site's position within this recess in the outline of the settlement.
  5. There are no built heritage or archaeological features within the site, which lies within LLPA Court McMartin CLL 001 as defined within the current Northern Area Plan 2016. This designation runs adjacent to the settlement boundary of Cushendall and will be discussed further in this submission. A standing stone lies 60 metres to the north west of this proposed site.
  6. Vegetation loss will be minimal, avoiding impact upon natural habitats. Although this is an outline planning application, we envisage a well-considered planting scheme will enhance the site's natural environs.

**SITE CONTEXT / CHARACTERISTICS**

7. The town of Cushendall lies within Antrim Coast and Glens AONB. The town originated as a small landlord village in the early 19th Century. Later, it was further developed as a place for visitors to the Glens to stay. Much of the historic character of the 19th Century settlement on the north bank of the River Dall remains. Consequently, Cushendall Conservation Area was one of the earliest in the Region to be designated in 1975, and includes the largely intact Irish Georgian buildings of the town's four original streets. Since the Second World War, there has been considerable residential and other development south of the river.
8. The site lies within designation CLL 01 Court McMartin Local Landscape Policy Area as designated as identified on Map No. 5 – Moyle District and Map No. 5/03 – Cushendall. Those

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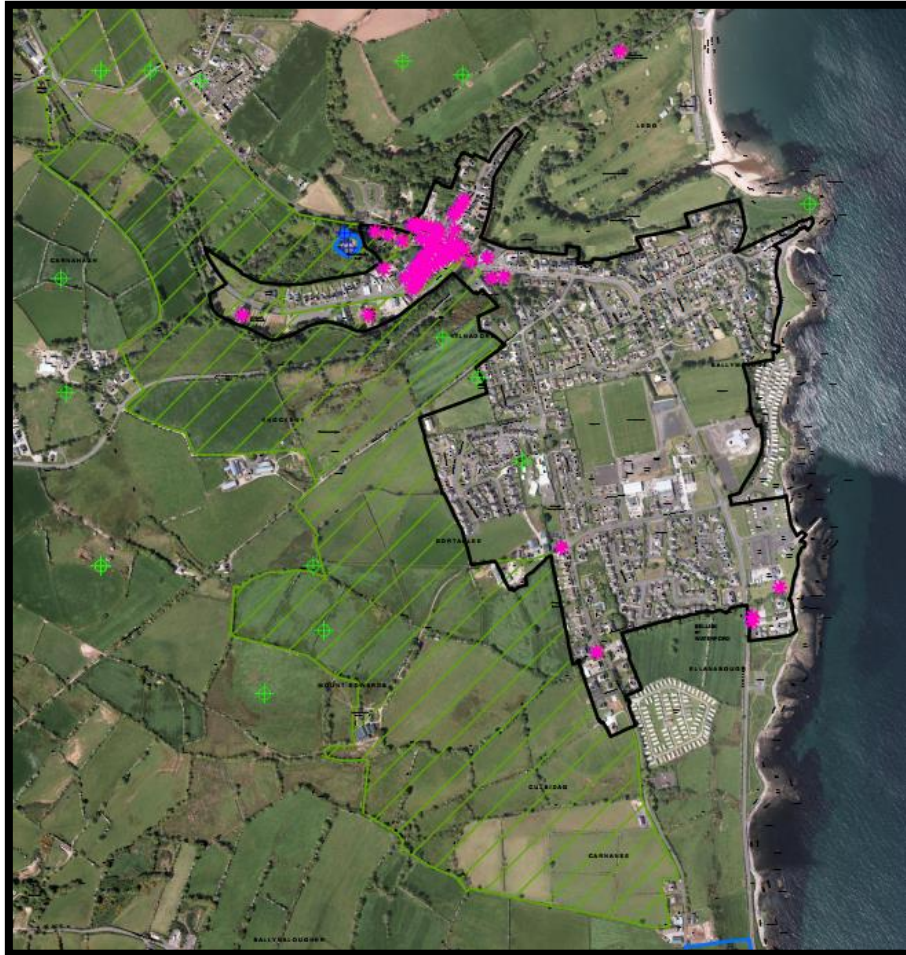
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features or combination of features that contribute to the environmental quality, integrity or character of this area are listed below;

1. The valley of the River Dall, with its steep northern slopes, provides a delightful western approach to Cushendall.
2. It includes numerous tree groups and the prominent tree crowned Rath of Court McMartin overlooking the town.
3. This area also includes the Glenballyemon River ASSI, along with significant archaeological features and natural habitats, and should be retained as an almost entirely open area.



The extent of the LLPA designation is shown on the map below (hatched in green).



*Map taken from Cushendall Settlement Appraisal Maps (No.2a) showing the extent of LLPA CLL 01.*

9. The plan states that any proposals for development within these areas will be considered within the terms of Policy ENV 1 in Volume 1 of the Plan. Where an additional degree of control is considered necessary this is specified following the designation.

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**CONSIDERATION / APPRAISAL**

10. Article 45 of the Planning Act (NI) 2011 requires the Council, in dealing with a planning application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. The Northern Area Plan 2016 operates as the relevant statutory LDP. The designated settlement of Cushendall runs alongside the eastern boundary of this site which is a shared boundary with the applicant's parent's dwelling at No. 15 Kilnadore Road. The site is therefore designated as lying within the countryside. NAP 2016 contains no provisions specific to this proposed single dwelling in the countryside and with reference to urban housing, it "aims to identify land for housing development, including social housing, at locations that will create compact and more sustainable settlements, with preference for sites within the urban areas". The settlement development limit has been drawn to take account of the role of the settlement, accommodating sites for new development opportunities while protecting the natural surroundings.
11. Turning to other material considerations, we note that there is no conflict between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Consequently, the policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21).
12. At face value, this is not a type of development that is provided for within any of Policy CTY 1's typologies. Specifically, we appreciate that we cannot attempt to cluster with a group of buildings at a focal point in the countryside, because the majority of the buildings that would have to be relied upon are located within a settlement. Policy CTY2a of PPS 21 therefore offers no support to this proposal. However, we advocate a different approach in this case – one in which planning theory and practice combine to outweigh policy failures on the ground - site specific considerations. The argument that we rely upon is that approval of this application provides a more logical and natural edge to the developed area along this part of the

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settlement. We contend that rounding off or consolidating development limits lead to a better defined settlement edge on the ground. Our approach is consistent with the PAC (see appeal 2017/A0147, at Tullaghans Road, Dunloy).



*Context to appeal 2017/A0147*

13. In that appeal, the Council's objection in principle based on Policy CTY 1 was upheld, i.e. Policy CTY 1 states that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No such case was advanced and the PAC concluded that the proposal did not meet any of the exceptions in Policy CTY 21. However, in that case the proposal was deemed to "round off" or consolidate development at the periphery of the settlement development and this was deemed sufficient to outweigh the absence of policy-based support for the proposal. The PAC's consideration of the matter is laid out as follows:

*The appeal site is an open rectangular field with a shed, and trimmed hedge boundaries. In its setting, it does not appear as unambiguously agricultural or rural in character. Rather, it presents as a side garden*

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*area to adjoining property or as a remnant site just as much as it would an agricultural field within the countryside. It is proposed to site the proposed pair in line with the existing pair of semi-detached properties. This arrangement, which could be secured by condition, would respect the existing development pattern along the frontage. Furthermore, on approach along the road in either direction, the proposed development, because of its design, the composition of the appeal site and its juxtaposition with adjacent development, would read as an integral, albeit extended part of the urban fabric of Dunloy. In these circumstances, while the proposal would offend policy, if constructed no detriment to rural character would be visually apparent.*

*Also, given existing vegetation and boundary treatment, the retention and augmentation of which can be secured through condition, the proposal marks an opportunity to deliver an environmental enhancement through provision of a clearer, coherent, logical and unambiguous edge to the settlement limit. The fact that the proposal would deliver a better environmental outcome without visual detriment to rural character leads me to conclude there to be overriding material considerations that outweigh any academic conflict with policy and justifies a contrary decision. Required visibility splays should be provided in the interests of road safety. In these circumstances the appeal succeeds and outline planning permission is granted.*

14. The above-mentioned appeal is considered relevant to this proposal on the basis of the sites' positions immediately outwith a settlement limit, occupying the entirety of a gap between the settlement limit and other sequential development. We trust this decision will reinforce our assertion that the principle of "rounding off" can be used to justify approval of a planning application that does not comply with any other planning policy.

15. I would draw the Council's attention to a PAC decision (proposal for four dwellings), and consider it is also relevant to the subject at hand (2008/A0342).



16. Therein, the entire site was located outside the settlement limit for Burren and in the Green Belt, as defined in the Newry and Mourne District Rural Area Subject Plan 1986-1999. In allowing the appeal, the Commission ruled that *“in this context the appeal proposal would represent a logical rounding-off of the settlement giving a better and more strongly defined settlement edge that would not be harmful to the setting of Burren. When account is taken of the planning history, the small amount of land involved and the quality of the settlement edge that would result from the development, the extant plan boundary is not determining in this appeal”*.

17. We appreciate that the two cases do not stand squarely on all fours with one another, in particular because the Burren site had a relevant planning history, however the decision confirmed that *“rounding off”* and consolidating the settlement limit is a significant material consideration. As with all things, the weight to be attached to an individual material consideration is a matter for the decision-maker however we submit there would be no harm caused to the surrounding locality through allowing this development on the basis of *“rounding off”* or consolidating the edge of the settlement limit.

18. Planning appeal 2003/A070, adjacent to No.12 The Straits, Lisbane, was also allowed on the basis of 'rounding off', albeit a number of individual factors existed that would not be reflected in this case, however the principle is the same whereby the advantages of rounding the settlement were deemed to outweigh any harm. In this instance the site (as shown on the adjacent map) is weaker in 'rounding off' terms than the site proposed under this application given the area of land to the north of the site is not within the development limit and the edge is less logical than that proposed at Kilnadore Road.



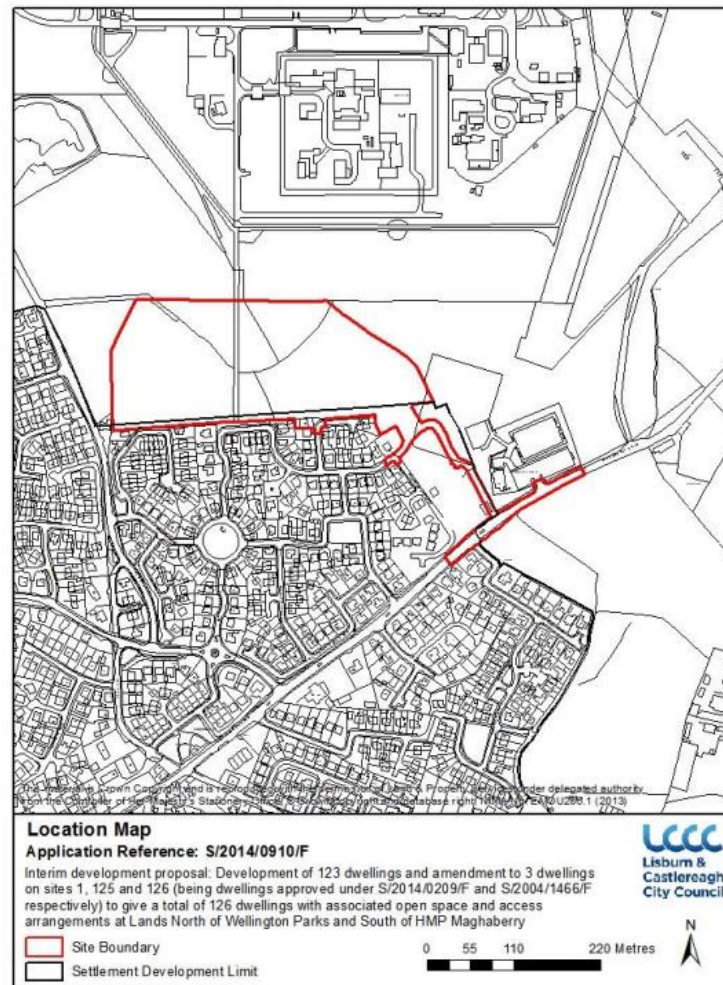
*“The residual area between the north site boundary and the proposed link road does weaken the case for "rounding off". However, having regard to the policy as a whole the proposal does comply with the overriding criterion that housing development should be small in scale. Proposals should “principally” be rounding off or infilling but, even if these criteria are not entirely satisfied, the proposal may still be acceptable.”*

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19. The principle of rounding off has been endorsed, corporately by Lisburn and Castlereagh Council in their approval (S/2014/0910/F) of 123 dwellings on lands North of Wellington Park and South of Maghaberry Prison, Maghaberry.



20. Again, there were a number of other material considerations to the fore, as there were in the case of Shelbourne Motors' successful application at Newry (LA07/2016/0307/O), however these decisions merely reinforce the fact that it is sometimes appropriate to approve development on the urban fringe, where it will result in a more orderly and legible settlement development limit.

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21. This practice recently secured planning permission within Newry Mourne and Down District Council for a dwelling on the edge of the settlement of Mullartown / Glassdrumman.



22. Officers consulted its Local Development Plan team. Its response confirmed that; *The principle of rounding off/consolidating development is indeed an appropriate approach in reviewing development opportunities within the District's small settlements.*
23. Whereas it follows that any large-scale changes to a settlement limit ought to be made through the LDP process, this does not have to apply to small-scale proposals. The **LDP team's response** contains the following statement: *There would appear to be only scope for the provision of a single dwelling with no further extension of the ribbon being feasible. It is considered that a suitably sited single dwelling could be accommodated within this site without impacting on the character of the settlement. Incorporating this site or a portion thereof into the existing SDL has the potential to represent an appropriate rounding off opportunity to this particular node of development. Under these circumstances it is considered that the potential to undermine the plan process is limited.*
24. Although ultimately the planning application was approved by the Council's Committee Members, the response from the Development Plan Team with regard to the principle of rounding off / consolidation is relevant.

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25. This practice recently brought forward a successful planning appeal on a site that lies partially outwith the small settlement of Tullyroan Corner which lies within Armagh Banbridge and Craigavon District Council area (PAC reference 2021/A0068). The primary issue centered around the site's location partially outwith the existing development limit, however this was found not to be determining by the appeals commission. See extract from Paragraph 11 of the decision below;

*In this case the minor scale of the breach in question by a modest portion of the proposed curtilage, the lack of an existing defined boundary for the limit at the appeal site, together with the lack of critical views of that area, lead me to conclude that the granting of permission for the appeal development would afford an opportunity to provide a legible, coherent and well defined edge to the western node of Tullyroan Corner at this location, without detriment to either the setting of Tullyroan Corner or the adjacent countryside.*

26. Notwithstanding the fact that this differs to the proposed site in that the entire site lies outwith the settlement limit we contend that the issues and principles are the same. Determining weight is given to the desire for a logical and well-defined edge to the settlement and in-common with the proposed site, there are no critical views of the proposed development and no detrimental impact on the setting of the settlement.

27. The integrity of the LLPA will not be compromised as a result of this development. The valley of the Dall River, the numerous tree groups and the prominent tree crowned Rath of Court McMartin as well as the Glenballyemon River are not intervisibly linked with proposed site and will not impact negatively upon them. The LLPA covers a vast swathe of the land to the west of Cushendall but none of its important features will be compromised by this small-scale development nestled into an inconspicuous area within the surrounding development. The features which contribute greatly to the beautiful setting of the town particularly on approach from the west will be unaffected.

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28. As the proposal lies within the LLPA it must meet the additional test contained within the Northern Area Plan 2016 – ENV 1 whereby;

***Planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. Where development is permitted, it will be required to comply with any requirements set out for individual LLPAs in the District Proposals. 40 Volume 1 - STRATEGIC PLAN FRAMEWORK. Where riverbanks are included within the LLPAs, access may be required to the river corridor as part of the development proposals. Any access should not have an unacceptable adverse impact on the flora and fauna of the river corridor. Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.***

29. This proposal is not at odds with ENV 1, as it is not considered that the proposal will impact upon the features that contribute to the character of the LLPA, (there are no particular requirements specific to this LLPA to comply with and the application site does not adjoin a river bank). Great care will be taken at subsequent stage of the planning process (if this application were to be successful) to ensure that landscaping is of a very high quality including an indigenous species hedge row along the western boundary and all existing mature trees to the rear (north) of the site are to be retained also.

30. The principle of rounding off / consolidation is an appropriate mechanism to consider the proposed development and we contend that a dwelling could be accommodated on this site (ensuring that the integrity of the LLPA is not compromised), with the development limit subsequently following a more natural and obvious line, taking into account the higher density

development on the opposing side of the laneway as opposed to simply following the line of existing piecemeal development.

31. An approval of planning permission on this site would result in a more strongly defined settlement limit and be consistent with the adjoining SDL to the north west and south west of the site. Given the minor nature of the adjustment to the limit that this proposal would result in, the development plan process will not be undermined. The site will not be visible from the public road network and views from the lane on either approach will give the impression of a better and more consistently defined edge to the town.
32. Access to the site is via the existing private laneway that adjoins the Middlepark Road. This junction has been 'adopted' and is therefore considered to meet the necessary standards.
33. In light of the foregoing we would respectfully request the planning department to look favourably upon this proposal, however in the event further information is required please do not hesitate to contact this office.



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## DESIGN & ACCESS STATEMENT

**This proposal seeks outline planning permission for a dwellinghouse and the site lies within Antrim Coast and Glens AONB, hence the submission of this Design and Access Statement.**

- The design principles and concepts that have been applied to this proposal have taken cognisance of the area's unique character and amenity.
- The following planning publications have been taken into consideration in the formulation of this proposal:

Northern Area Plan 2016;  
Creating Places;  
PPS 7 Quality Residential Environments;  
PPS 21; Sustainable Development in the Countryside;  
PPS 2; Natural Heritage;  
PPS 3 Access, Movement and Parking; and  
Other relevant planning publications including DCAN 15.

- The principle of sustainability is central to this proposal. The applicant proposes an energy efficient home that will benefit from minimal heating and fuel costs. Insulation and air-tightness will be expected to meet current Building Control standards and the dwelling will benefit from passive solar gain.
- The physical appearance of the building will be in keeping with the prevalent built form within the AONB and has been sited to ensure that it will blend into the surrounding landscape and ensure that there is no impact upon the adjacent dwelling.
- Quality of access to the development has been achieved by relying upon the relevant statutory authorities' publications, including Building Control regulations. Traffic / speed control mechanisms are not applicable given the nature and scale of the proposal.
- The layout of the site is such that the proposal will fully appreciate its local context. In appraising the local context, the quality of the site's backdrop and existing vegetation have been recognised, by way of comparison to other existing developments on the ground. Materials and finishes will be in keeping with the character of the surrounding area.

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- Access to the proposed house will be safe and convenient, and while not prescriptive, the provisions of the local area plan have been accounted for in the formulation of this proposal, including the access to the site.
- Access for disabled persons will be adequate and convenient.
- Parking facilities are adequate.
- The developer has not identified any specific issues that might affect access to the site, and on balance access, parking and manoeuvring are all provided for in accordance with the relevant design guidance.
- Environmental sustainability has been an important feature within this proposal, and the applicant has indicated an early desire to exceed normal building control standards in terms of house insulation and the application of sustainable technologies to reduce energy consumption.

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<b>PROJECT</b>	<b>Erection of dwelling and integrated garage on lands adjacent and west of 15 Kilnadore Road, Cushendall</b>
<b>CLIENT</b>	<b>Mr &amp; Mrs C O'Domhnall</b>
<b>REF</b>	<b>LA01/2023/0133/O</b>
<b>DATE</b>	<b>September 2023</b>
<b>STATUS</b>	<b>Final</b>
<b>VERSION</b>	<b>D2</b>
<b>AUTHOR</b>	<b>Colin O'Callaghan</b> Chartered Town Planner BSc Hons Dip TP MRTPI

### Document Control

REVISION	DESCRIPTION	STATUS	DATE	BY	CHECKED	APPROVED
D2	Supporting Planning Statement (Addendum #1)	Draft	26/09/23	C.J.O'C		

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## **Background**

This submission has been prepared in response to concerns laid out in recent communications from the local planning department of Causeway Coast and Glens Borough Council, in relation to the proposal. We are grateful of the opportunity to address the issues raised.

### **Concerns Expressed:**

- The proposal is contrary to Policy;
- Approval would establish a precedent – there are purportedly other examples around the fringe of Cushendall where the same approach could apply; and
- Approval would mar the distinction between settlement and countryside.

### **Contrary to Policy**

It has been conceded in our planning analysis that this application, taken at face value, offends Policy CTY 1 of PPS 21. This issue falls to one side however, if the principle of “rounding off” is accepted.

### **Precedent**

Each planning application is required to be determined on its own merits. Applications are decided on the basis of a particular evidential context and while precedent is a material consideration in the determination of any planning application, seldom if ever will two proposals or two sites share precisely the same characteristics.

If the Council could confirm that the justification we propose is not unprecedented, and that the approach we propose can, on occasion, warrant the setting aside of Policy CTY 1 of PPS 21, the issues of concern could be narrowed considerably.

We believe that is an important starting point, because it does not appear that the Council has formally recognised the option of departing from policy exists – as representatives of the applicant it is unclear whether the Council does not accept the appropriateness of the approach in general, or on this specific site.

Notably, in a recent case in Lisburn, the concept was applied to grant permission for a large residential development, while nearby, at Dunloy, the PAC was content to apply the principle to grant two dwellings.

While we strongly advocate the principle of rounding off, we are compelled to challenge the Council’s rationale that approval would set a harmful precedent (the Council purportedly feared a precedent effect, because it discerned multiple other “similar opportunities” around Cushendall’s edges).

We have identified no other comparable examples beyond Cushendall’s settlement limits, and no other opportunities for one off-housing exist. We believe that sites offering potential for multiple housing can easily be distinguished from this site, and such sites could potentially be resisted on the basis of their potential impact upon housing distribution in the settlement, whereas this proposal raises no such issues.





*Image 1 Settlement limit around Cushendall, delineated red, with sites that have been excluded from the settlement limit marked in colour.*

It can be seen that there are only a small number of places where the settlement limit appears “contrived”. For the most part, the settlement limit clearly follows housing boundaries or established field boundaries or natural features in the terrain.

- At the southern edge of the settlement, there is a 7.6 acre site (green shading), laid out over 3 fields that appears, at first glance, as if it has been unnaturally excluded from the settlement. There is development to the north, east, west and a caravan park to the south. While it appears surrounded by development, it could potentially accept a yield in the region of 60 dwellings. Approval of 60 new dwellings for Cushendall would be far beyond the settlement’s needs, and the site is so large that it had to be excluded from the settlement (there would have been no logic in including only part of that site within the settlement). Approval of the current application would not set a precedent that would have to be respected on these lands, to the south of Bellisk Drive. The scale of the sites varies so significantly that proposals would not be regarded as standing squarely, on all fours, nor to such an extent that approval on the

applicant's site would automatically lead to approval of a dwelling on this 7.6 acre holding (nor a residential development).

- At the north eastern part of the settlement (yellow shading), development along Coast Road is generally a single plot deep. The settlement limit projects outwards slightly to account for the fact that Dalriada Gardens is at least two plots deep. Approval of this application would not set a precedent that would lead to additional pressure for new development to the rear of the Coast Road frontage, because the settlement limit there is already legible and coherent in that it follows along the rear of the Coast Road properties. In any case, the land beyond the Coast Road frontage properties lies within a golf course and would not lend itself to access from Coast Road.
- On Kilnadore Road (lane), one will note that the recently-approved social housing development (LA07/2020/0510/F) included a parcel of land that was oddly not included within the settlement limit. It was recorded in that application that around 10 units were outside the statutory development plan's settlement limit. Significantly, "consideration was shown to the nature of the breach of the settlement limit". It was stated that "much of the area outside the settlement limit is occupied by open space". It is conceded that Policy CTY 5 of PPS 21 applied to the assessment of that application, unlike this proposal, however there is an element of inequity in a social housing provider being able to round off a settlement limit, but a third-generation member of a family who have built one house in each of its last two generations, beside this site, can not. In short, approval of this planning application will not set a precedent that would, cumulatively, establish a precedent that would warrant the rationalisation of the part of the settlement abounding the site shaded orange on the aforementioned map, because that precedent has already been established and that decision ought to be recognised as having some (positive) implications for this applicant.
- The site represents a natural infilling, by virtue of it being surrounded on three outer sides, by built development or terrain features. In that respect, the site to the west of 47 Middlepark Road (in purple box in previous map) is not comparable. Development of that site would result in buildings pushing outwards in two directions. The settlement at Middlepark Road is robust and defensible, unlike the Kilnadore Lane situation, because at Middlepark Road the lane suggests that no new development should follow to its south, and the farm buildings to the west of No. 47 offer a natural break point to the developed area. There is simply no need to try and rationalise development there (because the limit is already coherently rationalised).
- While there is a small pocket of land that looks unnaturally excluded, adjacent to Knockmoy Fold (blue triangle), the fold is already well-contained by existing landscape features including vegetation and overgrowth. It would not be possible to argue that development should be permitted to the rear of the fold, in order to make better sense of the settlement limit, and one cannot ignore the geography of that area. Approval of this application would therefore not set a precedent that would automatically warrant approval of a new dwelling to the rear of the fold, even if it could be accessed separately (which appears not to be the case).
- While one small area of land appears unnaturally excluded from the settlement, on Chapel Road, in reality this is part of St Mary's Church graveyard.

- While on paper it may appear as if there is potential to the rear of 77 Middlepath Road, in reality the movement in the settlement limit is not large enough to accommodate a single dwelling without development overspilling into the countryside. It is unclear how or why the Culbidagh Court development was permitted to extend beyond the second plot (in depth) but the fact that it has is now immaterial and does not offer up any prospect of additional development (to justify rounding off).

Overall, having reviewed the settlement boundary extensively, we disagree with the Council's recent statement that there are many comparable sites on the fringe of Cushendall. In short, there are not.

Having looked at the Council's objections, in depth, and having conducted a detailed analysis, we can record that whereas there are instances when it appears at first glance as if the settlement limit could potentially be rounded off with a single dwelling, in reality when one looks at those scenarios, on the ground, there is no case for rounding off because the settlement limit is already well defined by buildings and / or significant landscape features.

In the adjacent approval for the social housing scheme, the Development Plan team advised that the extent of the zoning was influenced by the adjacent archaeological site (while Kilnadore Graveyard [disused]) is annotated on various maps, on the southern part of Kilnadore Road [lane] it does not extend to the opposite side of the lane). The fact the archaeological constraint did not affect this site is indicative that the site was excluded from the settlement for some other, unknown, reason.

The exercise of planning judgement was evident in the granting of permission for the social housing development, due to the departure from the local development plan and the permitting of development beyond the statutory Plan's settlement limit. In fact, the Plan was further departed from in that the permission authorised a housing density that was at significant variance with the density prescribed in the Plan's Key Site Requirements. The fact the Council was not slavishly wedded to planning policy in that case suggests that a flexible approach can be taken in this case also.





*Image 2: At present, the settlement limit is unnatural insofar as it excludes the applicant's site from the settlement limit. The most orderly way of consolidating development at this locus would have been to draw a line between the garage at No. 15 Kilnadore Road to the edge of 7B Middlepark Crescent's curtilage. That way, development would have extended evenly along Kilnadore Road. The situation will be compounded once the approved development is complete.*

What sets this site apart from other sites on the periphery?

The consolidation would only be for a single dwelling and would thus not compromise housing projections for the settlement;

The site has its own road frontage, and access would not have to be taken through another plot;

Development can be achieved without fragmentation or plot subdivision;

The proposal represents infilling i.e. development is taking place on the inner angle, not the outer angle, and is therefore not projecting into the open countryside as would be the case in any of the other examples that look comparable (on paper – but which are not actually comparable on the ground);

The approval for the social housing scheme will only make the settlement limit appear less coherent on this frontage, when complete. The best solution therefore is to infill the inner angle in this otherwise built up area, and thereafter consolidate the settlement with an orderly development that will follow the building line of the new plot, which can also be considerably landscaped.

Development on the northern side of Kilnadore Lane terminates unnaturally at the applicant's parents house. The settlement limit at this part of Cushendall does not fully reflect the situation on the ground and it does not follow an established or natural boundary, on the ground.

The context on Kilnadore Lane is changing and will evolve further once the approved development off Kilnadore Park is completed. That development itself represented the infilling / rounding off / consolidation of development at this locus, albeit less contentiously (as it lay partially within the established settlement limit). Although the Kilnadore Park development will rationalise development at this part of the settlement edge, it will not address the perception as one is travelling along Kilnadore Lane, that they are passing a line of detached houses but the line of dwellings stops unnaturally, with no natural features to show how the transition from built up area to open countryside is managed. The oddity, for persons travelling along the lane, is that there is a housing development to the south, and another approved development in the pipeline, but to the north, there is nothing to indicate why the application site is not located inside the settlement. Logically, the site reads as if it is part of the developed area, because the site is contained by the dwellings to the south and east, and by rising ground to the north and west. In such circumstances, the most appropriate way of making the settlement edge robust, is by granting this development, with a new planted buffer along its western side. That would contain the developed area and prevent any future outward spread.



Image 3 LA01/2020/0510/F  
Lands off Kilnadore Park, opposite 25-31 Kilnadore Brae, Cushendall  
Erection of 34 dwellings





*Image 4 The statutory area plan's settlement limit ran half-way through the zoned housing site. The council correctly permitted new development in a manner that will better rationalise the built-edge to the settlement limit and a similar approach is warranted at the application site.*



**Marring the distinction between settlement limit and countryside**



*Image 5 At present, there is nothing physical to distinguish between the settlement limit and the open countryside. The approved social housing development has been marked with a blue star, and when one takes account of the wider context the exclusion of the applicant's site from the settlement serves no useful purpose.*

When contemplating the Council's recent concerns, we asked ourselves: who would be confused by the settlement limit in the event this application is approved? We believe that approval of this application would cause no such confusion. Not only would approval not result in the marring of the distinction between "urban" and "rural" areas, but it would actually improve the transition along Kilnadore Road (lane). Passers-by would genuinely be confused to see two dwellings to the right hand side of the lane, the second of which is not obviously divorced from the countryside, but would then wonder about why there is no further development to the right hand side of the lane yet higher-density development is extending along the left hand side. The proper solution is to permit this proposal, which will then rigidly separate the development from the right hand side of Kilnadore Road (lane) from the surrounding countryside, perpendicular to the road. The present arrangement of No. 15's boundaries (angular) does nothing to create an impression of a natural stop / limit at the urban fringe and the lack of substance in its boundaries is indicative of a weak edge to the settlement limit. Approval of this application will provide proper redress.

**Other Material Considerations**

When one studies the planning history of No. 15 Kilnadore Road, it is evident that the curtilage of the plot has been contracted, temporarily, as a matter of convenience. It can be seen, from the following GIS Polygons, that the planning unit included the application site, and it is evidence that development was, at some point in time, planned beyond the current site boundaries (which are not so significant that they should be regarded as forming a proper edge to the developed appearance of this built-up area). While not providing out right support for the approval of this application, it is another indicator that the natural and planned edge to the settlement limit should be recognised as lying beyond the present arbitrary line that unnaturally excludes this application site. Having regard to the matters raised herein, we would be grateful if the Council could revert to us with its comments upon this additional justification.

**15 KILNADORE ROAD CUSHENDALL** Valid

Full Application Reference: E/1989/0176

**Proposal Description** Application actions ▾

Front ground floor extension to dwelling

Details **Map** Related Cases Documents 0 Comments 0

**Site boundary**

**15 KILNADORE ROAD CUSHENDALL** Valid

Full Application Reference: E/1997/0104

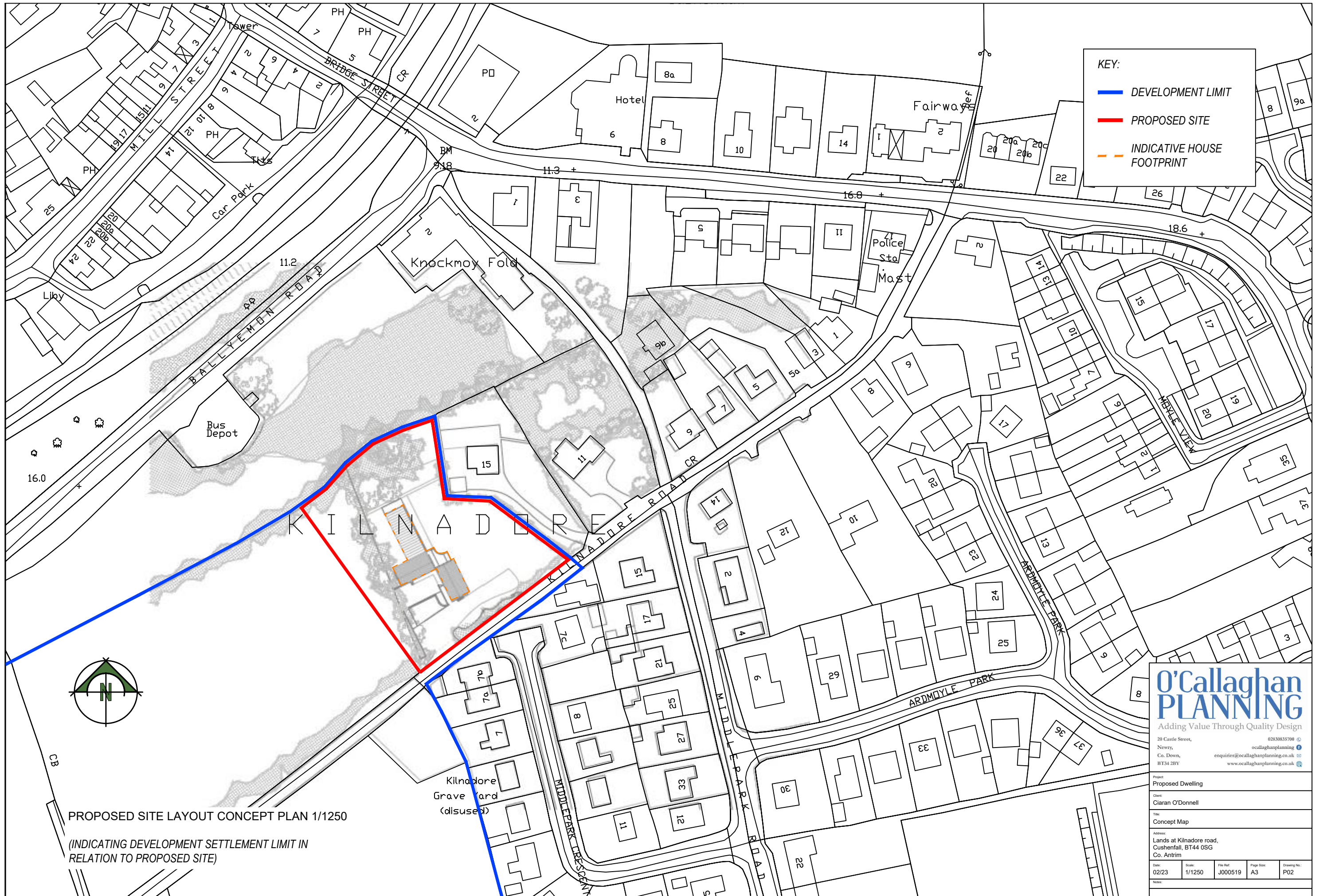
**Proposal Description** Application actions ▾

Erection of detached garage/workshop to dwelling

Details **Map** Related Cases Documents 0 Comments 0

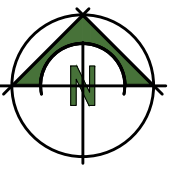
**Site boundary**





**KEY:**

- DEVELOPMENT LIMIT
- PROPOSED SITE
- INDICATIVE HOUSE FOOTPRINT



PROPOSED SITE LAYOUT CONCEPT PLAN 1/1250  
 (INDICATING DEVELOPMENT SETTLEMENT LIMIT IN  
 RELATION TO PROPOSED SITE)

**O'Callaghan  
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 BT34 2BY www.ocallaghanplanning.co.uk

Project: Proposed Dwelling				
Client: Ciaran O'Donnell				
Title: Concept Map				
Address: Lands at Kilnadore road, Cushenfall, BT44 0SG, Co. Antrim				
Date: 02/23	Scale: 1/1250	File Ref: J000519	Page Size: A3	Drawing No.: P02
Notes:				



Settlement Development Limit

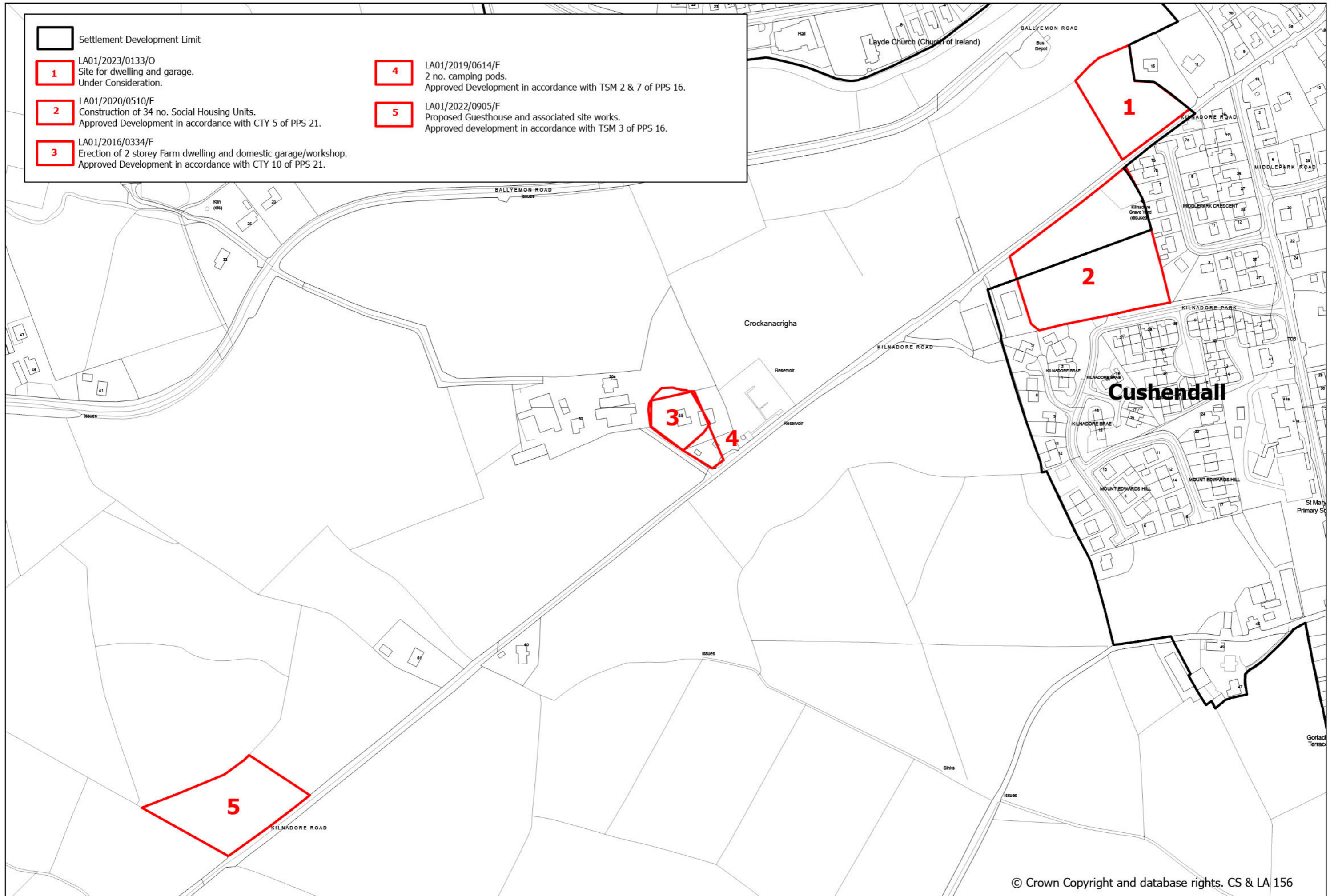
**1** LA01/2023/0133/O  
Site for dwelling and garage.  
Under Consideration.

**2** LA01/2020/0510/F  
Construction of 34 no. Social Housing Units.  
Approved Development in accordance with CTY 5 of PPS 21.

**3** LA01/2016/0334/F  
Erection of 2 storey Farm dwelling and domestic garage/workshop.  
Approved Development in accordance with CTY 10 of PPS 21.

**4** LA01/2019/0614/F  
2 no. camping pods.  
Approved Development in accordance with TSM 2 & 7 of PPS 16.

**5** LA01/2022/0905/F  
Proposed Guesthouse and associated site works.  
Approved development in accordance with TSM 3 of PPS 16.



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<b>Appeal Reference:</b>	2017/A0147
<b>Appeal by:</b>	Mr Damian McMullan
<b>Appeal against:</b>	The refusal of outline planning permission.
<b>Proposed Development:</b>	Two No. semi detached dwellings.
<b>Location:</b>	Lands adjacent to 142 Tullaghans Road, Dunloy.
<b>Planning Authority:</b>	Causeway Coast & Glens Borough Council.
<b>Application Reference:</b>	LA01/2016/1445/O
<b>Procedure:</b>	Hearing on 16 <sup>th</sup> January 2018.
<b>Decision by:</b>	Commissioner Damien Hannon, dated 9 <sup>th</sup> May 2018.

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## Decision

1. The appeal is allowed and outline planning permission is granted subject to the conditions set out below.

## Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and its impact on rural character.
3. Article 45 of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. The Northern Area Plan 2016 (NAP) was adopted in September 2015 and operates as the relevant statutory LDP. Designation DL 01 of the NAP specifies a settlement limit for Dunloy and while the appeal site borders the Dunloy settlement limit, it is designated as located in the countryside. The NAP however, contains no provisions specific to this proposal for a pair of semi detached dwellings in the countryside.
4. Furthermore, there is no conflict between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this appeal. Consequently, the policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21).
5. The appellant argued that the proposal would fall within one of the range of types of development, set out in Policy CTY 1 of PPS 21 as acceptable in principle in the countryside, namely the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.
6. Policies CTY 8 and CTY 14 state that planning permission will be refused for a building which creates or adds to a ribbon of development. The appeal site is a

rectangular field measuring some 65m deep with a 28m frontage onto Tullaghans Road. An existing sheep shed lies to the rear of the appeal site abutting its northern boundary. The site is bounded to the west by Nos 140 and 142, a pair of semi-detached properties fronting Tullaghans Road. The proposed pair of dwellings would, in conjunction with this pair, create a ribbon of development fronting Tullaghans Road. Policy CTY 8 also states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other environmental requirements.

7. The appellant did not state that the existing sheep shed had a frontage onto the road but argued the appeal plot to be a gap site within an otherwise substantial and continuously built up frontage comprising Nos 140 and 142 Tullaghans Road and a terrace of dwellings at 22 -34 Carness Drive. This terrace, to the east of the appeal site, forms part of a housing estate within the development limit of Dunloy. Notwithstanding that this terrace is located outwith the countryside, the dwellings do not have a frontage onto Tullaghans Road as their defined rear curtilage boundaries are separated from the road by a communal green area. Consequently, the appeal site is not part of an otherwise continuously built up frontage for the purposes of Policy CTY 8 and the proposal does not constitute a gap site, set out in Policy CTY 8 as acceptable in the countryside.
8. Paragraph 5.32 of the justification and amplification of Policy CTY 8 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable. Policy CTY 14 adds that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings
9. In this case the proposal would not sterilise backland as access from Tullaghans Road, to the farmland to the north would be retained via a laneway running along the eastern boundary of the appeal site. Nonetheless, the appeal site lies within the countryside and the proposal, because of its bulk, massing and siting close to the road would create ribboning and appear as an addition to suburban style development, reinforcing the built up appearance of the road. The proposal would, in conjunction with Nos 140 and 142, create a ribbon of development fronting the road and would run contrary to Policies CTY 8 and CTY 14. I consequently conclude the Council's objection on rural character grounds to be well founded.
10. Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No such case was advanced and I conclude that the proposal does not meet any of the exceptions in Policy CTY 21. The Council's objection in principle based on Policy CTY 1 is upheld.



11. It is stated in paragraph 5 of PPS 21 that the provisions of its policies will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision. The appellant stated that a pattern of inconsistency in decision making has been established in respect of similar cases and that the proposal constituted beneficial 'rounding off'. He argued these to constitute two material considerations which, either individually or in combination, were sufficient to outweigh any sustained objection on policy grounds.
12. The appellant referred to a number of approvals in respect of proposals that he regarded as comparable with the appeal scheme and argued that this established a pattern of policy interpretation that should, in the interests of consistency, be applied in this case. However, some of the approvals referred to were granted by a different planning authority namely the former Department of the Environment (DOE) and not the Council. Furthermore, having considered the circumstances pertaining to each, I conclude that none of these proposals are on all fours with the appeal proposal. In these circumstances I do not consider that a pattern of inconsistency in decision making, which should be weighed in favour of the proposal, has been established.
13. The appellant made the point that while designated in the countryside in the NAP, the appeal site was within the settlement limit of the preceding North East Area Plan 2002. However, it would not be appropriate for me to revisit the provisions of a statutory and recently adopted plan through this appeal. The appeal site lies within the countryside and I have concluded that the proposal would run contrary to policies CTY 1, CTY 8 CTY 14 of PPS 21.
14. The appeal site is an open rectangular field with a shed and trimmed hedge boundaries. In its setting, it does not appear as unambiguously agricultural or rural in character. Rather, it presents as a side garden area to adjoining property or as a remnant site just as much as it would an agricultural field within the countryside. It is proposed to site the proposed pair in line with the existing pair of semi detached properties. This arrangement, which could be secured by condition, would respect the existing development pattern along the frontage. Furthermore, on approach along the road in either direction, the proposed development, because of its design, the composition of the appeal site and its juxtaposition with adjacent development, would read as an integral, albeit extended part of the urban fabric of Dunloy. In these circumstances, while the proposal would offend policy, if constructed no detriment to rural character would be visually apparent.
15. Also, given existing vegetation and boundary treatment, the retention and augmentation of which can be secured through condition, the proposal marks an opportunity to deliver an environmental enhancement through provision of a clearer, coherent, logical and unambiguous edge to the settlement limit. The fact that the proposal would deliver a better environmental outcome without visual detriment to rural character leads me to conclude there to be overriding material considerations that outweigh any academic conflict with policy and justifies a contrary decision. Required visibility splays should be provided in the interests of road safety. In these circumstances the appeal succeeds and outline planning permission is granted.

## **Conditions.**

1. Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be as approved by the Council – the siting, design and external appearance of the dwellings. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.
2. The dwellings shall be sited in general accordance with the 1:500 scale Block Plan received by the Council on 14<sup>th</sup> February 2017 and numbered 02A by them.
3. Visibility splays of 2.4m x 80m shall be laid in both directions along Tullaghans Road in accordance with 1:500 scale Block Plan received by the Council on 14<sup>th</sup> February 2017 and numbered 02A by them prior to occupation of any dwelling hereby approved and shall be thereafter permanently retained.
4. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing trees and hedgerows to be retained and the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme should incorporate retention of existing hedging along the site's eastern and western boundaries and the planting of native species hedge behind required visibility splays. The scheme of planting as finally approved shall be carried out during the first planting season after any of the dwellings are occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.
5. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
6. Application for approval of the reserved matters shall be made to the council before the expiration of three years from the date of this decision.

This decision is based on the following drawings:-

1:1250 scale Site Location Map received by Causeway Coast and Glens District council on 27<sup>th</sup> October 2017 and numbered 01A by them.

1:500 scale Block Plan received by Causeway Coast and Glens District council on 27<sup>th</sup> October 2017 and numbered 02A by them.

**COMMISSIONER DAMIEN HANNON**

**2017/A0147**

**List of Appearances**

Planning Authority:-

Ms Jennifer Lundy

Appellant:-

Mr Matt Kennedy (MKA Planning)  
Mr Damian McMullan  
Mrs Claire McMullan

**List of Documents**

Planning Authority:-

COU 1 Statement of Case

Appellant:-

APP 1 Statement of Case

# Appeal Decision

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**Appeal Reference:** 2008/A0342  
**Appeal by:** Killowen Contracts Ltd against the refusal of full planning permission.  
**Development:** Four dwellings.  
**Location:** 7 Clontifleece Road, Burren.  
**Application Reference:** P/2007/1208/F  
**Procedure:** Written Representations and Commissioner's Site Visit on 30 March 2010.  
**Decision by:** Commissioner Michael Evans, dated 7 June 2010.

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## Preliminary Matters

1. The Appellant has submitted a revised layout during the appeal process. The changes made include increasing the rear garden areas, changing the position of car parking spaces and amending the access road. The changes do not alter the fundamental nature of the proposal and there would be no additional effects that might prejudice the interests of third parties. The appeal will therefore be determined on the basis of the revised layout plan submitted during the appeal.

## Decision

2. The appeal is allowed and full planning permission is granted.

## Reasons

3. The three additional reasons for refusal introduced by the Department after the decision to refuse planning permission refer to policies of A Planning Strategy for Rural Northern Ireland (PSRNI). In June 2010 the Department published Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). The Preamble to PPS 21 refers to a Statement to the Assembly by the Minister of the Environment which indicated that the policies of PPS 21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.
4. The Preamble to PPS 21 states that its provisions will take precedence over a number of specified policies and provisions of PSRNI. These include all the policies in the amended reasons for refusal with the exception of Policy SP3. This indicates that planning appraisals of villages and smaller settlements should be carried out. This is a strategic policy and does not therefore provide a basis for

assessing whether planning permission should be granted. The planning application was submitted to the Department on the 20 August 2007 and should not be considered against the policies of the PSRNI. Therefore in this respect the three additional reasons for refusal are misplaced and not justified. As the Department had no reasons for refusal based on draft PPS21, the publication of PPS 21 has not altered the evidential context in which the appeal was assessed

5. The third reason for refusal regarding prematurity to draft Banbridge/Newry and Mourne Area Plan 2015(dBNMAP) has been withdrawn. The main issues remaining in this case are the effect of the development on the setting of the settlement of Burren and whether the proposal will create a quality and sustainable residential environment in compliance with Policy QD 1 of *Planning Policy Statement 7 (PPS7) Quality Residential Environments*.
6. The entire site is located outside the settlement limit for Burren and in the Green Belt, as defined in the Newry and Mourne District Rural Area Subject Plan 1986-1999. Despite this planning permission was granted for two dwellings on 24 September 2009 on part of the site and this permission was reflected in the dBNMAP boundary in this area. The appeal proposal would only modestly project, by between just over 8m to about 6m, beyond the proposed settlement boundary for Burren in dBNMAP
7. In the immediate locality, even ignoring the presence of the builders yard, the proposed settlement boundary does not reflect the topography of the site or surroundings. The new dwellings would be visually contained to a significant degree by the rising ground to the north beyond the end of the builders yard, where a large dwelling is sited at a significantly higher level. To the east the ground also rises giving a degree of backdrop in this direction. This situation would contrast with the nearby dwellings at Burrendale on the western side of Clontifleece Road which comprise two pairs of semi-detached and one detached house. These dwellings have a particularly open and prominent siting in views when approaching from the north and give the settlement an especially hard and well defined edge, as do the dwellings to the north-west at Carrick Brae. In this context the appeal proposal would represent a logical rounding-off of the settlement giving a better and more strongly defined settlement edge that would not be harmful to the setting of Burren. When account is taken of the planning history, the small amount of land involved and the quality of the settlement edge that would result from the development, the extant plan boundary is not determining in this appeal.
8. The development should therefore be considered in the context of an urban site and against the relevant criteria of Policy QD 1 of PPS7. The objections raised to the proposal in relation to Policy QD 1 of PPS7 including those in relation to the second reason for refusal, concern criteria (a), (c) (f) and (i). Criterion (a) requires development to respect the surrounding context with regard to matters such as scale and massing. The appeal site comprises part of a builders yard which does not have the benefit of planning permission so that the existing use is not a factor that can weigh in favour of the proposal in the absence of a planning permission or a certificate of lawful use.
9. The dwellings at Burrendale are all fully two storey in height. The proposed terrace of three dwellings would step up in height from a bungalow to a full two

storey dwelling at the eastern end. The detached dwelling on plot four would have the upper floor partly in the roof served by dormer additions. In the context of the nearby two storey semi-detached dwellings which have relatively lengthy side elevations and gabled forward projections the scale and mass of the proposed dwellings would be acceptable, despite the presence of the terrace of three properties. The layout of the dwellings with those on plots one and two staggered and that on plot three being attached at a right angle lends a sense of rural informality that is particularly appropriate to the character of the surroundings. The primary consideration in assessing the effect of the development is its visual appearance and impact so that the Department's calculations showing a density of 31 dwellings per ha for the new development compared to 25 for Burrendale would not justify rejection of the proposal. For these reasons the proposal therefore complies with criterion (a) of Policy QD 1.

10. Criterion (c) seeks adequate provision of private open space as an integral part of the development. In the supplementary planning guidance *Creating Places, achieving quality in residential developments*, it is explained that private amenity space should be provided at an average of around 70 sq m per house and that an area below about 40 sq m in the case of an individual house would generally be unacceptable.
11. The rear gardens of all the proposed dwellings would meet this requirement with those on plots three and four significantly exceeding the suggested average. The depths of the rear gardens would be relatively short with only that on plot 3 exceeding 10m at any point. However, the properties would not back directly onto other dwellings so that the short gardens would not compromise privacy and they would also reflect the fairly modest depths of back gardens in dwellings to the west. There would be no specifically defined front gardens but the extensive grassed area to the south of the access would ensure that this did not result in a development unacceptably dominated by hard surfaces. The proposal would therefore make adequate provision for private open space in compliance with criterion (c).
12. Criterion (f) seeks adequate and appropriate provision of car parking. The Department is concerned that the car parking would be overly dominant and not located within the curtilage of the associated dwellings. However, the location of car parking to the front and sides of the dwellings would not be unusual. Furthermore, the position to the south of the new terrace would ensure that the car parking is not readily visible when approaching from the open countryside to the north. The visual impact would be lessened further by the location of spaces between the sides of the detached dwelling on plot 4 and the end of terrace house on plot 3. These factors and the modest total number of spaces would ensure that they were not overly dominant.
13. The only car parking space that would not be immediately adjacent to the associated dwelling would be on plot 1. However, this would be directly to the front of the property and only separated by the access drive. The location of the spaces would therefore be acceptably convenient for occupiers of the new dwellings. It has not been demonstrated that there would be any harmful impact from the location of the car parking spaces in relation to visual amenity or any other matter. The proposal would therefore satisfy criterion (f) of Policy QD 1 and make adequate and appropriate provision for car parking.



14. Criterion (i) aims to ensure that development is designed to deter crime and promote personal safety. The Department raised concerns about the lack of boundary details to the rear of the terrace and a consequent lack of security. However, the revised layout includes the provision of a boundary wall to these gardens which would adequately address this matter and the proposal complies with criterion (i).
15. The Department criticises the lack of a turning space for oil and other delivery vehicles which it is argued would have undue implications for road safety. Nevertheless, for such a relatively small development the provision of a turning circle for service vehicles would not be necessary and would, in itself, detract from the appearance of the development. It is also significant that the Roads Service has raised no concerns in this respect.
16. Because of the compliance with Policy QD 1 the proposal would result in a quality and sustainable residential environment. As a consequence the first and second reasons for refusal are not justified.
17. In the interests of road safety the visibility splays on the approved layout should be provided and permanently retained. Because of the sensitive edge of settlement location and modest rear garden depths permitted development rights for outbuildings and extensions should be removed.

## **Conditions**

- 1) Visibility splays shall be laid out in both directions at the junction of the access with Clontifleece Road in accordance with the approved plans (drawing ref: 07/104/02) before any building operations commence and shall be permanently retained thereafter.
- 2). Notwithstanding the provisions of Article 3 and Schedule 1, Part 1, Class A, B and D of the Planning (General Development) Order (Northern Ireland) 1993 (or any legislation revoking that Order and re-enacting those provisions) no extension or outbuilding shall be constructed within the curtilage of any of the dwellings hereby permitted without the prior approval by the Department.
- 3) The development shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following plans:

- Site Location at 1:2500 scale DOE drawing 01
- Conceptual Plan at 1:500 scale DOE drawing 04
- House type a Elevations and floor plans at 1:100 scale DOE drawing 06
- House type b Elevations and floor plans at 1:100 scale DOE drawing 07
- House type c Elevations and floor plans at 1:100 scale DOE drawing 08
- House type d Elevations and floor plans at 1:100 scale DOE drawing 09
- Streetscene elevations at 1:150 scale and 3d images DOE drawing 10
- Proposed Site Plan dated January 2010 drawing no. 07/104/02

**COMMISSIONER MICHAEL EVANS**

**PLANNING APPEALS COMMISSION**

**THE PLANNING (NORTHERN IRELAND) ORDER 1991  
ARTICLE 32**

**Appeal by Mr J Burgess against the refusal of planning permission for a dwelling adjacent to  
No. 12 the Straits, Lisbane.**

**Report**

**By**

**Commissioner Donald M Jamie**

**Grid Reference: J48349 64301**

**Planning Service Reference: X/2002/0997/O**

**Procedure: Written Representations with  
site visit on 2<sup>nd</sup> September 2003**

**Report Date: 22 October 2003**

***pac***  
*Planning Appeals  
Commission*

## 1.0 BACKGROUND

- 1.1 The application for outline planning permission was accepted as valid by the Department on 5<sup>th</sup> September, 2002.
- 1.2 The Department consulted Ards Borough Council on 8<sup>th</sup> April 2003 with an opinion that planning permission should be refused. The Council disagreed.
- 1.3 The Department issued a notice of decision on 15<sup>th</sup> April 2003 refusing permission for the following reasons:-
1. **The proposal is contrary to Policies GB.CPA 1, GB.CPA 3 and HOU 8 of the Department's Planning Strategy For Rural Northern Ireland in that the site lies within a Green Belt and it does not merit been considered as an exceptional case as the need for this dwelling does not justify a relaxation of the strict planning controls in this area.**
  2. **The proposal is contrary to Policies DES 7/ SP 6 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by the extension of ribbon development along the Straits.**
  3. **The proposal is contrary to Policies SP 6/HOU 8 and DES 5 of the Department's "a Planning Strategy for Rural Northern Ireland" in that a building on this site would not integrate into the countryside, as the site is unable to provide a suitable degree of enclosure due to the lack of sufficient boundaries or any other means of achieving satisfactory integration, and as a consequence would, if permitted, have an adverse impact on the landscape as it is unduly conspicuous.**
- 1.4 The Commission received the appeal on 2<sup>nd</sup> June 2003, advertised it in the local press on 19<sup>th</sup> June 2003 and 1 representation was received from a third party. The Department forwarded to the Commission 1 representation it had received at application stage.

## 2.0 SITE AND SURROUNDINGS

- 2.1 The Straits, is a minor road to the east of Lisbane and serves a relatively short stretch of dwellings before passing into undulating countryside. On the north side there is an access serving permission for 21 dwellings, which is currently under construction. This access will eventually serve as a link road connecting to a permission for holiday cottages, which is also under construction, further to the east.
- 2.2 The application site lies on the north side of the Straits, about 160 metres east of the junction with Killinchy Road. The site is part of a larger roadside field, which rises to the north and northwest. The north and east boundaries are currently undefined. The west boundary is a relatively low hedge, with some small trees and defines the curtilage of No.12, which is single-storey dwelling. The south or roadside boundary is a low hedgerow and, on the opposite, side, is single-storey house (No 5). The eastern boundary of this house is marked by substantial planting which, if extended across the road, would coincide with the eastern boundary of the site. Behind this dwelling, and to the west, there are planning permissions for five houses, which have not yet been implemented.

### 3.0 DEPARTMENT'S CASE

3.1 In the statutory North Down and Ards Area Plan 1984 – 1995 (the Plan) Lisbane is designated a "hamlet" but development limits are not defined. However:

**"within these hamlets housing development which is small in scale, principally rounding off and infilling, will be permitted".**

3.2 The Straits has a linear/ribbon pattern but settlements should be consolidated and constrain ribbon development. The site would not constitute rounding-off because:

- It lies adjacent to and beyond the curtilage of No. 12, which is the last physical feature along the northern side of the Straits, leaving the settlement.
- The site is a roadside portion of a larger field and there is no existing or approved development bounding the site to the north or east. The north and east boundaries are undefined with no natural separation from the open countryside.
- There are elevated views of the site from about 130 metres east. There is no natural containment with the land falling in an easterly direction leaving views of the site exposed. The proposal would continue a ribboning effect

3.3 Consequently, the site lies outside the settlement and within Green Belt where "need" must be established. Having regard to GB/CPA 3, the proposal does not justify relaxing the strict controls. The draft Ards and Down Area Plan (the Draft Plan) reinforces this view as the development limits run along the south and west boundaries of the appeal site, excluding it from the settlement.

3.4 HOU 8 presumes in favour of single new dwelling houses in the countryside, outside Green Belts and Countryside Policy Areas subject to detailed planning and environmental criteria.

3.5 DES 5, 6 and 7 are the most relevant and the critical views are:

- From about 130 metres east of the site, travelling towards Lisbane, until the site. The land rises gradually towards the site, which is clearly and continually visible over low roadside vegetation.
- From the west, travelling out of Lisbane, existing dwellings, particularly No. 12 and the vegetation around its curtilage obscure the site. However, at the site, any new dwelling would be clearly visible.

The appellant's photographic evidence only demonstrates short distance views.

3.6 With regard to DES 5, the site is a rectangular plot cut-out of the frontage of a much larger roadside field, which rises to the north and north-east. This is unlikely to be acceptable, even if it does have hedges defining some of the boundaries, and proposals require to meet all the criteria. The north and eastern boundaries are undefined and the site, which slopes down from west to east, lacks existing long established boundaries to provide a suitable degree of

enclosure. The circumstances in which DES 6 would be used as a reason for refusal are stated.

- 3.7 The existing ribbon of development on the northern side of the Straits stretches for 160 metres, terminating at No. 12. While accessed off the approved link road, the proposal would give a definite visual perception of ribbon development extending into the open countryside, with no development to the north or east, contrary to DES 7. On the south side, the ribbon extends for some 185 metres terminating at No. 5. No policy justifies that patterns of ribbon development should be symmetrical or equi-distant on both sides of the road. This would set a dangerous precedent.
- 3.8 Lisbane has developed in a consolidated manner to the east and west of the main Killinchy Road. The applicant's reference to approvals relate to developing the east of Killinchy Road behind the existing road frontage. The line of approved development largely follows existing field boundaries, which creates a natural settlement limit. In contrast, the boundaries of the appeal site cut artificially into an open greenfield.
- 3.9 Having regard to Pehrsson the proposed development does impose demonstrable harm to the Green Belt policies, visual amenity, character of the countryside and the landscape to such an extent as to warrant refusal.

#### **4.0 OBJECTORS' CASE**

- 4.1 The objectors live in an adjoining property, built some 35 years ago. There is no mains sewerage and it is served by septic tank with the soak away running beside the proposed site. The principle of development is accepted but the applicant must ensure that the existing septic tank and soak away are not adversely affected.

#### **5.0 APPELLANT'S CASE**

- 5.1 The appellant contends:

- The proposal is "rounding off" and therefore not in the open countryside and within Green Belt.
- The refusal is inconsistent with permissions granted in Lisbane under the same policies.

#### **Rounding off**

- 5.2 Lisbane is a small settlement, which has developed in a linear fashion. It is in the Greater Belfast Green Belt and on the A 22 Protected Route. The key policy in the statutory Plan is defined in paragraph 3.1
- 5.3 Several months after the application was lodged, the Draft Plan was published showing the site just outside the proposed settlement limit. The Department's reasons for refusal do not refer to the Draft Plan indicating that it regards the settlement limit as a material consideration, to which it properly attaches little weight.

- 5.4 The Department's entire case is that "the site could not reasonably be considered as an opportunity for rounding off". "Rounding off" means development on the edge of an existing settlement. As the statutory plan does not define the development limit, development on the edge that is small scale and has the effect of "rounding off" must be regarded as falling within the development limits. Consequently, the first reason for refusal must fail. All reasons for refusal refer to policies relating to single dwellings in the open countryside, but HOU 2 is the relevant policy. This presumes in favour of housing development on sites within the development limits.
- 5.5 Two decisions by the Commission are instanced to highlight the significance of critical views, in assessing "rounding off". The new link road will become the critical view for tourists. The Department did not take topography or critical views into account. The proposed rounding off makes three-dimensional sense and will not mar the distinction between the open countryside and the edge of the settlement. A single house plot on this side of the Straits would round off the settlement to a line matching the opposite side of the road. As the site lies in a depression, the outer edge provides natural containment as it dips towards Lisbane.
- 5.6 The second reason for refusal is incorrect because SP 6 refers to open countryside. However, if DES 7 were held to be a valid test, the proposal would not constitute ribboning because:
- It does not conform with the definition in DES 7 because it is accessed from an approved road associated with development to the rear.
  - Any perceived ribboning would not be extended beyond No. 5 opposite.
  - A proposal constituting ribbon development could not constitute "rounding off"
- 5.7 The third reason for refusal also mistakenly refers to policies relating to the open countryside. However, if DES 5 and criticism that the site was "unable to provide a suitable degree of enclosure..." were relevant, the planning permission for 21 dwellings on land to the rear was granted up to an undefined boundary. It was agreed it could be screened with substantial landscaping. Similarly, there were no established boundaries in the two planning permissions referred to below. All three were portions of larger fields.

### **Consistency with previous decisions**

- 5.8 The "Countryside Assessment" of the Draft Plan indicates that 56 of the 140 dwellings in Lisbane were constructed between 1988 and 2000. A significant proportion must have been on the edge of the settlement and consequently met the test of "rounding off" that this application has failed. Three particularly relevant permissions are quoted. These include a permission for 21 houses to the north-west of the site and 4 dwellings on land to the rear of numbers 1, 3 and 5 the Straits. A further approval for one house extended the latter at the south-eastern extremity of Lisbane.
- 5.9 This refusal is inconsistent with these decisions unless Draft Plan influenced it. The reasons for refusal do not indicate that the Draft Plan was a material consideration. While it may be material, little weight can be properly attached to it.
- 5.10 Even if the Commission took the view that the application should be determined with regard to Green Belt policies and would-be inappropriate in policy terms, the Phersson principle has



afforded the appellant the opportunity to show the advantages in rounding off the settlement, such as to outweigh any harm. There are justifications beyond the norm to set aside the application of Green Belt policy.

5.11 In an enforcement case (2000/E 008) the Commission accepted that some development may be acceptable in principle within a Green Belt if it represented a logical rounding off and in 2001/A297, the Commission found that no demonstrable harm was caused by a similar proposal.

5.12 The applicant accepts the need to identify and resolve any problems of the proposed development may cause for the septic tank and soak away of the adjoining property. It is a technical issue and a suspensive condition to this effect is acceptable.

## **6.0 POSSIBLE CONDITIONS**

6.1 Without prejudice, the Department has suggested conditions to the following effect:

- The proposed dwelling shall be designed and landscaped in accordance with the Design Guide for Rural Northern Ireland, have a floor area not exceeding 120 square metres measured internally, under building shall not exceed 0.35 metres and the ridge height shall not exceed five metres from finished floor level.
- Existing and proposed ground levels to be submitted for approval.
- Existing site boundaries to be retained and supplemented with additional native planting. All new boundaries to be defined by a post and wire fence with a native hedgerow planted on the inside with the first available planting season. A double staggered row of hedging to be planted to the rear of the sight splays along the front boundary of the site.

## **7.0 CONSIDERATION**

7.1 The statutory Plan identifies Lisbane as a hamlet in the Green Belt and:

*"within these hamlets housing development which is small in scale, principally rounding off and infilling will be permitted."*

7.2 While not referred to in the reasons for refusal, the Department now states that the site is outside the development limits and within the proposed Green Belt in the Draft Plan. This endorses the refusal. To this extent, the Draft is a material consideration. However, the Department does not argue that the current application is premature or would prejudice the Draft. Consequently, it carries little weight, in relation to the statutory Plan.

7.3 The application of HOU 2 is not persuasive because there are no explicit development limits in the statutory Plan. Nevertheless, if a proposal can satisfy the quoted policy, it would be within the hamlet and therefore not subject to the Green Belt and certain other policies of PSRNI. The converse would also be true.

7.4 The assessment of "rounding off" requires to be more discerning than *"development on the edge of existing settlement."* Within the context of topography and landscape, a clear visual relationship with the existing and committed pattern of development must be established.

The Department has not disputed the substantial expansion of Lisbane since 1988. In particular, recent planning permissions will consolidate development behind the existing houses fronting the Straits. Consequently, these frontages will no longer constitute ribboning.

- 7.5 The proposed access to the holiday village will become a significant route but, while the Straits is a relatively minor public road, the Department's critical views are still significant. From the site frontage, the north and east boundaries would appear undefined and the site access would be clearly visible, rising to the link road about 40 metres to the rear. However, the east boundary would align with the curtilage on the other side of the road (No. 5). Importantly, from the most significant views to the east, the proposal would be seen against the strong backdrop of one and two-storey housing, either existing or currently under construction.
- 7.6 The residual area between the north site boundary and the proposed link road does weaken the case for "rounding off". However, having regard to the policy as a whole the proposal does comply with the overriding criterion that housing development should be small in scale. Proposals should "*principally*" be rounding off or infilling but, even if these criteria are not entirely satisfied, the proposal may still be acceptable. SP 6 and DES 5, 6 and 7 relate to single houses in the countryside and consequently, more general criteria should be used to assess whether the proposal would lie within the settlement.
- 7.8 In granting recent planning permissions, the Department may have consolidated behind existing development on the Straits. However in important instances long-established boundaries, providing enclosure, have not been adhered to. This is particularly true of the east boundary of the 21 houses, under construction to the north-west of the site, and this cannot easily be explained as small-scale. The proposed single dwelling would be seen against that development from the east. As the integration of these houses relies on the creation of a substantial landscape buffer, it is unreasonable to deny the current proposal a similar scope.
- 7.9 The straight boundaries of the site and its access are not particularly suited to visual rounding off but the applicant controls land to the north and east and the concept statement on PAC 2 indicates a willingness to move the rear boundary. Consequently, an appropriate condition could achieve boundary treatment, which is better suited to the landform and comparable with the boundary planting for the 21 houses. Indeed, because the east boundary of No. 12 is relatively weak, significant improvement could be secured.
- 7.10 While the proposal would add a further house, on the north side of the road, beyond No 12, future planting on the east boundary would align with the south side (No. 5), reinforcing the "visual stop" when leaving Lisbane. In the short term, entering from the east, the proposal would largely be seen against the backdrop of existing and soon to be constructed development. In the medium term, a significant visual amenity, which would define the edge of the settlement, could also be created by aligning this new planting with No. 5 and the boundary of the 21 houses. In the context of the edge of the settlement, as opposed to open countryside the argument for ribbon development is not strong. Equi-distance of development on both sides of the road is acceptable in these circumstances.
- 7.11 Good landscaping to include the access on rising ground would be essential. However, a house in keeping with its immediate single-storey neighbours would not cause demonstrable visual harm. While the appellant has not contested the Department's suggested conditions the proposed ridge height of five metres seems unduly restrictive and so 5.5 metres is

recommended. In view of the design of the houses under construction compliance with the Rural Design Guide is not necessarily justified, providing a good design is achieved.

- 7.12 In conclusion, the Department's reasons for refusal have not been substantiated.
- 7.13 Having regard to the concerns of the third parties regarding the soak away, the appellant offered to accept a suspensive condition to investigate and resolve the matter. Consequently an appropriate condition is recommended.

## **8.0 RECOMMENDATION**

8.1 I recommend to the Commission that the appeal be allowed, subject to the following conditions:-

1. Except as expressly provided for by Conditions 2 and 4, the following reserved matters shall be as approved by the Department:- the siting, design and external appearance of the dwelling and the means of access.
2. The finished floor level of the proposed dwelling shall not exceed 0.5 metres above existing ground level and the ridge height of the dwelling shall not exceed 5.5 metres above finished floor level.
3. No development shall take place until detailed proposals for the disposal of storm water and foul sewage, including if required an assessment of remedial works related to the soakaway of No 12 The Straits, have been submitted to, and approved in writing by, the Department. The dwelling shall not be occupied until arrangements are in place.
4. No development shall take place until a landscaping scheme, for the site and its access, indicating a 2m wide belt of tree planting along the north east boundary of the proposed access and along the north east and north west boundaries of the site, has been submitted to and approved by the Department. This should show trees and hedgerows to be retained and the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out prior to the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Department gives written consent to any variation.
5. Application for approval of the reserved matters shall be made to the Department before the expiration of three years from the date of this decision.
6. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

8.2 This recommendation relates to

PAC 1: 1- 2500 Site Location Plan.

PAC 2: 1-500 Indicative Layout Plan, for information only.

**List of Attendances**

Department of the Environment:- Ms E McGuire

Appellant(s):- Mr W Morrison (Agent) Mr J Burgess  
Third Parties:- Mr C Hillary, Mrs M Hillary  
Mrs G Morrison was also present.

**List of Documents**

Department:- Statement of Case, Rebuttal

Appellant(s):- Statement of Case, Rebuttal

Third Parties:- Letter

## Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	3 October 2016
Committee Interest	Major Application
Application Reference	S/2014/0910/F
Date of Application	30 December 2014
District Electoral Area	Killultagh
Proposal Description	Interim Development Proposal: Development of 123 dwellings and amendment to 3 dwellings on sites 1, 125 and 126 (being dwellings approved under S/2014/0209/F and S/2004/1466/F respectively) to give a total of 126 dwellings with associated open space and access arrangement.
Location	Lands North of Wellington Parks and South of HMP Maghaberry
Applicant/Agent	QTH Ltd and Coulter Homes Ltd/ Pragma Planning
Representations	20 letters of objection received and 1 petition with 85 signatures received.
Case Officer	Maire-Claire O'Neill
Recommendation	<b>REFUSAL</b>

### Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the area of the site exceeds 2 hectares and the proposal exceeds 50 no. residential units.
2. The application is presented to the Planning Committee with a recommendation to refuse.

## **Description of Site and Surroundings**

3. The application site address is given as Lands North of Wellington Parks and South of HMP Maghaberry.
4. The proposed site is located in the countryside on agricultural lands directly north of the housing development known as Wellington Parks and south of HMP Maghaberry Prison. The perimeter fencing surrounding the prison is visible from the site. It is situated beyond the settlement limits for Maghaberry.
5. The site currently comprises grassland and is undeveloped. There is a gentle fall in ground levels from north to south through the proposed site. Sporadic, semi mature trees and intervening vegetation exist throughout the site.
6. The access point to the proposed site is directly adjacent to Maghaberry Community Centre. Upon site inspection, it was evident that a temporary access had been constructed within the confines of the site boundary.

## **Proposed Development**

7. Full planning permission is sought for the development of 123 dwellings and amendment to 3 dwellings on sites 1, 125 and 126 (being dwellings approved under S/2014/0209/F and S/2004/1466/F respectively) to give a total of 126 dwellings with associated open space and access arrangements.
8. The 123 proposed dwellings lie entirely outside of the settlement limits for Maghaberry and within the countryside, with the amendments to the three dwellings on sites 1, 125 and 126 being within the development limits and forming part of two earlier permissions S/2014/0209/F and S/2004/1466/F.

## **Relevant Planning History**

9. There is no relevant planning history relating to the area of the application site proposed for 123 dwellings. There is, however, extensive planning history



within the residential development known as Wellington Parks and surrounding area. Relevant planning history is detailed in the table below.

<b>Application Reference</b>	<b>Description of Proposal and Address</b>	<b>Decision</b>
S/2015/0239/F	Erection of 3 dwellings. Relocation of site 10 & change of house type for sites 11-12, with garages and associated site works(previous approval S/2014/0209/F)	Approved 11 September 2015.
S/2014/0209/F	Residential Development of 23 No dwellings with garages and associated site works. Lands approximately 100m ne of 20 Wellington Park Avenue Maghaberry.	Approved 17 October 2014.
S/2013/0109/F	Proposed change of house type to 2 No dwellings - Site 67a and 68 (previously approved) at Land approximately 180m net of 27A Wellington Park Avenue.	Approved on 7 June 2013.
S/2013/0211/F	Change of house type to sites 204 & 205 (previously approved under S/2004/1466/F) including garages and associated site works.	Approved on 7 August 2013.
S/2004/1466/F	Proposed 244 dwellings and associated siteworks at Maghaberry Road, backing onto Old Road, Maghaberry.	Approved 3 May 2006.
S/2014/0830/PREAPP	Pre application advice was sought for a potential housing development on the application site.	Agent advised that planning permission was likely to be refused.

### **Planning Policy Context**

10. The relevant planning policy and guidance context which relates to the application is as follows:
- Regional Development Strategy (RDS) 2035
  - Belfast Metropolitan Area Plan (BMAP) 2015
  - Strategic Planning Policy Statement for Northern Ireland (SPPS)
  - Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside
  - Planning Policy Statement (PPS) 2 – Natural Heritage

- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- Planning Policy Statement (PPS) 7 – Quality Residential Environments
- Planning Policy Statement (PPS) 8 – Outdoor Space and Recreation
- Creating Places

## Consultations

11. The following consultations were carried out:

Consultee	Response
Transport NI	No objections – Conditions and informatives recommended
NI Water	No Objections - Informatives offered
LCCC Environmental Health	No objections
Rivers Agency	No objections – Informatives offered
NIEA Water Management Unit	No objections – Informatives offered
NIEA – Natural Environment Division	No objections – Conditions offered
UK Crown Bodies Safeguarding	No objections

## Consideration and Assessment

12. The main issues to consider in the determination of this planning application are:

- Principle of Development/Development Plan Context
- Sustainable Development in the Countryside
- Impact on the Character of Area
- Quality Residential Environments
- Public Open Space
- Access, Movement and Parking
- Flood Risk
- Natural Heritage Interests
- Impact on residential amenity
- Third Party Representations
- Threat of judicial challenge

## **Principle of Development/Development Plan Context**

13. Approximately 87% of the site lies outside the settlement limits of Maghaberry as defined in BMAP, the Local Development Plan. It is adjacent to land zoned for housing within the development limits of Maghaberry under designation MY04/03 in the adopted Plan (BMAP).
14. It is important to note that all *new* development lies outside of the settlement limit.
15. With the transfer of the planning function to local government on 1 April 2015, the assessment of applications by a Plan Led System established by the Planning Act 2011. Therefore in making any determination under this Act, regard is to be had to the Local development plan and the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
16. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
17. The SPPS also directs that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance (SPPS Para 5.72).
18. It is contended that the principle of development at this location is fundamentally unacceptable as the site lies predominantly outside the designated development limits for Maghaberry.
19. The extant plan for the Maghaberry area (BMAP) depicts the lands associated with this planning application (for 123 houses) as countryside. There are an

additional 3 houses that relate to a change of house-type. These units are within lands associated with housing zoning MY04/03.

20. The SPPS reinforces the importance of the plan led system. It states that the Local Development Plan (LDP) process will play an important role for councils in identifying key features and assets in the countryside and balancing the needs of rural areas and communities with the protection of the environment. Furthermore, where a new LDP is under preparation, it may be justifiable, in some circumstances, to refuse planning permission on the grounds of prematurity. This is in respect of developments which are so substantial, that to grant planning permission would prejudice the outcome of the plan process by pre-determining decisions about the scale, location or phasing of new development which ought to be taken in the Local Development Plan (LDP) process.
21. It is contended that if approved, an application of this scale would prejudice the outcome of the emerging Plan for Lisburn & Castlereagh City Council area as a whole. It would also set a precedent that would make it difficult to resist other similar developments outside settlement limits in other parts of the Council Area.
22. Work has commenced on the new Lisburn & Castlereagh City Council Local Development Plan and any discussions relating to housing land supply should properly be a matter for the new plan.
23. The agent has submitted a Project Proposals and Rationale document in support of the application. The findings suggest that Housing Supply in Maghaberry is at a critical level and land supplies have been exhausted. The agent also contends that BMAP, PPS 12 and the RDS (2035) provide the mechanism and justification for an extension to the settlement sufficient to provide continuity of supply up to 2021 by when the council has brought forward a Local Development Plan. The agent further argues that Council has not yet managed to do this and provide any indication of how the need for additional housing in Maghaberry would be met.

24. The case put forward by the agent is not considered sufficient at this time to justify a housing development of this scale outside the designated development limits of Maghaberry.
25. It is contended that the agent's arguments about housing land supply within the context of PPS 12 relate to the development plan process and these issues have already been debated through the BMAP public inquiry process. It is considered that the planning application process is not the appropriate forum for which to review these arguments nor is it appropriate for the application process to be used as a vehicle to question conclusions or recommendations reached by the Planning Appeals Commission (PAC).
26. It is therefore considered that the statutory development limit in the extant plan (BMAP) adopted in September 2014 should not be set aside and that the principle of development fails as the development site is located within the rural area.
27. As mentioned above, Strategic Policy directs that until the council adopts its new Local Development Plan planning applications will continue to be assessed against the provisions of the Department of the Environment's Development Plans and relevant Planning Policy Statements, which contain the operational planning policies for the consideration of development proposals. Other operational planning policies are considered further in the sections below.

### **Sustainable Development in the Countryside.**

28. The application site, insofar as it relates to new development, lies outside the settlement limits of Maghaberry as defined in BMAP. PPS 21 is therefore a material consideration in the determination of this application.
29. PPS21 - Sustainable Development in the Countryside, sets out planning policies for development in the countryside.

30. Policy CTY1 – Development in the Countryside sets out the range of types of development which in principle are considered to be acceptable in the countryside, and that will contribute to the aims of sustainable development.
31. Policy CTY 1 identifies two instances where housing development may be permitted in the Countryside. These include (i) a small group of houses in a Dispersed Rural Community and (ii) the provision of affordable Social Housing.
32. No case has been put forward to substantiate the application being considered under either of these policy tests.
33. As such, it is considered that the proposal as presented fails to comply with Policy CTY 1. Furthermore, it is contended that there are no over-riding reasons why this development is essential in this rural location and could not be located in a settlement.

#### **Impact on the Character of Area**

34. With regard to character, the majority of the works associated with the new proposed housing development would take place outside the development limits of Maghaberry.
35. Policy CTY 15 – The Setting of Settlements states that landscapes around settlements have a special role to play in maintaining the distinction between town and country, in preventing coalescence between adjacent built-up areas and in providing a rural setting to the built up area. Policy directs that proposals that would mar this distinction or create urban sprawl will therefore be unacceptable.
36. It is considered that this development if permitted would mar the distinction between the urban area and the rural countryside and represent urban sprawl.
37. As such, it is contended that the proposal is contrary to Policy CTY 15 of PPS 21 in that it fails to maintain the distinction between town and country. Furthermore, it is considered that the proposed dwellings will not integrate into



this area of countryside and as such, would inevitably result in a detrimental impact on the rural character by way of build-up.

38. In light of this, it is contended that the proposal is also contrary to CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character of PPS 21 and paragraph 6.7 from the SPPS.

### **Quality Residential Environments**

39. PPS 7 – Quality Residential Environments sets out planning polices for achieving quality in new residential developments.
40. Policy QD1 – Quality in New Residential Development is the key policy test. It states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy directs that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
41. Policy QD1 sets out the criteria which new development should conform to. This includes respecting the surrounding context and landscape features; provision of open space; movement patterns; and adequate parking provision. The design and layout should draw on the positive aspects of the surrounding context.
42. In the addendum to PPS 7, the policy tests associated with Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity are important considerations. The policy states that in established residential areas a key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and that the development is in harmony with the local character of the established residential area.
43. This is a full planning application for a proposed housing development. In terms of the layout, the proposal would appear to be acceptable when compared with

developments in the surrounding area. The scheme comprises a range of house types that are reflective of house types used in the wider area. Finishing materials will include facing brick, brick detailing and interlocking concrete roofing tiles, again similar to styles and design types used within surrounding developments.

44. The design of the dwellings seeks to enhance the overall development and the scale massing and design are reflective of what has been built in the adjacent housing development. All of the proposed dwellings have front and rear amenity space with garages and parking provision.
45. In terms of the scale, massing and design the overall layout of the proposed dwellings are broadly in line with the existing built fabric. The distance to any adjacent residential boundaries is adequate and all existing residential boundaries are also respected.
46. It is considered that adequate separation distances have also been provided with the scheme meeting the policy tests set out in the addendum in that the proposed density of this scheme is not significantly higher than that found in the locality.
47. The proposed density, ratio of built form to garden area, scale height and massing of the proposed dwellings is consistent with those found in the surrounding area. The level of private open space as illustrated in the proposed site layout plan appears to be acceptable.
48. It is considered that the proposal meets the minimum requirements of PPS 7 and as such, it is not considered justifiable to include a refusal reason based on this policy.
49. That said and despite the proposal meeting the minimum requirements of PPS 7, it is contended that the proposal remains fundamentally unacceptable as the proposal is located outside the development limits and as such, is contrary to the development plan, SPPS and PPS 21.

## **Public open space**

50. PPS 8 – Open Space and Outdoor Recreation sets out the planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.
51. Open space is essential in any community for both amenity and recreation purposes and often contributes positively to the character, attractiveness and vitality of our cities, towns and villages.
52. In line with PPS 8 with the proposal exceeding an area of one hectare, policy directs that open space must form an integral part of the development. Policy OS 2 – Protection of Open Space states that planning permission will only be forthcoming for proposals for new residential development where public open space is provided as an integral part of the development. A normal expectation will be at least 10% of the total site area.
53. For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children’s play area will be required as an integral part of the development.
54. The application as presented does not meet this key policy test. The site layout shows the provision of less than 9.1% of public open space. Arguably this figure is significantly less as not all of the areas depicted are useable open space. Furthermore some of the areas identified as open space are in fact garden areas and not suitable for communal use.
55. Policy OS 2 – Public Open Space in New Residential Development allows for open space provision at a rate less than 10% of the total site area in some circumstances. This can be applied when the site:
  - is located within a town or city centre;
  - is close to and would benefit from ease of access to areas of existing public open space;
  - Provides accommodation for special groups, such as the elderly or people with disabilities;

- Public open space required by this policy will be expected to conform to all the following criteria;
- it is designed in a comprehensive and linked way as an integral part of the development;
- it is of demonstrable recreational or amenity value;
- it is designed, wherever possible, to be multi-functional;
- it provides easy and safe access for the residents of the dwellings that it is designed to serve;
- its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities; and
- it retains important landscape and heritage features and incorporates and protects these in an appropriate fashion.

56. It is contended that these policy tests have not been met and as such, it is considered that the proposal is contrary to Policy OS 2 of PPS 8.

### **Access, Movement and Parking**

57. PPS 3 – Access Movement and Parking sets out policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitment to the provision of a modern, safe, sustainable transport system.

58. As indicated above, access arrangements and car parking provision have been shown on related drawings. Transport NI has considered the detail of the application and has offered no objection.

59. It is therefore contended that the proposal as presented satisfies the policy tests associated with PPS 3, however as indicated above, the proposal remains fundamentally unacceptable as it is located outside the development limits and as such, is contrary to the development plan, SPPS and PPS21.

## **Flood Risk**

60. PPS 15 – (Revised) Planning and Flood Risk sets out planning policies to minimise and manage flood risk to people property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.
61. A drainage assessment was submitted in November 2015 and Rivers Agency, while not being responsible for the preparation of the Drainage Assessment has accepted its logic and has no reason to disagree with its conclusions. In light of this, Rivers Agency cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. They have however suggested informatives by way of guidance.
62. NIEA Water Management Unit has also considered the potential impacts of the proposed development on the water environment and on the basis of the information provided is content subject to informatives.

## **Natural Heritage Interests**

63. With regard to natural heritage considerations, substantive weight is attached to advice offered by the NIEA Natural Environment Division.
64. The site contains agricultural fields with hedgerows and trees along the boundaries. A detailed landscaping plan has been submitted with the application. The boundary treatments are to be retained where possible and augmented.
65. No objections have been offered in respect of the proposal from NIEA.

## **Consideration of Representations**

66. Twenty letters of representation were received in respect of the proposal. The issues raised are considered below.
  - Road safety, potential congestion and traffic issues.

- Inadequate car parking space in the area already. Proposal will exacerbate this.
- Loss of view.
- Visual impact.
- Loss of green field site.
- Overlooking and loss of privacy.
- Proposal lies outside development limits in BMAP and Lisburn Area Plan.
- Loss of valuable open space used by people who live in the village.
- The site provides a buffer between the Wellington Park development and HMP Maghaberry.
- Impact on wildlife.
- There are insufficient local amenities to cope with an increase in the population.
- The developer assured residents when they purchased their houses that there would be no more development at this end of Maghaberry. This was a factor in them buying their houses.
- PAC report following BMAP Public Inquiry found this site to be too close to the prison and would result in urban sprawl. Consequently they found it unsuitable for development and did not include it in the development limits.
- Development out of character with the area.
- Proposal constitutes gross over development.
- Proposal will create pressure on community amenities.
- Proposal could increase the population of Maghaberry by 20%.
- Additional pressure on existing foul sewers/storm sewers.
- Lack of public open space in the proposed development.
- An equipped children's play area has not been provided.
- The proposal will have an overbearing impact.
- Not all local residents were neighbour notified of proposal.

67. A letter was received from TSA Planning representing a conglomeration of landowners objecting to the proposal. It was noted that the TSA's clients are not against further lands being released for housing in Maghaberry. However, it is their assertion that the correct forum and legislative context should be adhered to in doing so, and this is through any future Local Development Plan.



68. The representation states that the proposed application offends the current development plan and also the planning policies outlined in the SPPS and PPS 21 – Sustainable Development in the Countryside.
69. Furthermore it was indicated that to take a decision to allow additional housing lands outside of the Local Development Plan process constitutes prematurity and will prejudice the interests of their clients who intend to promote their own lands for inclusion within any new settlement development limit for Maghaberry that might result from the Area Plan review.
70. Accordingly, TSA Planning have taken instruction to place the Council on notice that should this application be approved, it is their clients' intention to instigate Judicial Review Proceedings against such a decision.
71. A further letter was received from TSA Planning on 6<sup>th</sup> April 2016 stating that their clients had consulted William Orbison QC LARTPI. A summary of his findings are detailed below:
- The current application conflicts with the settlement limit of the development plan and will generate pressure for further approval of housing outside of the settlement limits if approved thus subverting BMAP and the Plan Led System.
  - BMAP was adopted in 2014 following consideration of the report from the PAC into objections into draft BMAP. In the adoption statement it was concluded that it was not appropriate to zone housing land beyond land zoned in BMAP. This is a recent judgement.
  - The settlement limit proposed for Maghaberry in draft BMAP was subject to multiple objections seeking inclusion within the final settlement limits. Objections 3513, 3528 and 3361 sought the inclusion of the entirety of the current application lands. Following close consideration the PAC recommended that the current application lands (other than those lying within zoning MY 02/03) remain outside of the settlement limit. The PAC noted that there was already a 'large' housing development underway in MY 02/03.

- The PAC concluded that the application lands should remain outside the settlement limits, with the exception of a narrow portion of land to the east of zoning MY02/03, which should be incorporated within that zoning.
- The proposal represents unacceptable large scale expansion of Maghaberry and is not consolidation, contrary to the direction of the RDS.
- The application is contrary to Policy CTY 1 of PPS 21 and SPPS.
- The current application is premature and contrary to the SPPS.
- There can be no doubt that approving the current application will pre-determine decisions about the scale, location or phasing of new development which ought to be taken in the development plan process, to the prejudice of their clients. This would be hopelessly and fundamentally unfair.
- Furthermore it would constitute unjustified and disproportionate interference with their client's property rights under Article 1 of the First Protocol to the European convention on human Rights, and would represent a breach by the council of the human Rights Act 1998.
- The application is contrary to Policy OS 1 of PPS 8. The local community utilise the application lands as valuable open space.
- The proper approach is that followed by Antrim and Newtownabbey Council in Crumlin. Racabry Development Limits submitted an application for outline planning permission for 96 dwellings on lands to the south of the Crumlin Settlement Limit in March 2015 (Ref:T/2015/0099/O). This was presented to Antrim and Newtownabbey Council as a refusal and permission was refused on 23<sup>rd</sup> December 2015 by the Planning Committee. It was stated that any discussion around housing land supply would properly be a matter for the new Area Plan to address.
- The current application is illegal representing a breach of section 6 (4) of the 2011 Planning Act.
- Proposal is Wednesbury unreasonable and procedurally unfair.
- Should their clients be forced to instigate Judicial Review proceedings they will rely on the letters of correspondence dated 27<sup>th</sup> October 2015 and 6<sup>th</sup> April 2016 in support of their application for costs to be awarded against the Council on a full indemnity basis.

72. Throughout the processing of the application, the agent has informed the Planning Unit of a number of public events which they have held in Maghaberry to discuss the proposed scheme.

### **Traffic Issues**

73. As a result of some of the concerns voiced by the local residents in relation to traffic and congestion, an amended scheme was submitted with revised access arrangements. The proposal was re-advertised and notifications issued in accordance with due process and this resulted in additional letters of representation being received. Concerns with regard to traffic and congestion remain.
74. With regard to road safety and potential congestion Transport NI was consulted and are content with the proposal subject to appropriate conditions and informatives. They have endorsed the Private Street Determination Drawings submitted by the agent.

### **Contrary to Local Development Plan**

75. The view expressed by way of third party representation was that the proposed development is contrary to the development plan has been taken into consideration. It is considered that this application is fundamentally unacceptable.

### **Overlooking/Overbearing**

76. It is considered that the concerns expressed in relation to the potential for overlooking/overbearing impact and loss of privacy cannot be substantiated as the overall layout depicts a development with adequate separation distances between the proposed units themselves and indeed between the proposed units and existing properties.

### **Open Space**

77. It is agreed that a valid point has been raised in that there is inadequate provision of public open space in the development and an equipped play park has not been provided as an integral part of the development.

## **Neighbour Notification**

78. Neighbour Notification was carried out in accordance with legislative requirements.

### **Conclusion**

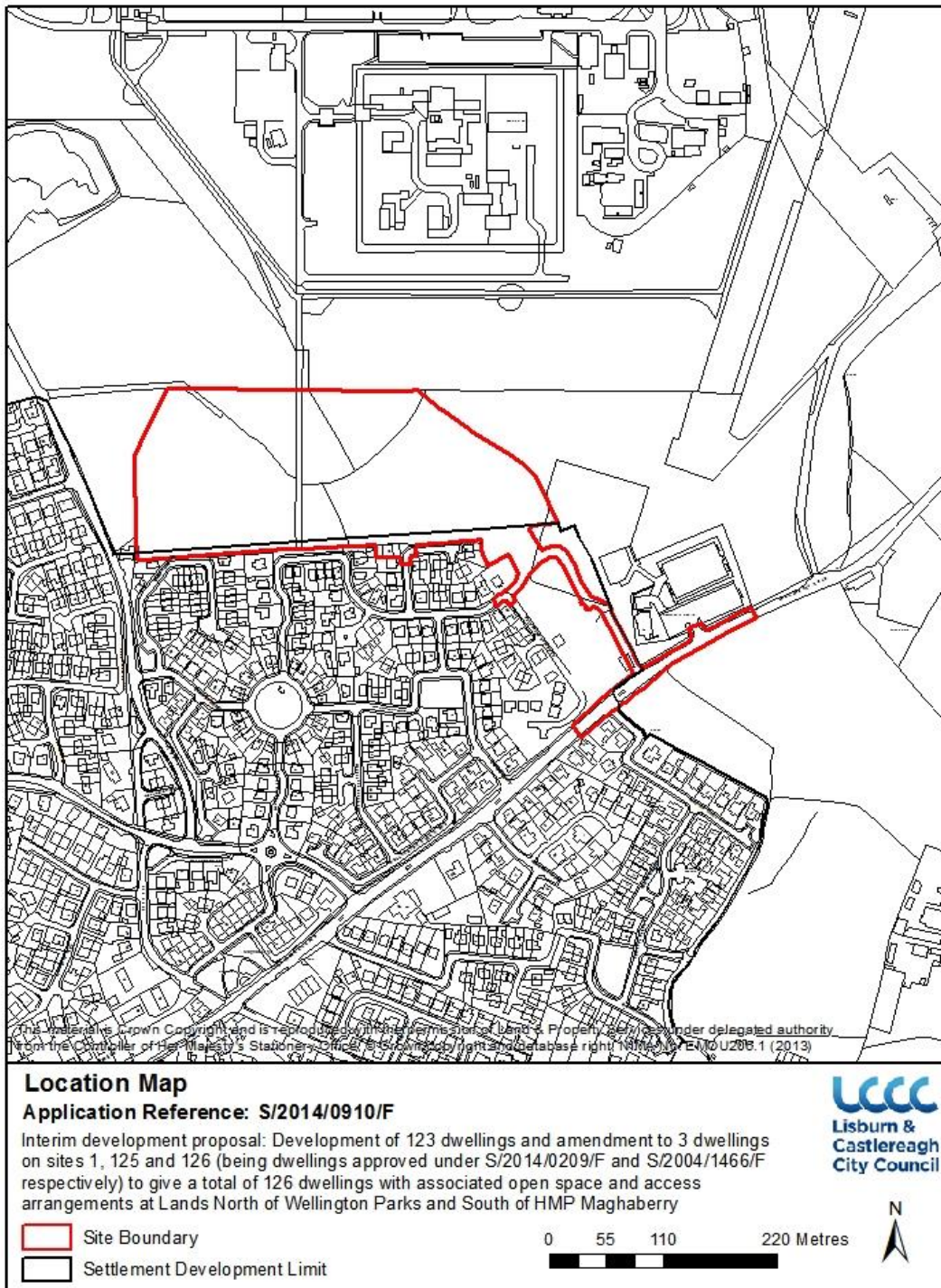
79. Having considered the proposal against all the relevant planning policies and material considerations including representations and consultation responses, it is considered that the principle of development on the significant portion of the site that lies outside of the development limits is contrary to BMAP 2015, the SPPS and PPS 21.

### **Recommendation**

80. It is recommended that planning permission is refused for the following reasons:
- The proposal is contrary to the Belfast Metropolitan Area Plan (2015), the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no over-riding reasons why this development is essential in this rural location and could not be located in a settlement.
  - The proposal is contrary to the policy provisions of the SPPS and Policy CTY 13 of PPS 21 in that the proposed development fails to blend with the landform and therefore would not visually integrate into the landscape.
  - The proposal is contrary to the SPPS and policy CTY 14 in that the development would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and would not respect the traditional pattern of development exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.

- The proposal is contrary to the SPPS and Policy CTY 15 of PPS 21 in that the development if permitted would mar the distinction between the defined settlement limit of Maghaberry and the surrounding countryside and would result in unplanned urban sprawl.
  
- The proposal is contrary to Policy OS2 of the Departments Policy, Open Space, Sport and Outdoor Recreation in that the development would, if permitted, will result in an adverse impact on the environmental quality of the area as an inadequate provision of public open space has been provided as an integral part of the overall scheme.

# Site Location Plan – S/2014/0910/F





## Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	7 November 2016
Committee Interest	Major Application (Deferred Consideration)
Application Reference	S/2014/0910/F
Date of Application	30 December 2014
District Electoral Area	Killultagh
Proposal Description	Interim Development Proposal: Development of 123 dwellings and amendment to 3 dwellings on sites 1, 125 and 126 (being dwellings approved under S/2014/0209/F and S/2004/1466/F respectively) to give a total of 126 dwellings with associated open space and access arrangement.
Location	Lands North of Wellington Parks and South of HMP Maghaberry
Applicant/Agent	QTH Ltd and Coulter Homes Ltd/ Pragma Planning
Representations	20 letters of objection received and 1 petition with 85 signatures received.
Case Officer	Maire-Claire O'Neill
Recommendation	<b>To Consider and Agree proposed Conditions</b>

### Background

1. A recommendation to refuse planning permission was presented to the Planning Committee at its meeting on the 3 October 2016.
2. The Committee, having considered the information provided within the Report, and by those making representations, agreed by a majority of 11:0 with 0 abstentions, not to refuse the application.

3. The following five material considerations were cited as the reasons for approving planning permission:
  - The suitability of the site for the proposed development.
  - The economic benefits of the development through the creation of new jobs and the community benefit.
  - The emerging policies in a local development plan that has not yet been approved or adopted.
  - The suitability of the type of development in terms of compatibility with neighbouring property and the locality; and
  - The potential positive impact on adjoining property from noise, odours, fumes etc.
  
4. A new motion that the application receive planning permission pending the approval of conditions to be presented at the following Committee Meeting was agreed.

### **Suggested Conditions**

5. The power to impose conditions is contained within sections 45 and 52 of the 2011 Planning Act. Conditions should only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted.
  
6. The following conditions are provided as requested for consideration and agreement.
  - As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

**Reason:** Time Limit

- The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing entitled “Proposed Road Layout & PSD Phase 1” bearing the Planning date stamp 21 Dec 2015, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

- The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on the Drawing entitled “Proposed Road Layout & PSD Phase 1” bearing the Planning date stamp 21 Dec 2015.

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

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been

completed in accordance with the details outlined blue on the Drawing entitled "Proposed Road Layout & PSD Phase 1" bearing the Planning date stamp 21 Dec 2015. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

- No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of each phase.

**Reason:** To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

- Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in verges and service strips determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

- Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges and service strips determined for adoption.

**Reason:** To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved the drawing entitled "Proposed

Parking Layout” bearing Planning date stamp 21 Dec 2015 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

**Reason:** To ensure that adequate provision has been made for parking.

- The development hereby permitted shall not be commenced until any retaining wall requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

**Reason:** To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

- If the finished ground level of the property, within 1.0m of the footway or verge, is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1 m above the footway or verge level.

**Reason:** To ensure the safety of pedestrians on the public road.

- Existing trees and hedgerows outlined in green on drawing number 2953-050-04-04-002 Site Layout, date stamped by the Area Planning Office 23 December 2014, shall be retained.

**Reason:** to maintain the biodiversity value of the site.

- All proposed new trees and hedges on the site boundaries as shown on drawing number 2953-050-04-04-002 Site Layout, date stamped by the Area Planning Office 23 December 2014, shall be native to Northern Ireland. All site boundary planting shall be in place within one year of completion of construction.

**Reason:** to compensate for loss of native trees and hedgerows.

- A detailed landscaping scheme shall be submitted to the Council in writing and agreed before the commencement of works, providing for species, siting, planting distances, presentation and programme of planting. It shall include indications of all existing trees and hedgerows on the land together with details of any to be retained and measures for their protection during the course of the development.

**Reason:** To ensure the continuity of amenity afforded by existing trees, and the provision, establishment and maintenance of a high standard of landscape.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

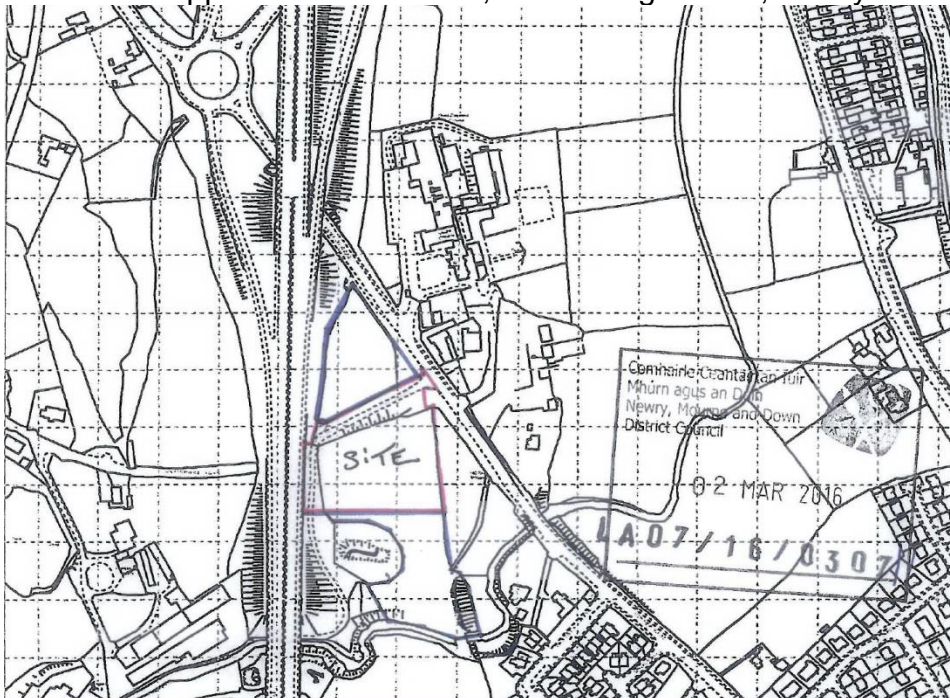
**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0307/O**

**Date Received: March 2<sup>nd</sup> 2016**

**Proposal: Multi Franchise Car Showroom to include a Car Workshop and Display Areas**

**Location: Opposite Cuan Mhuire, 132 Armagh Road, Newry**



**Site Characteristics & Area Characteristics:**

The site is a large grazing field that is located outside of the development limit of Newry, adjacent to the A1 Belfast-Dublin dual carriageway. The site is bounded on its northern and western sides by a short stretch of road that was previously part of Craigmore Road but this was severed by the construction of the A1 and as a result it now forms an access to a group of fields that join on to Armagh Road to the east of the site.



The site is bounded by a post and wire fence, it's ground level is uneven and it falls sharply away towards its rear, the field is heavily overgrown and does not appear to be intensively used.



The site is located just south of the Carnbane junction on the A1, immediately opposite the junction of the lane with the Armagh Road is the former Cuan Mhuire Rehabilitation Centre. To the south of this on Armagh Road are a series of residential properties.



### **Site History:**

There is no recent planning history on the site itself.

### **Consultations:**

**Environmental Health:** No objections subject to the imposition of a condition requiring that any plant and machinery be operated in a way that does not affect the amenity of nearby residents.

**Historic Environments Division (HED)** The site is located in an archaeologically sensitive area, it is stated that excavations as part of the A1 upgrade uncovered extensive below ground archaeological remains nearby and there is the potential for further remains to extend into the application site. It therefore requests a full archaeological impact assessment be carried out in order to enable an informed and reasonable planning decision to be made.

**Transport NI** Advises that the proposal connects on to the A28 Armagh Road which is a protected route, it advises that Planning must be satisfied that the proposal falls within one of the exceptions listed within the policy or else it should be refused.

### **Objections & Representations**

To date two representations have been received to this application, from an organisation named Birth Mothers and their Children for Justice and from an archaeologist working on their behalf. While they do not formally object to the application, it is stated that the site was previously owned by the Cuan Mhuire home which was previously used as a Mother and Baby Home. The representations state that they believe that a number of such burials were carried out in a garden of the home nearby but they believe that further burials in other parts of the former grounds cannot be discounted. They request that a full archaeological assessment is carried out before any construction work occurs on the site.



HED were specifically asked to comment on this issue in their consultation response, they have stated that the archaeological impact assessment referred to above should consider this matter and include appropriate site evaluation strategies.

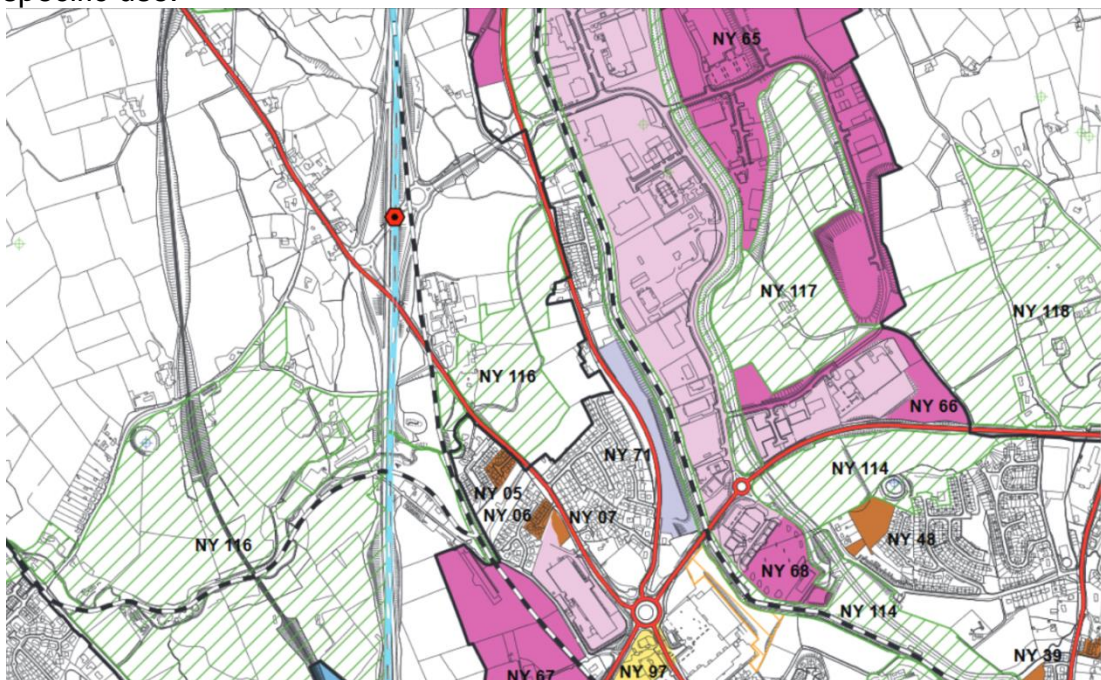
### Consideration and Assessment:

This application must be considered in the context of prevailing planning policy provisions, provided by:

- Banbridge/Newry and Mourne Area Plan 2015
- Planning Policy Statement 21 Sustainable Development in the Countryside.
- Strategic Planning Policy Statement (SPPS)
- Planning Policy Statement 3 Access, Movement and Parking
- Planning Policy Statement 6, Planning, Archaeology and the Built Heritage

### Banbridge/Newry and Mourne Area Plan 2015

The site is located outside of the development limit of Newry which is a short distance away to the south and in the open countryside. It is not identified for any specific use.



The objectives of the plan place a high emphasis on providing for the needs of each settlement in a sustainable manner, promoting compact urban forms, facilitating appropriate development within existing urban areas, and supporting and developing existing urban areas. It is considered that the proposal does not accord with the overall aims, objectives or policies of the current statutory plan for the area, by virtue of its location outside of the designated settlement boundary of Newry City and within the open countryside. It is considered that it would not facilitate appropriate development within the urban area; lead to a sustainable pattern of development; or promote a compact urban form.

The applicant states, in a statement supporting the application, that approval of the proposal will deliver £3.5 million in new investment as well as 60 skilled jobs, further claimed benefits include the creation of new rates income for the Council as well as the creation of an iconic facility in a prominent location adjacent to the A1 as well as complementing the existing economic/commercial offer in the Newry Area including the Quays and Buttercrane centres.

While it is accepted that the issues raised in support of the application, in particular the reference to increased investment and job creation, are material considerations in the consideration of this application, these are not of sufficient weight to set aside the provisions of the statutory Area Plan or prevailing regional policy, in particular the SPPS.

### **Strategic Planning Policy Statement (SPPS)**

The SPPS sets out strategic subject planning policy for a wide range of planning matters. Its provisions apply to the whole of NI and are material to all decisions on individual planning applications. Paragraph 1.12 sets out the transitional arrangements which operate ahead of the development of individual Development Plans by each of the councils. During this transitional period all councils must apply policies contained in those retained existing planning policy statements identified at Para 1.13 of the SPPS. It further states that where the SPPS is silent or less prescriptive than the retained policies then they should be afforded greater determining weight. Paragraph 1.13 lists PPS 3, 6 and 21 as being retained policies, all of which are material to the consideration of this application. The SPPS identifies, at para 1.16, those planning policy statements 'cancelled' by the introduction of the SPPS. These include PPS 5: Retailing and Town Centres. The relevant retailing planning policies are now contained within the SPPS, in particular Paras 6.267 to 6.292.

The sale of motor vehicles is a *sui generis use* under the provisions of the Planning (Use Classes) Order (NI) 2015, i.e. it is not specified in any of the use classes identified in the Use Classes Order. In planning policy terms it is traditionally assessed as being a retail proposal rather than one for economic development.

The SPPS sets out a number of regional strategic objectives for retailing; these are primarily intended for assessing conventional retail proposals such as supermarkets and retail outlets. The SPPS emphasises the importance of town centres in meeting retail provision and sets out a sequential test for assessing all such proposals. The SPPS states that planning authorities will require applications for town centre uses to be considered in an order of preference; primary retail core, town centres, edge of centres and out of centre locations. The requirements of a car dealership, in terms of space, layout and access must be a material consideration in the assessment of any application for a car dealership. In this context it is considered unrealistic to expect this proposal to locate within a primary retail core or town centre.

The SPPS states that in the absence of a current and up-to-date Local Development Plan, councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking into account of the sustainability and

objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

As previously referred, the application has been accompanied by a statement from the applicant's agent commenting on the development plan and on the choice of site selection, it accepts that car sales are a *sui generis* use and claims that it is not appropriate to site this proposal on any of the 124 hectares of land zoned for economic development in the Plan Area. Therefore the choice of a site outside of the development limit was determined because there are no suitable sites within the development limit of Newry and because the nature of car sales means that it does not fall within Use Class B (This is a reference to the Use Classes Order and relates to industrial and business uses).

Policy PED7 of PPS4 provides an exception under which *sui generis* uses can be permitted on land zoned for economic development if it can be demonstrated that the proposal is compatible with the predominant land use and is of an appropriate scale and use. It states that proposals such as retailing and commercial leisure will not be acceptable. While car sales are traditionally assessed under retail policy, the thrust of PED7 is to prevent traditional retail such as supermarkets or comparison shopping from becoming established in industrial estates.

As previously stated it is considered unrealistic to expect this proposal to locate within a primary retail core or town centre. It is arguable that a car showroom is more compatible with the kind of uses which are found in industrial estate type locations and it may be possible to grant an exception under the terms of PED 7 of PPS 4 for this type of proposal on land zoned for economic development purposes.

It is considered that the applicant has not demonstrated that alternative suitable sites are not available within the settlement boundary, beyond the town centre, for this proposal, considering the amount of land zoned for economic development.

While paragraph 6.279 of the SPPS states that retailing will be directed to town centres, inappropriate retail facilities in the countryside will be resisted. It goes on to provide a list of retail uses that will be considered in the countryside, these include farm shops, craft shops and shops serving tourist or recreational facilities. While this list is not exhaustive the thrust of the policy is that it considers that only small scale facilities that cater for a bespoke or niche clientele are considered acceptable. A car dealership of the scale proposed is a much more significant scheme and is not considered to be an acceptable use in the countryside under the provisions of the SPPS.

### **Other material planning policies**

#### **Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside**

##### **- Policy CTY 1 Development in the Countryside**

The policy lists a number of categories of non-residential development which will be acceptable in the countryside. There is no provision for the proposed retail use in the countryside. The SPPS provides the relevant policy context, and the proposal is judged to be unacceptable, for the reasons outlined above.

- **Policy CTY 15 of PPS 21 The Setting of Towns and Villages**

The policy seeks to prevent developments which mar the distinction between settlements and the countryside or which result in urban sprawl. The site is located beside a major dual carriageway, close to the settlement boundary of Newry City. It is considered, by virtue of its proposed scale, use and location that the proposal would mar the distinction between the settlement and the countryside and would have any adverse impact on its immediate surroundings.

**Planning Policy Statement 3 Access, Movement and Parking**

- **Policy AMP 3 Access to Protected Routes (Consequential Revision)**

This lists four exemptions under which a proposal will be granted direct access on to a protected route. The most relevant criterion for this application 'Other Categories of Development' states that approval may be justified for certain types of development which meets the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. It is considered, as previously outlined that the proposal does not meet the criteria for development in the countryside, as set down in prevailing policy, in particular the SPPS. As a consequence it fails the requirements of CTY 1 and therefore Policy AMP 3, 'Access to Protected Routes.

The statement submitted in support of the application also makes reference to the court judgement *City of Edinburgh Council v Secretary of State for Scotland [1998]* which set out an approach to deciding an application that is contrary to a development plan;

- *Identify any provisions of the plan which are relevant to the decision;*
- *Interpret them carefully looking at the aims and objectives of the plan as well as detailed wording of policies;*
- *Consider whether or not the proposal accords with the development plan;*
- *Identify and consider relevant material considerations for and against the proposal, and;*
- *Assess whether these considerations warrant a departure from the development plan.*

The Planning Department is satisfied that this approach has clearly been followed in the assessment of this planning application. In relation to the proposal, the considerations against it are that: it does not comply with the area plan as it is located outside of the development limits of Newry; it is on a site outside of the development limit; it is not of a form of development considered appropriate for a rural area and it is contrary to the protected routes policy. The material considerations identified in support of the application are insufficient to warrant a departure from the development plan.

Reference is also made to a planning approval where it is claimed that the Council granted approval for a similar scheme in the countryside, however the submitted reference number, R/2014/0481, is for a farm dwelling near Kilcoo. It is likely that the case being referred to is R/2014/0487 which was for the erection of new production



buildings at a site on Burrenreagh Road, Castlewellan. If this is the case it is considered that the application referred to is not comparable in that this previous approval related to the expansion of an established business in the countryside, rather than the creation of a new business.

In the light of the above, refusal is recommended for the reasons set out below.

**Refusal Reasons/ Conditions:**

1. The proposal is contrary to Paragraph 6.279 of the Strategic Planning Policy Statement in that the site lies outside the development limits of Newry as designated in the Banbridge/Newry and Mourne Area Plan 2015 and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
2. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.
4. The proposal is contrary to the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for economic development uses in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the plan.
5. The proposal is contrary to Paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up to date development plan

**Case Officer**

**Authorised Officer**

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<b>Appeal Reference:</b>	2021/A0068.
<b>Appeal by:</b>	Mr & Mrs Cunningham.
<b>Appeal against:</b>	The refusal of outline planning permission.
<b>Proposed Development:</b>	Infill dwelling house and detached garage.
<b>Location:</b>	Immediately south east of 18 Clonmore Road, Moy.
<b>Planning Authority:</b>	Armagh City, Banbridge & Craigavon Borough Council.
<b>Application Reference:</b>	LA08/2020/0646/O.
<b>Procedure:</b>	Hearing on 1 March 2022.
<b>Decision by:</b>	Commissioner Mark Watson, dated 27 January 2023.

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## Decision

1. The appeal is allowed and outline planning permission is granted, subject to the conditions below.

## Reasons

2. The main issues in this appeal are the principle of development and the potential impact on protected wildlife.
3. The Armagh Area Plan 2004 Alteration No. 1 - Armagh Countryside Proposals (AAP) is the statutory local development plan (LDP) for the area appeal site is located in. The Council in its determination of the application now subject of appeal considered the proposed development as if it was sited in a rural context, with the majority of the appeal site within the countryside.
4. Having regard to the AAP Alteration No. 1 and the map for the small settlement of Tullyroan Corner, the settlement limit cuts through a section of the southern 'rear' of the site, turns southwards at a right angle less than halfway through the width of the site, before turning north-west and aligning with the appeal site rear boundary. Whilst the LDP map utilises an older base, from my assessment of it, the updated map base provided by the Appellants, together with my on-site assessment, the majority of the appeal site lies within the settlement limit of Tullyroan Corner. Only a minor rectangular section comprised of the south-eastern corner lies within the countryside, one slightly smaller in size than the Appellants' revised estimation. Nevertheless, the majority of the appeal site occupies an urban context for the purposes of planning policy. Accordingly, I find the Council's reliance on Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) and the related provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) to be misplaced. The Council's first five reasons for refusal based upon PPS21 are therefore not sustained.

5. Policy SMT1 Small Settlements of the AAP Alteration No. 1 states that planning permission will be granted for proposals for development within these settlements provided they satisfy a number of requirements. These are that they:
  - contribute to a sustainable and quality environment;
  - are in keeping with the size and character of the existing settlement;
  - do not lead individually or cumulatively to a loss of amenity; and
  - comply with all other relevant planning policies.The compliance or otherwise with the provisions of the LDP shall be addressed in due course.
6. The relevant regional planning policy for consideration of residential development proposals within urban areas is contained in Planning Policy Statement 7 – Quality Residential Environments (PPS7), as referred to by the Appellants. The Council's sixth reason for refusal was framed under Planning Policy Statement 2 – Natural Heritage (PPS2). There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS7 and PPS2 in respect to the appeal development. The policy provisions of PPS7 and PPS2 remain applicable to the appeal development.
7. The appeal site is comprised of a portion of the side garden belonging to No. 18 and a section of an adjacent agricultural field to the south-east. The site is situated between Nos. 16 and 18 Clonmore Road, which are one-and-a-half storey and single storey dwellings respectively. No. 22, also a one-and-a-half storey dwelling, lies adjacent and north of No. 18. All three dwellings utilise a shared access onto the public road. The appeal site is reasonably flat in nature and predominantly covered in grass. A line of mature conifer hedge constituting the existing boundary to No. 18 bisects the site longitudinally, with a small patch of deciduous vegetation and two fir trees located within the north-eastern section of the appeal site. The south-western and south-eastern site boundaries are undefined. Tullyroan Corner is a dual node small settlement, with the appeal site located at the western node.
8. The appeal development seeks outline permission for a dwelling and detached garage. An indicative drawing included in the Appellants' Statement of Case showed how a dwelling could be placed within the section of the site within the development limit. It is intended that the appeal development utilise the shared access onto Clonmore Road used by Nos. 16, 18 and 22.
9. In respect to the potential breach of the settlement limit, I accept that a portion of the proposed curtilage would be outwith the existing limit. Although I have determined that the provisions of PPS21 do not apply, with the majority of the site being within the settlement limit, the Council's concern regarding urban sprawl nevertheless remains a material consideration. The Council also referred to paragraph 18 of the AAP which defines the purpose of a development limit to define compact and well defined urban forms.
10. I agree with the Council that the LDP process remains the appropriate mechanism to determine the future growth and development of settlements. The Council's new draft Plan Strategy is still at a relatively early stage and has yet to be published. Furthermore, specific proposals for settlements will be contained in the local policies plan, which will only be formulated subsequent to adoption of the Plan Strategy document. The LDP settlement limit in proximity to the appeal site is undefined on

the ground, following no established boundary as it traverses across the appeal site. There are no critical views of the rear of the appeal site from the public road network.

11. In this case the minor scale of the breach in question by a modest portion of the proposed curtilage, the lack of an existing defined boundary for the limit at the appeal site, together with the lack of critical views of that area, lead me to conclude that the granting of permission for the appeal development would afford an opportunity to provide a legible, coherent and well defined edge to the western node of Tullyroan Corner at this location, without detriment to either the setting of Tullyroan Corner or the adjacent countryside. I am not persuaded that the appeal development would set a precedent given the particular characteristics of this site, the small scale nature of the breach in question, the lack of an existing physical boundary at this location and the absence of critical views. In the event of permission being granted, new planting on the site boundaries along the edge of the small settlement would be required, as well as a condition restricting the proposed buildings to the section of the site within the settlement limit. For the reasons given above the appeal development would not read as urban sprawl, nor harm the setting of Tullyroan Corner, whilst maintaining a compact and well defined urban form. The Council's concern on this matter would not warrant the withholding of planning permission.
12. The Appellants' suggested siting of the dwelling between Nos. 16 and 18 Clonmore Road would respect the established pattern of development whilst also minimising any potential amenity impacts through overlooking on the existing dwellings. Although the site is somewhat constricted in size and shape, I am satisfied that a suitably designed dwelling and garage could be placed on the appeal site in a manner that would be in keeping with the size and character of the existing settlement. It could also be erected without any loss of amenity, subject to conditions pertaining to site levels and again, landscaping. Such a dwelling would respect the surrounding site context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The appeal development satisfies criterion (a) of Policy QD1 of PPS7.
13. From my consideration throughout this decision, including the matters addressed below, the appeal development would contribute to a sustainable and quality environment and be in keeping with the size and character of Tullyroan Corner. It would not lead to a loss of amenity and would comply with all other relevant planning policies. Accordingly the appeal development meets the provisions of Policy SMT1 of the AAP Alteration No. 1 and the LDP read as a whole.
14. The Council's sixth reason for refusal was based upon Policies NH1 and NH2 of PPS2. Policy NH1 of PPS2 relates to European and Ramsar sites. The appeal site does not interact with either of these types of designations, nor were any referred to by the Council in its evidence. Policy NH1 is therefore not engaged in the first instance.
15. Policy NH2 of PPS2 states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. The policy goes on to state that in respect to nationally protected species, planning permission will only be granted for a development proposal that is not likely to harm

any other statutorily protected species and which can be adequately mitigated or compensated against.

16. The Council in its written evidence described the appeal site as having significant landscape features running through it, but did not offer an explanation as to what they were, nor what protected European species might be at risk. At the hearing the Council witness clarified that it was the deciduous vegetation that was of concern. This vegetation comprises a small section of hedge, briars and scrub situated towards the eastern most part of the site and near to the proposed access. The Appellants' representative stated that whilst the existing leylandii hedgeline that presently serves as the south-eastern curtilage boundary to No. 18 would require removal, the deciduous vegetation as well as two mature fir trees could remain. The Appellants' representative referred to the NI Environment Map Viewer and stated that having interrogated it, no special designated areas or protected species were identified that affected the appeal site. Screenshots of the results were provided in evidence. I have no reason to doubt these results. I note that no special or significant landscape features are identified in the LDP at this location at Tullyroan Corner and the Council witness confirmed there were no Tree Preservation Orders on the appeal site.
17. Notwithstanding that I am not persuaded that a small portion of deciduous vegetation / scrub constitutes a significant landscape feature likely to harbour protected European species, again, I note that the Appellants' representative indicated to me that this vegetation could be retained. From my own assessment on site I agree only the leylandii hedge would require removal to facilitate the appeal development. I also agree that it affords no particular benefits to wildlife. In the event of permission being granted a landscaping condition could require the retention of the deciduous vegetation, as well as the fir trees. As that the vegetation in question can be retained, this landscape feature can be protected and integrated in a suitable manner into the overall design and layout of the development, satisfying criterion (b) of Policy QD1 of PPS7. Whilst I accept that a Biodiversity Checklist was not submitted as part of the planning application, for the reasoning given above, there is no evidence to suggest that the appeal development is likely to harm any European protected species, nor any nationally protected species. Policy NH2 of PPS2 is not offended and the Council's reason for refusal is not sustained.
18. For the reasoning given above the appeal development complies with the provisions of the LDP. It also complies with the provisions of PPS7 and PPS2 read as a whole and the related provisions of the SPPS. The Council's reasons for refusal have not been sustained and the appeal shall succeed. The matter of conditions remains to be addressed.
19. A condition relating to the ridge height of the dwelling and garage would be necessary to ensure the appeal development was in keeping with the size and character of Tullyroan Corner. An overall ridge height of 6.8m would allow for a dwelling of sufficient size whilst respecting the surrounding context. Provision of existing and proposed levels would be necessary in order to assess any potential effects on the amenity of neighbouring properties. Although some discussion took place at the hearing as to the merits of a curtilage condition, I am not persuaded one is necessary in this instance given the specific characteristics of the appeal site relative to the settlement limit and my overall assessment of that matter earlier in this decision.

20. The aforementioned landscaping scheme would need to provide for retention of the existing vegetation, along with new planting along the site boundaries, as well as its retention thereafter. This would be necessary to ensure a proper definition of the outer edge of the appeal site and in the interests of visual amenity. A condition requiring replacement of any dying or damaged plants would also be required for the same reasons. I am not persuaded of the need for a condition restricting time periods for removal of vegetation in order to protect birds given the only vegetation to be removed would be the leylandii hedge and not the deciduous vegetation identified as being important by the Council.
21. The visibility splays at the existing shared access onto Clonmore Road are in-situ and DFI Roads indicated that there was capacity for the appeal development without any improvement works. From my on site assessment I agree and the suggested visibility splay condition is not required. A condition requiring provision of adequate in-curtilage car parking would however be necessary in the interests of road safety. As the means of sewage disposal is addressed through a separate legislative procedure, I am not persuaded a negative condition is required to that effect.

## **Conditions**

1. Except as expressly provided for by Conditions 2, 3, 4 and 5 the following reserved matters shall be as approved by the Planning Authority – the siting, design and external appearance of the dwelling and garage and the means of access thereto.
2. The dwelling and garage shall be sited within the area cross-hatched on the attached map PAC1.
3. The dwelling and garage shall have a ridge height not exceeding 6.8 metres from the lowest point of existing ground level within their respective footprints.
4. Any application for approval of reserved matters shall incorporate plans indicating existing and proposed ground levels all in relation to a known datum point.
5. No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme providing for:
  - the retention of existing deciduous vegetation and the fir trees within the eastern section of the site;
  - the planting of new native species hedge along the boundaries marked A – B, B – C and C – D on the attached plan PAC1; and
  - retention of those new hedges at a height of no less than 1.5m above finished ground level.

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within 5 years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

6. The development hereby approved shall not be occupied until two car parking spaces are provided within the curtilage and shall be permanently retained thereafter.
7. Application for the approval of the reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
8. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to the 1:1250 scale Site Location Map marked 'PAC1', bearing the Council date stamp of 22 June 2020.

**COMMISSIONER MARK WATSON**





## **List of Appearances**

Planning Authority:- Mrs N Creaney (ACB&C BC)

Appellant:- Mr C O'Callaghan (O'Callaghan Planning)

## **List of Documents**

Planning Authority:- 'A' Statement of Case & Appendix (ACB&C BC)

Appellants:-  
'B' Statement of Case & Appendices (O'Callaghan Planning)  
'C' Enlarged extract maps showing settlement limit overlaid onto aerial photograph (O'Callaghan Planning – submitted at hearing)  
'D' Map showing portion of appeal site outwith Tullyroan Corner settlement limit (O'Callaghan Planning – submitted at hearing)

**PLANNING APPEALS COMMISSION**

**The Planning (Northern Ireland) Order 1991**

**Article 7**

**EXAMINATION IN PUBLIC INTO OBJECTIONS TO THE  
DRAFT NORTHERN AREA PLAN 2016**

**SECTION 5  
MOYLE DISTRICT COUNCIL**

**Report by**

**Commissioners G Scott, R Daly and D O'Neill**

**Examination Dates: 19 September – 6 October 2011  
23 January – 22 March 2012**

**Date of Report: 04 June 2014**

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## **5.1 BALLYCASTLE**

### **HOUSING**

- 5.1.1 Ballycastle is the largest settlement in the Moyle District Council Area. The plan recognises the town as local hub. Designation BE01 proposes the SDL for Ballycastle and is shown on Map 5/01a of the plan.

#### **Plan Provision for Housing**

- 5.1.2 Taking account of the 2008 HGI revision for Moyle District the draft plan makes provision for 928 housing units in Ballycastle. Between January 1999 and August 2010 some 745 housing units were completed. The Housing Update Paper of March 2011 estimated that up to 1452 housing units could be accommodated within the settlement over the plan period with a surplus of some 524 units (56.57%) above the plan allocation. The Department concluded that there is more than sufficient land in Ballycastle to meet the uplifted housing allocation. There is no need to expand the SDL.

#### **Social Housing**

- 5.1.3 The updated (March 2011) Housing Need Assessment figures, indicated a substantial increase in social housing need for Ballycastle, of some 85 units for the next 7 year period (2011- 2018). This marks a significant increase from the stated 40 social housing units in September 2004. Nonetheless at the EIP the NIHE stated that 50% of this housing need could be met through the delivery of Housing Zonings BEH13 and BEH27, and the remainder of the need could be met with the utilisation of existing NIHE land at Ramoan Road and Broombeg. At the EIP the NIHE stated that they were satisfied that they can address the social housing need within the existing land bank in Ballycastle. The Department accepted this evidence and withdrew their suggestion of the inclusion of objection site 408 to meet the social housing need in Ballycastle. We are satisfied that there is no need to include further land within Ballycastle to meet the social housing needs for the town.

#### **Settlement Development Limits (SDL)**

- 5.1.4 We concluded in section one of the report that there is no strategic need to allocate further housing land in Ballycastle. We further concluded that there is no persuasive evidence that the SDL is too restrictive to accommodate the housing requirements over the plan period. Accordingly we do not support the objections seeking the expansion of the SDL or those seeking the restoration of the land previously included within the SDL of NEAP 2002. In these circumstances, as stated in section one of the report, any extension of the SDL will only be considered where there are urban form arguments or factors that would justify an exception being made. It is on this basis that we will consider and assess the site specific objections seeking the inclusion of additional land within the SDL for Ballycastle.
- 5.1.5 Our assessment of the objections is made on a clockwise basis, commencing with the North East.

### ***Ballycastle North and North East (North of Cushendall Road/North Clare Road)***

- 5.1.6 Objection 4311 to the non inclusion of lands at **Clare Park, Clare Road** within the SDL. Notwithstanding the planning history (E/2008/0371/O) for a conference centre on the site, the objection was not supported with any evidence to substantiate its inclusion within the SDL. Clare Road provides a strong physical boundary to the north part of the settlement, the inclusion of this land would breach that physical edge. The inclusion of this land within the SDL would give rise to urban sprawl leading towards the coastal edge. We support the Department's exclusion of this land from the SDL.
- 5.1.7 Objection 4900 to the partial exclusion of land at **Silvercliffs Holiday Park** from the SDL. The objection site is occupied by a static caravan park. The SDL has been drawn to include the built development relating to the caravan park within the settlement leaving the remaining part of the caravan park outside the SDL. We have already concluded in section 1 of our report, dealing with strategic issues (paragraph 1.3.62) that peripheral caravan parks should be left outside settlement limits. There are no site specific arguments that would persuade us to resile from that opinion. We support the Department's exclusion of the land from the SDL.

### ***Ballycastle South and South East (South of Cushendall Road/East of Fairhill Street)***

- 5.1.8 Objections 334 and part of site 5141 relate to two separate fields side by side on land **south of Quay Road Recreational Grounds and the Tow River**. The objection sites both straddle the Tow River. With the exception of a small part of the land along the site's north and north west boundaries, most of the land is physically detached from the edge of the settlement and reads beyond the urban context of the settlement. The inclusion of this land would therefore lead to urban sprawl into the countryside and would not give rise to a compact urban form. This land should remain outside the SDL.
- 5.1.9 Objection 334 relates to a large portion of land comprising individual fields on land **south of the Tow River**. The site is physically separated from the proposed SDL and therefore its inclusion within the SDL would not present a logical edge to the settlement. Accordingly this land should remain outside the SDL.
- 5.1.10 Objection 334 is to land north of **Drumavoley Park and west of Housing Zoning BEH13 15 Glenshesk Road**. The objection site is a large area of land. The northern part falls within the flood plain. The remaining part of the site could present a logical infill or rounding off of development at this location within the settlement. No evidence was presented to support the division of the land. The over provision of housing land in Ballycastle overrides the site specific characteristic of this land that falls outside the flood plain. This land should remain outside the SDL.
- 5.1.11 Objection 334 on land **south of Strand Cottages** relates to a large area of land. The northern part of the site falls within the flood plain and a scheduled archeological monument is also located in the centre of the site. Access to

this land is also restricted because of the river. These constraints would limit the development potential of the site making it an unsuitable inclusion within the SDL.

- 5.1.12 Objection 334 on land **north west of Drumavoley Park** is located within the Conservation Area. The eastern portion of the objection site sits within the surrounding urban form. Nonetheless the over provision of housing land outweighs the site specific characteristics of this land. The objection site should not be included in the SDL.
- 5.1.13 Objections 334 relates to four individual sites **south west of Dunamallaght Park and Dunamallaght Crescent**. The northern part of this land falls within the Conservation Area. The land is visually important to the setting of the town. The inclusion of these objection sites, either individually or collectively, would further extend this leg of built development into the open countryside, adding to urban sprawl in this area. Their inclusion collectively or individually would not give rise to a compact urban form. We support the exclusion of this land from within the SDL.
- 5.1.14 Objection 334 relates to a large rectangular portion land that crosses the **Drumavoley Road to the very south of the settlement**. This area of land is elevated to the west side of Drumavoley Road and slopes down to the east side of the road. Any development on this land would be visually prominent when approaching the settlement along Drumavoley Road and Glenshesk Road. Its inclusion would give rise to further linear expansion to the southern edge of the settlement resulting in urban sprawl in this direction. Accordingly we support its exclusion from within the SDL.
- 5.1.15 Objection 334 relates to land that wraps around the rear of the existing housing **to the east side of Drumavoley Road**. Objection 4827 also relates to land in this area to the rear of **16-22 Drumavoley Road**. This area of land slopes steeply downwards to the river valley. The planning history of this land shows that on 1<sup>st</sup> March 2010 the Department granted a Certificate of Lawful Use *“for use of land as a domestic garden related to the enjoyment of the dwelling at 22 Drumavoley Road.”* We also note that the Urban Footprint map defined for Ballycastle, as illustrated in Technical Supplement 1 (map 11), shows Nos 16-22 Drumavoley Road as being within the footprint. While the objection site is not included within what is defined as the urban footprint it is clear that in the RDS 2035 the urban footprint is defined as containing *“..land which has a formal urban use including land on the edge of the settlement where it forms part of the curtilage of a building”*. Given the existence of the LDC it is difficult not to regard the objection site as being part of the urban footprint as so defined in the RDS. We note that the RDS also goes on to state that *“..this does not necessarily imply that gardens are acceptable for housing development.”* While we conclude that the site should be taken within the SDL it would not be appropriate to zone it for housing.
- 5.1.16 Objection 334 relates to land **south of Glenshesk Road and along the south side of the Glenshesk River bank**. Most of the site falls within the flood plain. The land is completely detached from the proposed SDL. Accordingly it would not present a logical inclusion within the SDL.



- 5.1.17 Objection 334 relates to land **north east of Drumavoley Road**. The site is completely detached from the SDL, and its inclusion within it would, therefore, be illogical.
- 5.1.18 Objection 334 seeks the inclusion of a sizeable portion of land extending to the west and rear of **Shesburn Garage**. The inclusion of this land within the SDL does not sit easily with the urban form of the settlement. A significant portion of the land is within the flood plain and a SLNCl is also designated on the site. Given the visual appearance and site constraints we would not support the inclusion of this land within the SDL.
- 5.1.19 Objection 334 relates to **land east of the Glenshesk River and South of Cushendall Road**. The site includes part of the Ballycastle Golf Club, which is operational at present and makes an important visual contribution to the setting of the settlement. The proposed LLPA BEL04 Coast and Links seeks to protect the landscape setting of this area. The inclusion of this land would give rise to urban sprawl east of the Glenshesk Road. We do not support the inclusion of this land within the SDL.
- 5.1.20 Objection 4446 relates to a large area of land comprising 4 large fields to the south side off **Dun-a-mallaght Road**. Objection 5618 also relates to this land and a small area of land on the opposite side of this road. Objection 4446 presents the justification for the inclusion of this land on the basis of the planning permission (E/2002/0032/F) which was granted on part of this site for tourist accommodation. The boundary of the site relating to this planning permission is at the most western part of the objection site and shares no physical attachment with the proposed SDL. Tourism development or tourist related development can be located in the countryside and does not have to be within a settlement. It falls to be considered within the context of regional policy contained in PPS21 and PPS16. We are therefore not persuaded that an approved tourist use on the edge of the settlement would warrant the inclusion of this land within the SDL. Objection 5618 seeks that the land be zoned for housing. The inclusion of either objection site would result in a significant expansion to the settlement at this location and would give rise to unnecessary urban sprawl into the open countryside. We conclude that both sites should be left outside the SDL.
- 5.1.21 Objection 4981 relates to some 0.11 hectares of land along the **north west side of Dun-a-mallaght Road**. The site abuts development to the north east at Dun-a-mallaght Park and benefits from being opposite development to the other side of Dun-a-mallaght Road. Small scale development already occupies the site. Development potential on the site is limited due to its size but its inclusion would give rise to road frontage development creating the appearance of linear development at this location. Notwithstanding the small scale of the site we are satisfied that it should remain outside the SDL.
- 5.1.22 Objections 4983, part of site 5141, part of site 5704, 5186 & 5618 seek the inclusion of a small triangular portion of land at **Station Road** within the SDL. Objection 4983 seeks housing on the site and objection 5758 seeks that the site be identified as a retail opportunity site. The site abuts the SDL and the proposed town centre boundary. At present it is dominated by mature trees and a roadway leading down to into a private path to the Tow River.

Development on the lower southern part of the site would be constrained by the flood plain. The entire site is also within the Ballycastle Conservation Area. Any development on the site would have to respect the character of the Conservation Area. The smaller site as indicated by objection 4983 and part of objection site 5141 would represent a logical rounding off to this part of the settlement. However at present the openness offered by site which is now free from intensive development means that views are facilitated out of the Conservation Area from the town centre to towards Tow Valley. Accordingly we are satisfied that this land should remain outside the SDL.

- 5.1.23 Objections 4983 and 5704 relate to land located directly to the **rear of 29, 29a and 31 Dun-a-mallaght Road and south and south west of Dun-a-mallaght Crescent** and a small site on **the opposite 29 Dun-a-mallaght Road**. A single dwelling is already built on the small area of land opposite 29 Dun-a-mallaght Road and is physically and visually related to the settlement. The inclusion of this portion of land would make a logical inclusion to the SDL along Dun-a-mallaght Road. The land to the rear of 29, 29a and 31 Dun-a-mallaght Road is also developed. It would also make a logical edge and rounding off to the SDL at this location. The Department accepted that the inclusion of objection sites 5704 and 4983 would not present any problem to the overall plan objectives. We accept that this land should all be included within the SDL for Ballycastle.
- 5.1.24 Objection 5082 relates to a large area of land stretching from **Strand Cottages down to land adjacent to 19 Drumavoley Park** within the SDL. The land encompasses the Tow River and flood plain. Whilst the site is bounded by development on three sides, the inclusion of all this land would significantly expand the settlement at this location resulting in unnecessary urban sprawl. Accordingly the objection is not sustained.
- 5.1.25 Objection 5704 seeks the inclusion of part of the **Open Space Zoning BEO01 Quay Road Recreational Grounds** within the SDL. The objection was not substantiated with any persuasive evidence to demonstrate why this land should be included within the SDL for development purposes with the potential loss of valued open space. The objection is not sustained.

***Ballycastle South and South West (South of Novally Road to west of Fairhill Street)***

- 5.1.26 Objection 287 relates to a large area of land **south of Kilns Road**. The site takes in steeply sloping land that falls away from road level. It is also within the proposed LLPA designation BEL06 Tow Valley Upper, which covers a very scenic valley important to the setting of Ballycastle. Given its sensitive site location, combined with its scale and size, development on this land would comprise the landscape setting of Ballycastle. Accordingly we would not support its inclusion within the SDL.
- 5.1.27 Objection 334 relates to land **south, east and north of Housing Zoning BEH32 Hillside Road**. Objection 5717 also relates to this land, specifically the farm group to the east of Hillside Road. Whilst this land was included within the SDL for Ballycastle in the NEAP 2002 and there are farm buildings on the site 5717, we are not persuaded of the merits of including this land within the

SDL of the successor plan. The inclusion of this land would give rise to urban sprawl, failing to result in a compact urban form at this location. Accordingly, the objections are not sustained.

- 5.1.28 Objections 334 and part of objection 4983 relate to land at **Drumawillan House along Whitepark Road**. The site is a large field to the east side of White Park Road, bounded to the north by Straid Road and the south by Moyarget Road. A newly built housing development is located to the eastern boundary of the site at Ramoan Avenue. Despite the remains of Drumawillan House still existing on the site, the appearance of this site is more akin to that of a countryside location. The inclusion of this land would give rise to a significant expansion to the west side of Ballycastle, resulting in failure to create a compact urban form.
- 5.1.29 Objections 334 and 4453 relate to land **south of Drumawillan Park and Hillside Road**. The residential development at Drumawillan Park provides a solid edge to the settlement at this location along Hillside Road. The inclusion of additional land for housing or development purposes at this location would give rise to unnecessary linear development in this area, failing to result in a compact form of development. We support the exclusion of this land from the SDL.
- 5.1.30 Objection 334 relates to land **south west of Mill Street**. Mill Street provides a solid edge to this part of the settlement. There is limited development to the south west side of this street. The land beyond slopes down towards the valley. The south west boundary of the site is defined by the River Tow and a large part of the site is within its flood plain. The inclusion of this land would give rise to an intrusion of development further into the countryside and would fail to maintain a compact form of urban development. Accordingly, we support its exclusion from the SDL.
- 5.1.31 Objection 334 relates to a triangular portion of **land south east of the River Tow and west of Fairhill Street** and large rectangular site **off Fairhill Street**. Individually or collectively the inclusion of these sites would present an illogical edge to the SDL. We are satisfied that this land should remain outside the SDL.
- 5.1.32 Objections 4446, part of objection site 4983 and part of objection site 5704, include land at **Drumawillan to the west side of Whitepark Road**. The site takes in a number of large fields bounded by Whitepark Road to its east boundary and Straid Road to its northern boundary. The rising landform and hedge boundaries provide a rural edge to this part of the settlement offering a backdrop to the town. Planning permission (E/2009/0107/F) has been granted on the site for a hotel, staff accommodation and holiday chalets. The approval of this particular development proposal does not provide justification for the inclusion of this land within the SDL. Given the size and scale of the site it would represent a significant outward intrusion into the countryside, to the west side of Ballycastle, failing to provide a compact settlement form. We are not persuaded that there is justification for this site to be included within the SDL.

- 5.1.33 Objection 4719 and part of objection 5704 (area A) include land south of **Novally Road and west of Whitepark Road**. Whitepark Road provides a strong physical edge to the settlement at this location. The inclusion of this site would breach that physical edge and result in an irregular intrusion to the west side of the settlement at this location. This land should remain outside the SDL.

***Ballycastle North West and West (North of Novally Road to South of Clare Road) (M4)***

- 5.1.34 Objection 334 relates to the de-zoning of land at **Ramoan, Fair Head Caravan Park and Hayes Caravan Park** from within the SDL. Whilst this land was included within the SDL for Ballycastle in the NEAP, the objector provided no persuasive site specific evidence to justify its inclusion within the SDL of this plan. We have already concluded in section 1 of our report, dealing with strategic issues (paragraph 1.3.62) that peripheral caravan parks should be left outside settlement limits. The objection is not sustained.
- 5.1.35 Objection 334 to the exclusion of lands comprising **Leyland Caravan Park, Leyland Road** within the SDL. The objection was not accompanied by a map. The caravan park referred to is known as Fair Head Caravan Park. We have already concluded in section 1 of our report, dealing with strategic issues (paragraph 1.3.62), that peripheral caravan parks should be left outside settlement limits and there are no site specific arguments that would persuade us to take an alternative opinion in respect of this site. The objection is not sustained.
- 5.1.36 Objections 334 and 408 include a small square portion of land to the **east side of Whitepark Road, north of Housing Zoning BEH31**. The adjacent housing zoning takes access from Leyland Road and is partially developed. The inclusion of this small square site would sit within the context of the adjoining housing zoning and the SDL. The Department had identified this site in their written evidence to meet the needs for social housing. However at the EIP the NIHE stated that all of its housing needs could be met within the existing SDL and there was no need to include additional land. Consequently we are satisfied that inclusion of this site within the SDL is not required to meet the social housing need identified for Ballycastle. We support its exclusion from the SDL.
- 5.1.37 Objection 334 includes land **west of Whitepark Road and north of Straid Road**. Whitepark Road provides a clear and distinct physical definition of the SDL at this location. The inclusion of this site would breach that physical boundary resulting in urban sprawl at this location. Accordingly we are satisfied that this land should not be included within the SDL.
- 5.1.38 Objections 334 and 408 relate to land **adjacent to Gortamaddy Drive**. Objection 4983 also relates to this site and the small field to the north of the site. The land in this area is generally flat and lacks enclosure, given its poor boundary definition to the north and west. The site is bounded to the south and east by existing development within the SDL and could therefore present a logical edge to the SDL. However the size and scale of this land would further extend the settlement in a north east direction, giving rise to further

unnecessary urban expansion. Accordingly we support its exclusion from the SDL.

- 5.1.39 Objection 334 relates to the inclusion of two large fields **North West of Gortamaddy Drive**. Of itself access to this land is constrained by neighbouring development. The inclusion of the land would bring this part of the settlement further north west resulting in urban sprawl and should therefore not be included within the SDL.
- 5.1.40 Objection 334 covers a small area of land **opposite 26 White Park Road**. This land has minimal linkage with the proposed SDL and presents an illogical extension at this location. Its inclusion would give rise to urban sprawl. We therefore support its exclusion from the SDL.
- 5.1.41 Objection 334 relates to a small area wrapping around the edge of **Cavan Drive**. Part of the land falls into the proposed LLPA designation BEL 08 Clare Park. There is also a scheduled monument indicated on the site. The inclusion of this land would give rise to further outward intrusion in the countryside at this location, resulting in urban sprawl. Such development would threaten the setting and visual approach to Ballycastle.
- 5.1.42 Objection 334 includes land **west of Cavan Drive which** has no linkage with the proposed SDL. The inclusion of such land would present an illogical extension to the settlement at this location and would fail to provide a compact urban form. We are satisfied that this land should remain outside the SDL.
- 5.1.43 Objection 334 relates to a long linear extension of land **west of Cavan Drive**. The inclusion of this land would give rise to an illogical protrusion at the edge of the SDL. This would fail to provide a compact urban form. We accordingly support its exclusion from the SDL.
- 5.1.44 Objections 334 and 4897 relate to land at **Clare Road**. The land is within the proposed LLPA designation BEL 08 Clare Park. Central to the site is a group of trees known as 'Threepenny Bit Wood'. To the east boundary of the site exists Hayes Caravan Park, which is also excluded from the SDL. Its location at the edge of the settlement provides a soft visual edge to Ballycastle at this location. Development on either objection site at this location would result in a significant expansion to the north west side of the settlement. This would threaten the setting of the settlement as seen when approaching Ballycastle along Clare Road and Whitepark Road. We are not persuaded that there is any overriding reason to include this land within the SDL. Accordingly these objections are not sustained.
- 5.1.45 Objections 334, 5527 & 5618 cover land to the north and south of **Housing Zoning BEH30 10 Whitepark Road**. Objection 5181 relates to land south and west of Housing Zoning BEH 30. The land to the south of the housing zoning follows the steep gradient of Whitepark Road. With exception to limited existing development at Housing Zoning BEH 30, No. 10 Whitepark Road and the Gaelic Pitches, the land to the west side of the road is relatively free from development. Whitepark Road provides a clear physical edge to the settlement at this location. Further development at this location would erode the distinction between the urban form and the surrounding countryside. The

land to the west of Housing Zoning BEH 30 is elevated and any development on this land would be visually prominent in the context of the settlement. The inclusion of any of these sites would fail to provide a compact urban form. We are satisfied that these sites should remain outside the SDL.

- 5.1.46 Objection 4916 relates to land at **Fair Head Caravan Park, Whitepark Road**. The objection site is occupied by a static caravan park. Notwithstanding the presence of built development on adjoining land we support the decision to leave the objection site outside the SDL. We have previously concluded in section 1 of our report, dealing with strategic issues (paragraph 1.3.62), that peripheral caravan parks should be left outside settlement limits. No site specific evidence was provided that would make us resile from that opinion. The objection is not sustained.
- 5.1.47 Objections 4983 and 5181 seek the inclusion of a small site off **Whitepark Road**, immediately north of Housing Zoning BEH 30, within the SDL for housing use. Objection site 5181 is overlapped by objection site 4983. Whilst the Whitepark Road provides a defined edge to the west side of the settlement the Department stated that planning permission (E/2001/0091/F & E/2006/0252/F) has been granted for 5 dwellings on this site. This is now under construction. The Department stated that the site would form a logical inclusion within the SDL. Given that residential development is already under way and is of a modest scale we agree with the Department that the site should be included within the SDL. Given the built commitment on the site there is no need to zone this land for housing.
- 5.1.48 Objections 5181, 5618 relate to land between **Whitepark Road and Ramoan Road**. This land is bounded on three sides by development and fronts the east side of Whitepark Road. Residential development has been approved on the majority of this site over the past 10 years. The most recent planning permission (E/2005/0498/F) on the site for 4 detached dwellings and 8 town houses was granted on 27/02/2008. Given the planning history on the site the Department has recommended that this land is included within the SDL. We consider this to be a logical response and support the inclusion of this land within the SDL. This would not prejudice the overall objectives of the plan.
- 5.1.49 Objection 5291 relates to some 14 fields bounded by **Clare Road and Whitepark Road**. Objection 5527 also seeks up to 50% of this area while objections 4897 and 5618 take in a substantial part of this area. The small square field (field 10) fronting Whitepark Road immediately north of Clare Court is included within both objection sites 5291 and 5527, which has been addressed above. The inclusion of remaining land in all three objection sites because of their size and scale would significantly alter the edge of the SDL, resulting in urban sprawl spreading out into the countryside. We are not persuaded that there is any overriding need to include the full extent of this site within the SDL. Accordingly these objections are not sustained.
- 5.1.50 Objection 5459 seeks that additional land is designated outside the proposed SDL. However the objector failed to identify specific land for inclusion within the SDL and we cannot give this matter any further consideration.

## Recommendations

### 5.1.51 We recommend:

- the inclusion of the garden area associated with objection site 4827 at 22 Drumavolley Road within the SDL for Ballycastle.
- The inclusion of objection site 4983 and 5704 at Dun-a-mallaght Road within the SDL for Ballycastle.
- the inclusion of objection sites 4983 & 5181 off Whitepark Road and immediately north of Housing Zoning BEH 30 within the SDL.
- the inclusion of objection sites 5181 and 5618 relating to land between Whitepark Road and Ramoan Road within the SDL.

## HOUSING ZONINGS

### 5.1.52 The main issues raised include:

- (a) Housing Zonings should be removed from the plan; and
- (b) The KSR should be amended or deleted.

### **Housing Zonings should be removed from the Plan.**

5.1.53 Objection 334 to Housing Zoning **BEH 01 Market Yard** was not substantiated. Objection 5646 seeks that land at Market Yard is zoned for housing. While no map was provided with this objection it appears to us that the land at Market Yard was zoned and is developed. Accordingly both objections are not sustained.

5.1.54 Objection 334 to Housing Zonings **BEH 02 Leyland House, BEH 03 Leyland/Ramoan Road, BEH 04 22 Cedar Ridge, BEH 05 Quay Road/Mary Street, BEH 06 Caman Drive Extension, BEH 07 8 Moyle Road, BEH 08 Rockfield, BEH 09 8-10 North Street, BEH 10 Mill Street, BEH 11 Clare Avenue, BEH 12 Rear of 34 Rathlin Road, BEH 13 15 Glenshesk Road, BEH 14 47 Quay Road, BEH 15 39 Mill Street, BEH 16 Rear of Sheskburn House, BEH 17 23 Mill Street, BEH 18 Whiteland East Leyland Heights, BEH 19 Adjoining Ballycastle High School, BEH 20 17 North Street, BEH 21 Adjoining 15-19 Drumavoley Park, BEH 22 Drumamallaght Park, BEH 23 Drumavoley House, BEH 24 Adjoining Lir Court, BEH25 7-9 Quay Road, BEH 26 Fairhill Street, BEH 27 East of Gortamaddy Park, BEH 28 Rear of 63-65 Castle Street, BEH 29 Drumavoley Road, BEH 30 10 Whitepark Road, BEH 31 Whitepark/Leyland Road and BEH 32 Hillside Road** was not substantiated. Some of these zonings have been developed or have the benefit of planning permission. Accordingly the objections are not sustained.

5.1.55 Objection 5 to Housing Zoning **BEH 11 Clare Avenue** was made on the basis that this site represents a back garden site and is unnecessary. The site is



now developed with large detached properties. These properties back onto the roadside dwellings at Clare Road and are accessed via Rathlin View. Accordingly the objection is not sustained.

- 5.1.56 Objection 334 to Housing Zoning **BEH 12 Rear of 34 Rathlin Road** was made on the basis that access is restricted to the site. This housing zoning is a small green space central to the rear of the properties along Strandview, Rathlin Road and Alanvale Park. On the ground the land is backland development where access would have to be provided through third party land. We agree that access to this housing zoning may not be possible. Given this uncertainty we recommend the removal of this housing zoning from the plan.
- 5.1.57 Objection 5429 to Housing Zonings **BEH 13 15 Glenshesk Road, BEH 18 Whitehall East Leyland Heights, BEH 26 Fairhill Street** were not explained or substantiated. Accordingly we can't consider this objection any further.
- 5.1.58 Objections 334 to Housing Zonings **BEH 13 15 Glenshesk Road, BEH 10 Mill Street, BEH 19 Adjoining Ballycastle High School, BEH 23 Drumavoley House, BEH 26 Fairhill Street, BEH 32 Hillside Road** on the basis that an LLPA designation overlaps these housing sites and therefore this will restrict the delivery of housing. Some of these sites have been developed or have the benefit of planning permission. The objector failed to provide any persuasive evidence to demonstrate how the LLPA designations restrict the delivery of the housing on each site. Accordingly the objections are not sustained.
- 5.1.59 Objection 334 to Housing Zoning **BEH 19 adjoining Ballycastle High School** on the basis that this is landlocked to the west by existing housing and Anne Street to the south. The objector has speculated that there is a limited chance that the other surrounding land will be released because it is Church ground. Objections 5181 and 5618 also objected to this housing zoning. Objection 5618 stated that part of this site has been committed for the extension to the adjacent graveyard. KSR 4 states that "development of the site will require additional land to provide an access to a public road". This housing zoning is north and west of an existing graveyard, residential development to the south, open space to the east and the High School to the north. Access to this site could be difficult to achieve given the mix of land use and tenure surrounding the school. We agree with the objectors that this leads to the uncertain delivery of this central housing zoning in Ballycastle. We consider the housing zoning should be removed from the plan.
- 5.1.60 Objection 5618 argued that the designation of Housing Zoning **BEH 26 Fairhill Street** was uncertain as industrial development was being considered for the site. This site has, however, partially been developed for housing. We are not persuaded that it should be removed from the plan.
- 5.1.61 Objection 5618 to designation of **Housing Zoning BEH 28 Rear of 63-65 Castle Street** on the basis that there is no available access to this land. The objection was not substantiated with persuasive evidence. A gap in development opens the land on to Mill Street. The objection is not sustained.

## **The KSRs should be amended or deleted**

- 5.1.62 Objection 4406 seeks that Housing Zonings **BEH 03 Leyland Road/Ramoan Road and BEH 18 Whitehall East Leyland Heights** should incorporate some flexibility to permit other uses where there is sufficient housing land and an appropriate alternative comes forward. Objection 5618 made a similar argument in respect of the proposed designation of Housing Zoning **BEH 18 Whitehall East Leyland Heights**, arguing that this land was subject to a proposed retail development for Tesco. In section 1 of our report we considered this argument about flexibility of land zonings in addressing objections to Policy SET 2 of the Plan Strategy and Framework. We concluded that this concern must be set in the context of paragraph 35 of PPS 1 and Article 25(1) of the Planning (NI) Order 1991. Article 25(1) requires the Department to have regard to both the development plan and any other material considerations when considering an application for planning permission. Zoning this land for housing in the plan provides a level of certainty to the public. The Department stated that they expect that part of these housing zonings will meet the needs of social housing in Ballycastle. We do not support these objections.
- 5.1.63 Objection 4987 relates to KSR of proposed Housing Zoning **BEH15 39 Mill Street and BEH23 23 Mill Street**. Planning permission E/2005/0498/F was granted on this site for residential development on 27/02/08. No persuasive evidence was presented to suggest why or how the KSR should be amended. The objection is not sustained.
- 5.1.64 Objection 4667 relates to KSR 4 of Housing Zoning **BEH 25 7-9 Quay Road**, which stipulates that any development proposal shall replicate the architectural style and detail of the original building. Planning permission has been granted for the redevelopment of this site and the site is now redeveloped.

### **Recommendations:**

- 5.1.65 **We recommend:**
- **The removal of Housing Zoning BEH 19 Adjoining Ballycastle High School from the plan.**
  - **The removal of Housing Zoning BEH 12 Rear of 34 Rathlin Road from the plan.**

## **APARTMENT DEVELOPMENT**

- 5.1.66 Objections were received to Designation BEA01 Area of Opportunity for Apartments. This designation has been presented on Map 5/01b Ballycastle Town Centre. Policy relating to this designation was set out in Plan Strategy and Framework under Policy HOU3 Apartment Development in Settlement with Pressure for Second Homes.
- 5.1.67 Section 1 of our report on the Plan Strategy and Framework recommends deletion of Policy HOU 3. As we do not support the use of this policy in the

plan we also consider that the Designations relating to this policy should also be deleted from the District Proposals in the plan.

### **Recommendations**

#### **5.1.68 We recommend:**

- **That Designation BEA 01 Area of Opportunity for Apartment Development is deleted from the plan.**

### **INDUSTRY, BUSINESS AND DISTRIBUTION**

5.1.69 The main issues relates to the zoning of land for Industry, Business and Distribution.

5.1.70 Objection 334, to **Industrial Zonings BEI 01 and BEI 02 Leyland Road**, was made on the basis that these sites do not fully meet the industrial needs of the population for Ballycastle. The objections were not, however, substantiated with any evidence and nor were potential sites for industrial zonings identified. We have already concluded at strategic level that industrial land provision is adequate in Ballycastle. The objection is not sustained.

5.1.71 Objection 5710 to **Industrial Zoning BEI 02** on the basis that 1 hectare of this land will be designated for the Ambulance and Fire Services Use. The objector did not provide any evidence to substantiate their objection. Accordingly this does not warrant any change to this designation for this purpose. The objection is not sustained.

### **TOWN CENTRE**

5.1.72 The plan identified Ballycastle Town Centre on Map 5/01b. The main issues raised relate to:

- (a) The designation of the Town Centre; and
- (b) Land should be designated as a Local Centre.

#### **The Designation of the Town Centre**

5.1.73 Objection 334 to the proposed **Designation BET 01 Ballycastle Town Centre** on the basis that the designation does not accurately reflect the area required to be in the town centre. The objector presented no justification or evidence to explain how the designation should be redefined. Accordingly the objection is not sustained.

5.1.74 Objections 5618 and 5762 relate to the non inclusion of land at **Station Road** within the town centre. Objection 5617 was made on the basis that a planning application has been made for a retail development on this site and that this land would make a logical edge to the town centre. The objector provided no details of this planning history. According to the Department's planning history

map there is a pending application E/2011/0062/F for the redevelopment of this site. Likewise objection 5762 failed to provide any persuasive evidence to demonstrate why this land should be included within the town centre boundary. Accordingly we are not persuaded there is justification to include this site within the town centre boundary.

### **Land should be designated as a Local Centre**

- 5.1.75 Objection 4652 seeks the designation of land at **6-8 Ramoan Road** as a local centre. The site is currently occupied by a Spar food market and is located within a predominantly residential area. Despite the objectors view we consider that this site is close to the town centre where the range of other retail services are already provided in Ballycastle. We are not persuaded that there is a need to designate a local centre on the objection site. Accordingly the objection is not sustained.

### **AREAS OF ARCHAEOLOGICAL POTENTIAL**

- 5.1.76 An area of Archeological Potential has been identified in Ballycastle and is shown on Map 5/01. As we explained in Section 1 of our report, Areas of Archaeological Potential (AAPs) are highlighted in the draft plan for **information** purposes only. They are not a plan designation. Consequently we are not in a position to address any site specific objections made against this particular AAP or its inclusion on the map.

### **TOURISM**

- 5.1.77 The main issues relate to the designation of land for tourism.
- 5.1.78 Objection 4311 seeks the zoning of lands at **Clare Park, Clare Road** for tourism or recreational use. The objection site occupies a large visually important site located between Clare Road and the Coast Line. The objector provided no evidence to support the zoning of the land for tourism. The plan has not zoned any tourism land as proposals for tourism development will be assessed with the context of other Regional Policies. We therefore are not persuaded there is an overriding need to zone this land for tourism.
- 5.1.79 Objection 4900 is to the failure of the plan to zone **Silvercliffs Holiday Park** for tourism with the potential for redevelopment as a brown field site. Tourism use is already established on the site and amendment or variation of the development on the site is a matter for the Development Management function of the Department. We have previously endorsed the exclusion of this site from the SDL. We are therefore not persuaded that this needs a specific zoning for tourism or as a brown field site. Accordingly the objection is not sustained.
- 5.1.80 Objection 4916 seeks the zoning of land at **Fair Head Caravan Park** as a holiday park with potential for future redevelopment as a brown field site.

Tourism use is already established on the site therefore there is no need to zone this site as a holiday park. Accordingly the objection is not sustained.

- 5.1.81 Objection 5618 seeks the designation of land on land opposite **Drumawillan House off Whitepark/Straid Road** for tourism. We acknowledge that planning permission has been granted for a hotel complex at this location. Nonetheless we are not persuaded that this area requires a specific tourism designation. Accordingly the objection is not sustained.
- 5.1.82 Objections 5629 & 5704 seek the zoning of **Sheskburn House** for recreational/leisure use to meet the needs of Ballycastle. The plan has not been zoned land for this use. The objectors failed to provide any persuasive evidence to demonstrate why a special designation should be given to this site.
- 5.1.83 Objection 5704 seeks the designation of land at **Dun-a-mallaght Road** for tourism uses. The objection was not supported with any persuasive evidence.

### **LOCAL LANDSCAPE POLICY AREAS (LLPA)**

- 5.1.84 The plan identified 14 LLPA around Ballycastle. The main issues raised relate to the designation of land as an LLPA
- 5.1.85 Objections 334 to Designations **BEL 01 Tow Valley Lower LLPA, BEL 02 Glenshesk LLPA, BEL 03 Carey River LLPA, BEL 04 Coast and Links LLPA, BEL 05 Drumavoley House LLPA, BEL 06 Tow Valley Upper, BEL 07 Ramoan LLPA, BEL 08 Clare Park LLPA, BEL 09 Marconi Memorial LLPA, BEL 10 Ballycastle Seafront, BEL 11 Fairhead View LLPA, BEL 12 Ballycastle High School and St Patricks and St Brigids Church, BEL 13 Ballycastle Presbyterian Church LLPA & BEL 14 O'Connor Memorial LLPA** on the basis that these designations do not accurately reflect the area to be protected or are not worthy of such protection. The objections were not supported with any persuasive evidence or maps to suggest what areas should, or should not, form part of the LLPA. Accordingly the objections are not sustained.
- 5.1.86 Objection 334 to the overlap of Designation **BEL 01 Tow Valley** on the proposed Housing Zoning BEH 13 15 Glenshesk Road on the basis that this housing zoning overlaps the proposed LLPA Designation BEL 01. The supporting paragraph 13.2, page 293, Volume 2 of the plan, relating to the proposed LLPA designation, does not take account of the land that falls within the SDL or that part of this proposed LLPA that is designated for housing. We recommend that the Department reconciles the supporting text for this LLPA with the relative zonings set out in the plan that fall within the proposed designation.
- 5.1.87 Objections 4983 & 5762 seek the removal of land at **Station Road** from the proposed LLPA Designation **BEL 01 Tow Valley Lower**. The LLPA has been designated to protect the landscape features of Tow Valley at this location. Neither objector provided persuasive evidence to demonstrate why this area of land does not contribute to the features which it seeks to protect. Accordingly

we are satisfied that this land should remain within the proposed LLPA designation.

- 5.1.88 Objection 5082 seeks the removal of land **adjoining 19 Drumavoley Park** and objection 5141 seeks the removal of land at **Quay Road** from the proposed LLPA designation of **BEL 01 Tow Valley**. Both objections relate to an extensive area within the lower Tow Valley. This area contributes to the setting of the settlement. Neither objector provided persuasive evidence to demonstrate how this specific area does not contribute to the setting of Ballycastle or why this area does not merit being included within the proposed designation. We are satisfied that this land should remain within the proposed designation.
- 5.1.89 Objections 4337, 4349, 4698 & 4702 seek the removal of Designation **BEL 02 Glenshesk LLPA** from land at **Drumavoley Road** in respect of planning application E/2004/0064/O. Outline planning permission was granted on 18/12/2008 for 5 dwellings on this site. The designation has been drawn to protect the setting of the sloping banks of the Glenshesk River. The objector presented no persuasive evidence to demonstrate why this site should not be included within the designation or how it does not contribute to the landscape setting of the Glenshesk River. The grant of planning permission on the land demonstrates that it can be satisfactorily developed without threatening the landscape character of this area. We therefore support the inclusion of this land within the proposed LLPA designation. Objection 4872 seeks the removal of land to the **rear of 16-22 Drumavoley Road** from this LLPA Designation. The area indicated by the objection site is part of the character of this area. The objector did not provide any persuasive evidence to demonstrate that the quality of this landscape was not worthy for inclusion within the proposed designation. The Department in recognition of the existing development in this LLPA suggested the following amendment to the supporting text to BEL 02 in paragraph 13.3, page 294, Vol 2. The amendment reads as *“This area is within the Antrim Coast and Glens AONB where no further **new** development is appropriate other than that demonstrated to be essential for agricultural purposes. **Exception also allowed for sensitively positioned outbuildings and extension of outbuildings**”*. We support this amendment to facilitate some flexibility in this LLPA.
- 5.1.90 Objection 334 to Housing Zoning BEH 23 Drumavoley House in conjunction with the LLPA **Designation BEL 05 Drumavoley House** on the basis that it is unacceptable to have an LLPA designation on a residential development. The LLPA Designation acknowledges that this land relates to an urban capacity site for Ballycastle but seeks to protect the existing woodland within it. The objector provided no persuasive evidence to demonstrate why this designation should be removed from the housing zoning. Accordingly the objection is not sustained.
- 5.1.91 Objection 5644 considers that Designation **BEL 06 Tow Valley Upper LLPA** should be extended to include the upper slopes of Tow Valley including the spur of land containing Dunamallaght Road. The objector provided no evidence to demonstrate the key features of this area that would justify an LLPA designation at this location.

- 5.1.92 Objection 4365 to the proposed LLPA Designation **BEL 07 Ramoan** on the basis that this land is a natural rounding off to the edge of the settlement. No map was provided to indicate the exact location of the objection site. Furthermore no persuasive evidence was put forward to demonstrate why this land should not merit the proposed LLPA designation. Objection 5181 seeks the removal of land between **Whitepark Road and Ramoan Road** from the proposed LLPA designation BEL 07 Ramoan. The designation seeks to protect the mature deciduous tree groups and belts in this area. The grant of planning permission on the land demonstrates that the site can be development without harm to these trees. As noted above this land is now recommended to be included within the proposed SDL for Ballycastle. At the EiP the Department accepted the objection site, in relation to the recent planning approval (E/2005/0498/F) on the site, could be removed from the proposed LLPA. This would not harm the key landscape features which this designation seeks to protect. We support the Department's recommendation for the removal of objection site 5181, in respect of the planning permission (E/2005/0498/F) from the proposed LLPA.
- 5.1.93 Objections 4311, 4897 & 4986 to the designation of land at **Clare Park & Clare Road** within the LLPA **Designation BEL08 Clare Park**. Objection 4311 relates to a large site between Clare Road and the coast line and objection 4897 relates to the area to the south side of Clare Road. The land in this area is relatively flat and is dominated by mature trees which at one time would have contributed to the former large residence at Clare Park. This area provides an important landscape setting to Ballycastle. The objectors provided no persuasive evidence to demonstrate or justify why this land should be removed from the proposed LLPA designation. Accordingly the objection is not sustained.

### **Recommendations**

5.1.94 **We recommend:**

- **that the supporting text relating to BEL 01 Tow Valley Lower is amended to reconcile the proposed designations in the plan within the SDL.**
- **the wording of paragraph 13.3, page 294, Vol 2 should be amended to to read as follows:**

*“This area is within the Antrim Coast and Glens AONB where no further new development is appropriate other than that demonstrated to be essential for agricultural purposes. Exception also allowed for sensitively positioned outbuildings and extension of outbuildings”*
- **the removal of Objection Site 5181, in respect of the planning permission (E/2005/0498/F), from the proposed LLPA Designation BEL 07 Ramoan**



## 5.2 BUSHMILLS

- 5.2.1 The plan designates Bushmills as a town. The SDL for Bushmills is identified on Map 5/02 of the plan.

### Plan Provision for Housing

- 5.2.2 Taking account of the 2008 HGI revision for Moyle District the draft plan made provision for 225 residential units in Bushmills. Between January 1999 and August 2010 some 225 housing units were completed. The housing Up-date Figure Paper March 2011 taking account of the remaining housing capacity in the settlement estimated there is a surplus of 191 residential units (85%) remaining in Bushmills above the plan allocation. Based on the take up rates between January 1999 to August 2010, the Department estimates that the total provision represents a 10 year housing supply from 2011.

### Social Housing

- 5.2.3 The updated (March 2011) Housing Need Assessment figures indicated that there is no social housing need for Bushmills.

### Settlement Development Limits

- 5.2.4 We concluded in section one of the report that there is no strategic need to allocate further housing land in Bushmills. We further concluded that there is no persuasive evidence that the SDL is too restrictive to accommodate the housing requirements over the plan period. Accordingly we do not support the objections seeking the expansion of the SDL, zoning of further housing land or those seeking the restoration of the land previously included within the SDL of the NEAP 2002. In these circumstances, as stated in section one of the report, any extension of the SDL will only be considered where there are urban form arguments or other factors that would justify an exception being made. It is on this basis that we will consider and assess the site specific objections seeking the inclusion of additional land within the SDL or zoning of additional housing land for Bushmills. Our assessment of the objections in Bushmills is as follows.
- 5.2.5 Objections 334 and 5186 on land **west of Priestland Road and north of Craigaboney Road** relate to an extensive area of land overlapping Dunluce Rectory. The Department stated that the housing development allowed on appeal (2004/A378) on land at Priestland Road and Craigaboney Road should be included within the SDL. Housing on this site is partially developed. The Department also stated that land to the north east comprising Dunluce Rectory and 15 Priestland Road should also be included within the SDL providing a logical edge to the settlement at this location. We support the inclusion of all of this land within the SDL
- 5.2.6 Objection 334 on land **south of Craigaboney Road** is physically separated from the SDL by other land along the Criagaboney Road. Its inclusion would not give rise to a compact urban form or a logical inclusion within the SDL

- 5.2.7 Objection 334 on land at **3 Craigaboney Road** is occupied by a dwelling and the footings of another dwelling located side by side. Both dwellings are on large plots akin to that found in the countryside. The east boundary of the site provides a strong physical edge to the settlement. The inclusion of the site within the SDL would give rise to the appearance of urban sprawl at this location and would be a signal for more intensive development on this land. Accordingly, even though there is built development on this land, we are satisfied that it should remain outside the proposed SDL.
- 5.2.8 Objection 334 relates to land around **Dunluce Manse and South of Craigaboney Road**. Objection 5186 also relates to the area of land to the north and south of Craigaboney Road. Objections 4499 & 5618 also seek the extension of the SDL to include land at **Dunluce Presbyterian Church Hall and Manse**. The element of the objection to the north has been addressed above in paragraph 5.2.5. The land to the south of Craigaboney Road contains a disused Church Hall with planning approval for its conversion to 8 apartments (E/2007/0013/F) and Dunluce Manse, which is set within a mature vegetated plot north of the church hall. It was explained that development of this land would help finance the building a new church hall. These buildings, whilst situated within the SDL for Bushmills in NEAP 2002, are not characteristically urban. The junction of Priestland Road with Craigaboney Road provides a solid physical and logical stopping point for development at this location. Further development to the west side of Priestland Road would give rise to further urban sprawl. Notwithstanding the various arguments presented we are satisfied that this land should be left outside the SDL.
- 5.2.9 Objection 334 on land along the **east bank of the River Bush at the Salmon Leap** relates to a small area of land that follows the line of the Bush River to the southern part of the settlement. The site is dominated by trees and vegetation that line the edge of the river. Some of the land also falls within the flood plain. Given the environmental considerations relating to the loss of vegetation and the flood plain this land would be best left outside the SDL.
- 5.2.10 Objection 334 on land to **south and south west of Bush Gardens and east of the River Bush** is at the very south of the settlement. The land is relatively flat at this location and lacks physical definition. If this land were included within the SDL it would give rise to a significant expansion of the settlement to the south resulting in urban sprawl at this location. There is no justification for the expansion of the settlement at this location.
- 5.2.11 Objections 334, 5183, 5186 (part of) and 5704 relate to land **west of Castlecatt Road and east of the River Bush**. Objections 334 & 5183 cover the road side field. Objection 5186 and 5704 (as amended at the EIP) relates to some 1.55 hectares of land along the road side land and the land running to the south of Bush Gardens. With exception to objection 5186 the other objectors were seeking that the land should be designated for housing. The objection site relates to generally flat road side land. The northern part of the road side site is covered in mature vegetation which provides an important transition from the countryside into the town from the southern approach. Development on this land would result in the loss of this vegetation buffer at the edge of the settlement. The inclusion of any of these objection sites within the SDL would extend the settlement significantly to the south in a linear form

along the Castlecatt Road, resulting in urban sprawl. We are satisfied that this land should remain outside the SDL.

- 5.2.12 Objections 334, 5186 (part) and 5704 relate to land to **east of Castlecatt Road and north of Ballyness Holiday Park**. The site includes Ballyness Holiday Cottages and the adjacent land which is partly constrained by ponds and woodlands. This land is prominent along Castlecatt Road due to its elevation and lack of vegetation enclosure along the road side. Development on this site would merge the group of development at 36 and 38 Castlecatt Road with the settlement. This would give rise to the appearance of linear urban sprawl along this road. We support the exclusion of this land from the SDL.
- 5.2.13 Objections 334, 4954 relates to a large area of land along the road side and **opposite Dunluce Secondary School, Dunluce Road**. At the EIP objection site 5186 was reduced to the same field as objection 334 plus adjoining field to the northwest. All of the objections relate to an area of flat road side land on approach into Bushmills. The inclusion of this land would continue development along the north side of Dunluce Road out into the countryside, leading to urban sprawl at this location.
- 5.2.14 Objections 334 on land **west of Tramway Drive and north west of Tramway Drive** relates to two large flat fields set back from Dunluce Road and Ballaghmore Road. The inclusion of either field would give rise to a large protrusion into the countryside and narrow the important visual gap between Bushmills and the nearby settlement of Portballintrae. Development of this land would fail to meet the plans objective of a compact urban form at this location.
- 5.2.15 Objection 334 on land at the junction of **Dunluce Road with Ballaghmore Road** overlaps the junction of the Dunluce Road with Ballaghmore Road. It would be impossible to develop this part of the site for housing. The remaining part of the site relates to a narrow strip of land that facilitates pedestrian access to the settlement from the Bushmills Tram Stop and a small grassed area at the road junction. Accordingly there is no logic or justification for the inclusion of this land.
- 5.2.16 Objections 334 and 5186 on land between **Straid Road, Distillery Road and Bushmills Manse** relates to gently rising land to the east and south of Bushmills Distillery. This area of land is dominated by the Old Bushmills Distillery, which has major employment and tourism significance for the settlement. The site allows important views of the distillery buildings on the approach along Straid Road and its inclusion would diminishes these views and result in urban sprawl along this road. Housing development on the objection site would present potential land use conflicts with the industrial use of land at this location in the settlement. The land is also environmental sensitive given its inclusion with the AONB, the presence of St Columb's Rill and associated race and Bushmills Manse are also on the site. These constraints support the exclusion of this land from the SDL.
- 5.2.17 Objection 334 relates to land east of **Housing Zoning BSH10 land adjacent to Eagry Park**. Housing Zoning BSH10 is partially built. The objection site is

an area of low-lying land running south from Straid Road towards Ballyness Caravan Park. The boundary of Eagry Gardens runs up to a steep drop in the topography and provides a solid defined edge the settlement at this location. A car sales garage and dwelling are located to the eastern boundary of the site along Straid Road. The inclusion of development on this land would breach the existing defined edge to settlement and result in a linear expansion of development along Straid Road linking the settlement to the car sales garage. This would be a significant expansion to east side of Bushmills failing to create a compact settlement form. Accordingly the objection is not sustained.

- 5.2.18 Objection 334 relates to land west of **Dunluce Secondary School along Dunluce Road**. The inclusion of this flat area of land would result in the continuation of linear road side development westwards out of Bushmills. Its inclusion would therefore fail to provide a compact urban form at this location.
- 5.2.19 Objection 4986 relates to some 4.2 hectares of **land north of BSI 01 Old Bushmills Distillery**. The objection site is located on elevated land which provides a backdrop to the settlement when viewed from Dunluce and Ballyclogh Roads. This land is also constrained by its inclusion within the setting of the WHS, the Causeway Coast AONB and the proposed LLPA BSL04 Dunadrave LLPA. Development of housing immediately adjacent to the Bushmills Distillery would conflict and restrict the further development of this important industrial site. The objector provided no evidence to support any other development need on this land. The constraints relating to the site means that we support the exclusion of this land from the SDL.
- 5.2.20 Objection 5186 relates to lands **at Stranalane**. At the EIP the objection site was amended to exclude the scarp slope along the site's southern boundary, in order to keep it free from development. This slope therefore provides a backdrop to the site and the flat land comprising the all weather pitches along Dunluce Road. The site wraps around to the west and south of Dunluce Secondary School and links in with the existing and approved development along Craigaboney Road. The school playing fields provide a soft edge to the settlement at this location assimilating the urban form into the countryside. Development on this land would further expand the settlement to the west giving rise to unnecessary urban sprawl at this location.
- 5.2.21 Objection 5618 seeks the inclusion of **lands south of Dunluce Presbyterian Church, Priestland Road**. This is a roadside portion of land on approach from the south into the settlement. The east part of the site overlaps the River Bush. This part of the site is therefore constrained from development. Development on this land would expand the settlement further south along Priestland Road and would impact on views of the listed Dunluce Presbyterian Church. Development of this land would not achieve a compact urban form. The land should not be included within the SDL.
- 5.2.22 Objection 5646 states that the new Causeway Coast sub-regional tourist centre could be located as an infill extension to Bushmills. The objector suggested locating it between **Riverdale Lodge and Tramway Drive**. The tourist centre is now built and located on the National Trust property at the Giant's Causeway. Accordingly this objection is not sustained.

- 5.2.23 Objection 5704 relates to the **rear of 1-23 Main Street**. The Department advised that planning permission (E/2005/0531/F) has been granted for the extension of the existing hotel to provide additional bed rooms, staff accommodation, conference facilities, a spa and parking. We support the Departments recommendation that it would be logical to include the part of the site to which this approval relates. We also accept there is no need to include the remaining 0.2 hectare of the site which relates to an area of dense mature trees and scrub vegetation along the River Bush corridor within the SDL. We therefore do not support the inclusion of this land for housing especially as it is located within the River Bush flood plain.
- 5.2.24 Objection 5271 relates to land adjacent to **1 Main Street**. The SDL as proposed results in the severance of a domestic garden belonging to Woodville House, 1 Main Street from its associated dwelling house. This property is a Listed Building, its garden and settings are therefore afforded legislative and policy protection as indicated by Policy BH 11 of PPS 6. While the objection site is not included within what is defined as the urban footprint for Bushmills in Map 12 of Technical Supplement 1 it is clear that in the RDS 2035 the urban footprint is defined as containing “*..land which has a formal urban use including land on the edge of the settlement where it forms part of the curtilage of a building*”. The objection site is in our view part of the curtilage of Woodville House. We note that the RDS also goes on to state that “*..this does not necessarily imply that gardens are acceptable for housing development.*” We conclude that the objection site should be taken within the SDL.
- 5.2.25 Objection 5750 to the settlement limited of Bushmills was supported with information relating to Cushendall. The objection is accordingly not sustained.

#### **Land should be Zoned within the SDL for Housing**

- 5.2.26 Objection 5098 seeks that land immediately north of **Housing Zoning BSH 03 156-158 Main Street at 140-142 Main Street** is zoned for housing. This site falls with the proposed town centre for Bushmills and is occupied by a row of mixed buildings including the Distillers Arms Restaurant, a furniture store, a restaurant and some vacant properties. There is no overriding need to zone this land for housing. Accordingly we are satisfied that this land should remain as white land in the plan.
- 5.2.27 Objection 5704 seeks that land north of **Bushmills Presbyterian Church** is designated for housing. This site is part of the Church grounds and fronts onto Priestland Road. The site falls within the SDL for Bushmills. The objector did not dispute the Departments housing figures and provided no persuasive evidence to justify designating this land for housing. Accordingly the objection is not sustained.

#### **Recommendations**

- 5.2.28 **We recommend:**
- **The inclusion of land within the SDL as indicated by objection site 334 and 5186 relating to the approved site for housing (2004/A378) at**

**Priestland Road and Craigaboney Road and land at Dunluce Rectory and 15 Priestland Road.**

- **The inclusion of land relating to planning permission E/2005/0531/F within the SDL.**
- **The inclusion of land land adjacent to 1 Main Street, as indicated in Objection 5271, is brought within the SDL**

## **HOUSING ZONINGS**

- 5.2.29 The main issues raised relate to the removal of housing zonings from the plan.
- 5.2.30 Objections 334 to **Housing Zonings BHS01 31-33 Main Street, BSH02 121-123 Main Street, BSH03 156-158 Main Street, BSH04 75 Main Street, BSH05 46 Main Street, BSH06 land to the south of Castlecat Road, BSH07 2 Priestland Road, BSH08 Adjacent to 17 Castlecat Road, BSH09 land adjacent to 9 Ballyness Park and BSH10 land adjacent to Eagry Park** on the basis these sites individually along with the other proposed housing zonings are inadequate to meet the overall provision for housing for Bushmills. No persuasive information was provided to support these objections. Objection 5186 to these housings zoning was not explained or supported with any justification. Accordingly the objections are not sustained.
- 5.2.31 Objection 334 to **Housing Zonings BSH02 121–123 Main Street** on the basis that this housing zoning is overlapped by the proposed LLPA designation BSL02 River Bush. The housing zoning relates to 0.17 hectare of this LLPA designation. Planning permission has been granted (E/2010/0150/F) on this site on 2/12/2010 for 19 apartments and 1 retail unit. The designation has not restricted the delivery of housing on this site. This objection is unfounded.
- 5.2.32 Objections 334 to Housing Zoning **BSH04 75 Main Street & BSH05 46 Main Street** on suitability of these sites for housing development. The objector states that these sites would have been better identified as a Target Site. The housing zonings recognise the importance of the Listed Buildings on both sites. We are not persuaded by either objection that the identification of these sites would be better served as a Target Site. We are satisfied that both zonings are not misleading and that they should remain in the plan.
- 5.2.33 Objection 334 to **Housing Zonings BSH08 adjacent to 17 Castlecat Road** on the basis that this housing zoning is overlapped by the proposed LLPA designation BSL02 River Bush. The housing zoning relates to 0.12 hectares of this LLPA designation. The objector provided no evidence to demonstrate how this designation would restrict the development of this housing zoning. Accordingly the objection is not sustained.
- 5.2.34 Objection 5618 to the designation of Housing Zoning **BSH09 land adjacent to 9 Ballyness Park** for housing. The objector advised that NIHE have secured funding to develop a nursery on the site, therefore this site is not available for housing development. The Department has advised that this land should revert to un-zoned land within the SDL. Given the scale of the site

(0.07hectares) its loss to the housing provision for the settlement would be negligible. We support this amendment to the plan.

### **Recommendations**

#### **5.2.35 We recommend:**

- **The removal of Housing Zoning BSH 09, land adjacent to 9 Ballyness Park, from the plan. This land should remain as white land in the plan.**

### **INDUSTRY, BUSINESS AND DISTRIBUTION**

5.2.36 The main issues relates to the zoning of industrial land.

5.2.37 Objections 334 to **Industrial Zonings BSI01 Old Bushmills Distillery, BSI02 Old Bushmills Distillery Northern Extension and BSI03 Old Bushmills Distillery Southern Extension** on the basis this site does not fully meet the industrial needs of the population for Bushmills, were not substantiated with any evidence or supported with other potential sites for industrial zonings in the plan. The objections relating to the overlapping of the industrial zonings with the AONB and Area of Mineral Constraint were also unsubstantiated. Accordingly none of these objections are sustained.

5.2.38 Objection 4986 seeks the inclusion of some 4.2 hectares of land north of **BSI 01 Old Bushmills Distillery** within the SDL for industry. The objection site is immediately adjacent to the existing industrial site in Bushmills and the plan has made provision for the future expansion of this site. However the objection site is visually prominent viewed from Dunluce and Ballyclogh Roads. This area is constrained by its inclusion within the setting of the WHS, the Causeway Coast AONB and the proposed LLPA BSL04 Dunadrave LLPA. The objector provided no supporting evidence to suggest a need for more industrial land in Bushmills. We support the Department view that there is no additional need for more industrial land within Bushmills.

5.2.39 Objection 5618 seeks that more industrial land is zoned within the settlement. However the objection was not substantiated with evidence to support the designation of more industrial land or where this should be located in the settlement. Accordingly the objection is not sustained.

### **TOWN CENTRE**

5.2.40 The main issue relates to the designation of the town centre.

5.2.41 Objection 334 to the proposed **Designation BSDC Bushmills District Centre** was on the basis that the designation did not accurately reflect the area required to be in the town centre. The Department stated that the proposed District Centre took in part of the Conservation Area and a number of listed buildings. The objector presented no justification or evidence to what extent the Department should relook at this designation. Accordingly the objection is



not sustained. The Department did, however, request that the title of this designation be amended to refer to the 'town centre'. We accept this is a logical amendment to the plan and is consistent with the requirement set out in PPS5 for the designation of town centres in development plans.

### **Recommendations**

#### 5.2.42 **We recommend:**

- **That Designation BSDC 01 Bushmills District Centre should be amended to Bushmills Town Centre.**

### **BUSHMILLS AREA OF ARCHAEOLOGICAL POTENTIAL**

5.2.43 An area of Archeological Potential has been identified in Bushmills and is shown on Map 5/02. As we explained in Section 1 of our report, Areas of Archaeological Potential (AAPs) are highlighted in the draft plan for **information** purposes only. They are not a plan designation. Consequently we are not in position to address any site specific objections made against this particular AAP or its inclusion on the map.

### **TOURISM**

5.2.44 The main issue raised relates to the designation of land for tourism.

5.2.45 Objection 4832 seeks the designation of land at **Straid Road** as a key target site that would enhance the setting of the WHS and gateway to Bushmills. The site is occupied by a car sales garage. The objector failed to demonstrate how this site would contribute to the setting of the WHS or Bushmills as a target gateway site. Accordingly, the objection is not sustained.

5.2.46 Objection 4931 relates to **Ballyness Caravan Park** and seeks that site should be designated as a resort destination for tourism. The Caravan Park has been in situ since 1999. The objector stated that the Caravan Park can now accommodate up to 35 static, 25 touring caravans and space for camping. Buildings on the site also relate to an office/reception and amenity block. The Caravan Park is well laid out and is naturally screened from public view when approaching the settlement by the natural topography along Castlecat Road. We acknowledge that the Caravan Park provides a valuable resource for the tourism market in this area and has benefited from numerous tourism awards. Nonetheless the plan has not identified any sites within the plan area as a tourist resort destination. We don't consider that this site merits a special designation in the plan and therefore this objection is not sustained.

5.2.47 Objection 5186 seeks the inclusion of land north of **Dunluce Road** within the SDL for tourism development. The objection site was reduced to the two fields adjacent to the Dunluce Road comprising some 2.7 hectares. The land in this area is relatively flat and visible from Dunluce Road when approaching the settlement. The objector stated that it is envisaged that the site could be developed to accommodate numerous types of tourist facilities. We

acknowledge that the site is within close proximity to the tram stop for Bushmills. However the objector did not provide evidence for any specific tourist scheme or demonstrate a specific tourism need for the settlement. The plan has not zoned any land for tourism purposes. Regional Policy sets out a framework for assessing proposals for tourism development. We are not persuaded that this site should be included within the settlement for tourism purposes. Furthermore development at this location would give rise to further linear development that would be visually prominent along Dunluce Road. We support the exclusion of this land from within the SDL and we do not consider it should be designated for tourism purposes.

- 5.2.48 Objection 5618 seeks the inclusion of some 5.6 hectares of land between **Ballaghmore Road, Dunluce Road and River Bush** within the SDL for tourism. The objection site relates to an area of flat open land that permits views from Dunluce Road towards the Dundarave Demesne. Development on this land would detract and restrict these open views and give rise to urban sprawl in a northerly direction towards Portballintrae. The site is also heavily constrained by the flood plain of the River Bush. No land has been zoned for tourism in the plan. The identification of a tourism site is a matter to be assessed within the context of regional policy. We therefore support the exclusion of this land from the SDL.

#### **LOCAL LANDSCAPE POLICY AREAS (LLPA)**

- 5.2.49 The main issues raised relate to the designation of LLPA in Bushmills.
- 5.2.50 Objections 334 to the proposed LLPA Designations **BSL 01 Montalto, BSL 02 River Bush, BSL 03 Distillery, BSL 04 Dundarave and BSL05 Bushfoot** on the basis that these designations do not accurately reflect the area to be protected. The objections were not supported with any persuasive evidence or maps to suggest what such areas should or should not form part of the LLPA. The Industrial landscape relating to the Bushmills Distillery is an important element in the landscape setting of the settlement. Accordingly the objections are not sustained.
- 5.2.51 Objection 5186 seeks the removal of land approved for housing development at **Priestland Road/Craigaboney Road** to be removed from the proposed LLPA designation **BSL 01 Montalto**. The Department accepted that it would be logical to remove the area of land that is now partially developed under planning permissions E/2008/0094/RM and E/2005/0364/RM from the LLPA. We consider that this is a logical approach to this designation and support the removal of this land from the LLPA.
- 5.2.52 Objection 4486 is to the proposed LLPA designation **BSL 02 River Bush** on the basis that the designation will be detrimental to plans for sustainable development that the objector may wish to be put forward. The objection was not supported by evidence stating how the designation would be detrimental or what the future plans for the area involved. Accordingly this objection is not sustained.

5.2.53 Objection 5704 to the proposed LLPA designation **BSL 03 Distillery** was unsubstantiated. Objection 4931 seeks the removal of **Ballyness Caravan Park** from the proposed LLPA designation BSL03 Distillery. The amplification for the objection relates to further control being imposed on the future potential of the Caravan Park. At the EIP the Department acknowledged that paragraph 9.4 in support of the proposed designation was overly restrictive and could limit the development on the Caravan Park. The Department suggested the removal of the first part of the sentence set out in paragraph 9.4. The objector was content with this amendment as it would not overly restrict the operation and development of the Caravan Park. We support the following amendment to paragraph 94, page 308, Vol 2 which should read as follows:

*“Within the development limit well designed buildings complementing the traditional built character of the Distillery may be acceptable.”*

5.2.54 Objection 4986 to the proposed LLPA designation **BSL 04 Dunadrave** was unsubstantiated. Objections 4366 seek the removal of land at **Whitepark Road, land at Dundarave, land at Dundarave Road, land north of Dunadrave Road, land at Castlenagree Road, land leading from Castlnagee Road (Terrace Wood), land at the Fingers along Whitepark Road (noted on objectors map)** from the proposed LLPA Designation BSL 04 Dundarave and that the constraints of this LLPA are lessened. The LLPA has been designated to protect the landscape features dominated by the wood and copses of the historic Dundarave Estate. The objector provided no persuasive evidence to demonstrate why these areas of land are not important to this landscape area or how the constraints of the proposed LLPA could be lessened. The removal of each of these sites individually or cumulatively would threaten the integrity of the proposed designation that seeks to protect the landscape setting of Dundarave Estate. Accordingly the objections are not sustained.

5.2.55 Objection 4366 seeks the removal of land at **Bushmills Holmes** from the proposed LLPA Designation **BSL 05 Bushfoot** and that the constraints of this LLPA are lessened. The LLPA has been designated to protect the landscape features of the River Bush. The objector provided no persuasive evidence to demonstrate why this area of land was not an important feature of this landscape area or how the constraints of the proposed LLPA could be lessened. The removal of this large site from this proposed LLPA would threaten the integrity of the proposed designation. Accordingly the objections are not sustained.

5.2.56 Objections 4487 to the proposed LLPA designation **BSL 05 Bushfoot** seek the replacement of the paragraph 9.6 so that the LLPA would facilitate the development of the proposed Hotel and Golf Resort Development. We are aware that this development has been approved, however we consider that paragraph 9.6, page 307, Volume 2 in its current form would allow development that is essential, modest and necessary for public infrastructure. We are not persuaded that there is an overriding need to amend the supporting text to facilitate an individual development proposal. A second element of this objection is to reduce the boundary of the proposed LLPA to exclude an area of farmland north of the River Bush and west of Whitepark Road, and the River Bush Dunes SLNCI. The justification given by the

objector is that this area is already protected by an AONB designation. The proposed LLPA has been designated to protect the integrity and character of the landscape quality in this area. The area noted by the objector to be removed from the proposed designation makes an important contribution to the landscape setting around the River Bush and the setting of Bushmills. We are not persuaded that it should be removed from the proposed designation. The AONB designation is not sufficient of itself to protect the landscape setting in this area. Accordingly we are not persuaded that the boundary of this proposed LLPA should be amended.

- 5.2.57 Objection 5598 was to the inclusion of the proposed Golf Resort within the proposed LLPA designations at Bushmills. The objection was not substantiated with any supporting evidence to justify an amendment to any of the proposed LLPA designations.

### **Recommendations**

- 5.2.58 **We recommend:**

- **The removal of land relating to planning permissions E/2008/0094/RM and E/2005/0364/RM from the proposed LLPA Designation BLS01 Montalto.**
- **Paragraph 94, page 308, Vol 2 should read as follows:**  
  
**“Within the development limit well designed buildings, complementing the traditional built character of the Distillery, may be acceptable.”**

### 5.3 CUSHENDALL

- 5.3.1 The plan designates Cushendall as a town. The SDL for the settlement is shown on Map 5/03 of the plan.

#### **Plan Provision for Housing**

- 5.3.2 Taking account of the 2008 HGI revision for Moyle District the draft plan makes provision for 214 residential units in Cushendall. Between January 1999 and August 2010 some 102 housing units were completed and that the settlement has further capacity for some 101. The March 2011 Housing Update Figures indicated the settlement had capacity for a further 101 units leaving a potential deficit of 11 residential units below the plan allocation.

#### **Social Housing**

- 5.3.3 At the EIP the NIHE stated that for Cushendall the updated figures for March 2011 indicated an increase in the social housing need of 35 residential units over 7 years (2018). The NIHE had been in discussions with the Department to identify suitable land for the inclusion of residential units to meet the social housing needs for Cushendall. This land would have to be subject to a KSR restricting its development for the needs of social housing.

#### **Settlement Development Limits**

- 5.3.4 We concluded in section one of our report (para 1.4.45) that while Cushendall was unlikely to experience a shortfall of housing provision in general at the end of the plan period there was the possibility of a shortage of social housing provision. It is within this particular context and in the context of urban form arguments that we shall consider objections seeking the inclusion of land within the SDL for housing.
- 5.3.5 Objection 11 and part of objection site 5750 relate to some 1.25 hectares of land **between Kilnadore Road and Kilnadore Park**. The objection relates to a rectangular portion of land which is accessed via a private laneway along its northern boundary. Access to the land can also be achieved through the adjacent housing development at Kilnadore Park. The site is located within the proposed LLPA designation CLL 01 Court McMartin and the plan recognises the scheduled archaeological monument relating to Kilnadore Graveyard. The Department suggested that this would be suitable site for inclusion for social housing within the SDL as it represents a logical rounding off at the edge of the settlement. At the EIP the objector was present and expressed a willingness to accept social housing on his land. The archaeological monument is already a Scheduled Monument, and this therefore affords it legislative protection. This combined with mitigation measures requiring a maintenance buffer around the archaeological site would permit the balancing of the environmental constraints with the development needs for the settlement. This buffer could form part of the open space for the housing development on the site. We accept that this site should be included within the SDL for Cushendall to meet the needs for social housing. It is anticipated that the site could yield around 30 residential units. This would largely meet the anticipated social housing needs identified by the NIHE. We therefore support

the Department's recommendation to include this site within the SDL for Cushendall for social housing purposes.

- 5.3.6 Objection 334 seeks the rezoning of land along the **Coastline overlapping the caravan park at Gortaclee Road north and south and Dalriada Park and land including the Caravan Park at Kilnadore Road and the land to the south**. We have already concluded in section 1 of our report, dealing with strategic issues (paragraph 1.3.62) that peripheral caravan parks should be left outside settlement limits. There are no site specific arguments that would persuade us that this land should be rezoned for housing.
- 5.3.7 Objections 334 seeks the inclusion of the caravan parks at **89 Middlepark Road and east of St Aloysius High School** within the SDL as they provide an important tourist facility for the settlement. The exclusion of this land from the SDL does not preclude its continued operation as a tourist facility.
- 5.3.8 Objection 334 on land to adjacent to **2 Ballyemon Road** is a road side plot on approach into the settlement from the west. A small Ulsterbus parking depot exists on the site, which is substantially surrounded by mature vegetation and trees. The site falls within the conservation area. The tree cover and vegetation on the site makes an important contribution to its setting and context of the settlement and the Conservation Area. The site also lies within the proposed LLPA CLL01 Court McMartin. Development on this land would result in urban sprawl occurring along Ballyemon Road. Accordingly we are satisfied that this land should remain outside the SDL.
- 5.3.9 Objections 334 relates to the inclusion of a large field **south west of St Mary's Church**. The objection site is bounded to the north east by the River Dall to the north and Ballyemon Road to the south. Part of the field is located within the floodplain. The river represents a physical boundary to the edge of the settlement to the south west. The inclusion of this land within the SDL would breach this natural physical boundary at this location. When viewed along Ballyemon Road the land is not physically linked to the settlement. Its inclusion in the SDL would give rise to urban sprawl along this road failing to result in a compact urban form. The inclusion of this site would also have an impact on the setting and visual approach for Cushendall and the Conservation Area at this location. It is therefore appropriate that this land remains outside the SDL.
- 5.3.10 Objection 334 on land **north of Ballyemon Road** relates to a large road side field bounded to the north by the River Dall and to the south by the Ballyemon Road. This site is within the Conservation Area. The land is low lying and the northern part of the site falls within the flood plain. The river provides a physical boundary to this part of the settlement and the inclusion of this land would breach this boundary giving rise to the appearance of urban sprawl. Given the sites constraints it is appropriate that this land should remain outside the SDL.
- 5.3.11 Objection 334 on land **opposite St Mary's RC Church on Chapel Road** relates to a small portion of road side land which is already occupied by one dwelling. The road bends at this location and the land rises steeply to the rear both combining to frame the site in its context. The land is within the

Conservation Area. Any development on this land would be subject to meeting the requirements of the Conservation Designation. Development on this site would be small scale following the existing roadside pattern of development at this location. We are satisfied that the inclusion of this land would not have a detrimental impact on the setting of the settlement, the setting of the Rath of Court McMartin or the Conservation Area. Access to the site for small scale development can be achieved directly onto Chapel Road We therefore recommend the inclusion of this land within the SDL, but we don't consider that it is necessary that the land should be specifically zoned for housing.

- 5.3.12 Objection 334 on land to the **north of 27 Chapel Road** relates to a small field set back behind the existing road side development along Chapel Road. The site has no direct access to the public road. The land at this location rises up towards the prominent tree crowned Rath of Court McMartin. The land also falls within the Conservation Area. Development on this land would give rise to prominent urban sprawl resulting in the loss of substantial vegetation that provides an important back drop to the development along Chapel Road. Development would also threaten the setting of the settlement, the Rath of Court McMartin and the setting of the Conservation Area. Accordingly this land should remain outside the SDL.
- 5.3.13 Objection 334 on land to the **north of High Street and west of Shore Street** relates to steep, wooded and vegetated land. This area provides an important backdrop to the settlement at this location. The area is also within the Conservation Area and within the proposed LLPA designation CLL03 Faughil. Development on this land would seriously threaten the setting of the settlement and the Conservation Area at this location. Accordingly this land should remain outside the SDL.
- 5.3.14 Objections 334 seek the inclusion of large rectangular field west of **Housing Zoning CLH 12 West of St Mary's Primary School** and a large field to the **west of Kilnadore Brae**. The neighboring housing land to the east of both objection sites are not complete and provide a logical uniform edge to this side of the settlement. The inclusion of either objection site would give rise to the appearance of urban sprawl into the open exposed landscape at this location. Accordingly we do not favour the inclusion of these sites within the SDL.
- 5.3.15 Objection 334 and part of objection site 5750 relate to land west of **15 Kilnadore Road**. The inclusion of this flat area land to the outside of the southern boundary of the Conservation Area would give rise to a significant outward expansion to the west side of the settlement. Its inclusion would therefore fail to provide a compact urban form at this location.
- 5.3.16 Objection 334 relates to **the rear The Glens Hotel** which is part of an operational golf course. The land now falls within the proposed LLPA designation **CLL 02 Golf Links**. This area is important to the coastal setting of the settlement and we would not favour the expansion of the settlement in this area.
- 5.3.17 Objections 334 seeks the inclusion of two separate adjoining sites to the **west of Housing Zoning CLH 13 adjoining 67 Middlepark Road and a site on land to the rear 9-10 Middlepark Road** within the SDL for housing. Part of



objection site 5618 overlaps this land along Middlepark Road. The pattern of development to the west of Middlepark Road is defined by roadside development sharing a common rear boundary. The inclusion of either site would result in an illogical urban protrusion to the west. It is appropriate these three sites remain outside the proposed SDL.

- 5.3.18 Objection 334 relates to a small site to the rear of **64-68 Middlepark Road**. Objection 4986 seeks the inclusion of site 334 and the adjacent field and objection site 5618 seeks the inclusion of some 4.2 hectares of land overlapping objection site 344 and the Caravan Park along Middlepark Road. Objection 5756 refers to this area but failed to provide a map to show the extent of their objection site. Objection site 334 is bounded by development to its northern boundary at Bellisk Drive and to the west by development along Middlepark Road. The Department stated that this would be the second preference to meet the social housing needs and that this site could yield up to 22 residential units relating to objection 334. However, the objector was not present at the EiP to express a willingness to provide this land for social housing. Likewise we are not persuaded there is a need to include the entire site relating to objections 4986 or 5618. The issues relating to the inclusion of Caravan Parks is set out in section 1 of our report (paragraph 1.3.62) whereby we concluded that peripheral caravan parks should be left outside settlement limits. Accordingly none of these objections are sustained.
- 5.3.19 Objections 334 relates to three separate portions of land **south and west of 47 and 49 Middlepark Road**. Part of objection site 5618 also relates to this area of land. The area surrounds a large farm complex on the edge of the settlement and is unrelated to the surrounding urban context. The pattern of development to the west of Middlepark Road is defined by road side development sharing a common rear boundary. The inclusion of each site individually or cumulatively site would give rise to an illogical protrusion to the west from the established development pattern of development. These three sites should remain outside the proposed SDL.
- 5.3.20 Objection 334 relates to land south of the **Boat House along Coast Road** which fronts the coast to the east of the settlement and is an important area of land when approaching the settlement from the south. Its inclusion would give rise to detrimental linear expansion along Coast Road. We do not support the inclusion of this land within the SDL.
- 5.3.21 Objection 334 on land at **77 Middlepark Road** relates to most southern point of the settlement. The land fronts onto the caravan park along Middlepark Road. The inclusion of this land would give rise to detrimental linear expansion along Middlepark Road, which would threaten the setting of the settlement at this location. We do not support the inclusion of this land within the SDL.
- 5.3.22 Objection 334 relates to two large fields to the **west side of Coast Road**. The elevation and topography of this landscape assimilates the settlement into the countryside along the Coast Road. The inclusion of this area of land would give rise to prominent development expanding southwards that would result in detrimental urban expansion along Coast Road. We do not support the inclusion of this land within the SDL.

- 5.3.23 Objection 4370 seeks the designation of the site of the **former Dalriada Hospital** for development. The objector did not provide any map to indicate the land to which the objection related to. Nor did they provide a reference number for the planning history to which the objection also refers. The former hospital was located on land close to the now existing Golf Club. The site is physically separated from the settlement and would therefore not represent a logical expansion to the settlement. Accordingly the objection is not sustained.
- 5.3.24 Objection 5618 relates to a large area of land **north of High Street, Fairhill and West of Shore Street**. This area is steep and generally wooded and provides an important backdrop to the settlement as well as a number of listed and locally significant buildings. We are satisfied that this land should remain outside the SDL.
- 5.3.25 Objections 5618 and 5750 relates to land east of **Cairns Road and north of Glenville Crescent**. The site is physically divorced from the settlement and sits in the open countryside. Its inclusion within the SDL would be illogical and would fail to provide a compact settlement for Cushendall.
- 5.3.26 Objection 5750 relates to three road side fields along **Fairhill** and objection 5790 seeks the inclusion of one road side triangular field adjacent to objection site 5750. Both objection sites are physically divorced from the settlement and sit in the open countryside. The inclusion of roadside land at this location would give rise to urban sprawl along Fairhill. The inclusion of these sites within the SDL would be illogical and would fail to provide a compact settlement for Cushendall.

### **Recommendations**

- 5.3.27 **We recommend:**
- **The inclusion of objection site 11 and part of objection site 5750 within the SDL for Cushendall to meet the development needs of the settlement to provide social housing.**
  - **The inclusion of objection site 334 on land opposite St Mary's RC Church on Chapel Road within the SDL.**

### **HOUSING ZONINGS**

- 5.3.28 The main issues relate to:
- (a) the zoning of Housing Land; and
  - (b) The KSR should be amended.

### **The Zoning of Housing Land**

- 5.3.29 Objection 334 to **Housing Zonings CLH 01 7 Bridge Street, CLH 02 Middlepark Crescent, CLH 03 West of St Mary's School, CLH 04 Bellisk Drive, CLH 05 South of 60 Middle Park Road, CLH 06 Adjoining 26 Middlepark Road, CLH 07 Between 22 and 24 Shore Street, CLH 08**

**Between 2 and 5 Coast Road, CLH 09 4 Kilnadore Road, CLH 10 adjoining 46 Coast Road, CLH 12 West of St Mary's Primary School, CLH 13 Adjoining 67 Middlepark Road**, on the basis these sites, along with the other proposed housing zonings, are inadequate to meet the overall provision for housing for Cushendall. These objections were not substantiated.

#### **The KSRs should be Amended**

- 5.3.30 Objection 334 to KSR 2 of **Housing Zoning CLH05 South of 60 Middlepark Road** on the basis that additional lands should have been included in this zoning to permit satisfactory access. This housing zoning relates to a small 0.09 hectares of land and fronts onto the Middlepark Road. The objector has not provided any persuasive evidence to demonstrate how this KSR would result in the failure of the plan to deliver housing on this site. Accordingly the objection is not sustained.
- 5.3.31 Objection 334 to KSR 2 of **Housing Zoning CLH 07 Between 22 and 24 Shore Street** on the basis that additional lands should have been included in this zoning to permit satisfactory access. This housing zoning relates to a small 0.05 hectares of land and fronts onto the Shore Street. The objector has not provided any persuasive evidence to demonstrate how this KSR would result in the failure of the plan to deliver housing on this site. Accordingly the objection is not sustained.
- 5.3.32 Objection 334 to KSR 3 of **Housing Zoning CLH 08 Between 3 and 5 Coast Road** on the basis that additional lands should have been included in this zoning to permit satisfactory access. This housing zoning relates to a small 0.12 hectares of land and fronts onto the Coast Road. The objector has not provided any persuasive evidence to demonstrate how this KSR would result in the failure of the plan to deliver housing on this site. Accordingly the objection is not sustained.
- 5.3.33 Objection 334 to KSR 2 of **Housing Zoning CLH 09 4 Kilnadore Road** on the basis that additional lands should have been included in this zoning to permit satisfactory access. This housing zoning relates to a small 0.08 hectares of land and fronts onto the Kilnadore Road. The objector has not provided any persuasive evidence to demonstrate how this KSR would result in the failure of the plan to deliver housing on this site. Accordingly the objection is not sustained.

#### **INDUSTRY, BUSINESS AND DISTRIBUTION**

- 5.3.34 The main issues relate to the zoning of Industrial land.
- 5.3.35 Objections 334 to **Industrial Zoning CLI 02 Gortaclee Road** on the basis this site does not fully meet the needs of the population for Cushendall was not substantiated with any evidence or supported with other potential sites for industrial zonings in the plan. This objection is not sustained.

- 5.3.36 Objection 5647 is to the failure of the plan to zone land for industry to attract inward investment. The plan has made provision for industrial land in Cushendall. This objection is not sustained.
- 5.3.37 Objection 5618 to **Industrial Zoning CLI 02 Gortaclee Road** on the basis that planning permission for offices and light industry has been granted on this land. The objector stated that this planning history was an indication that not enough land has been zoned in the settlement for industry. The Department stated that the take up of industrial land in Cushendall has been very slow with some 69% of zoned industrial land remaining undeveloped. This slow up take of land combined with the objectors failure to identify other suits for industry means this objection is not sustained.

### **DISTRICT CENTRE**

- 5.3.38 The plan identified a District Centre for Cushendall on Map 5/03. The main issues raised relate to the designation of the District Centre.
- 5.3.39 Objection 334 to the proposed **Designation CLDC Cushendall District Centre** was made on the basis that the designation does not accurately reflect the area required to be in district centre. The objector, however, presented no justification or evidence to persuade us that the Department should relook at the definition of the boundaries. The Department did, however, request that the title of the designation be amended to that of 'town centre' instead of district centre. We accept this is consistent with the requirements set out in PPS 5 for the designation of town centres within a development plan and recommend so accordingly.
- 5.3.40 Objection 5618 seeks the expansion of **Cushendall Town Centre** to allow greater scope for economic development in the village. The Department stated that the town centre boundary has been drawn to mainly exclude all significant areas of housing to protect the residential environment. The objector failed to substantiate their objection with evidence indicating what areas should be included within the town centre boundary. Accordingly the objection is not sustained.
- 5.3.41 Objection 5757 to the exclusion of housing from the town centre in Cushendall and the failure of the plan to refer to Living Over The Shops (LOTS) was unsubstantiated in the context of Cushendall. The objector provided no evidence to suggest how the town centre boundary could be amended to overcome their objection. Regardless of the objection the issue of LOTS is dealt with within the strategic part of our report.

### **Recommendations**

- 5.3.42 **We recommend:**
- **That Designation CLDC 01 Cushendall District Centre should be amended to refer to Cushendall Town Centre.**

## OPEN SPACE & COMMUNITY RECREATION

- 5.3.43 The plan identifies major areas of existing open space in Cushendall for information purposes. These are shown on Map 5/03. The main issues raised relate to the non designation of land for open space or community recreational use.
- 5.3.44 Objections 4643, 5647 & 5750 relate to the closure of **St Aloysius Secondary School** and the associated land becoming redundant. The objections seek that the plan zones this land for community/education or recreational use. The school is now closed but the building is now used for community use as a youth club and the playing fields appear still to be in use. The plan has not zoned any land for Community Use in Cushendall. Any change of use to this land would be subject to planning permission where the local community would be consulted. We are not persuaded there is a need to specifically zone this land.
- 5.3.45 Objection 5618 to the non designation of **St Aloysius High School** as a major area of open space on the basis that the land is now vulnerable to development pressures. The objector also seeks that this land is designated for Education/Civic or Community use. The school is now closed, but the Department stated that the building is now used for Parish activities. The playing fields constitute an area of white land in the plan which already benefits from protection afforded by PPS8 under Policy OS1. We are satisfied there is no need to designate these playing pitches for open space in the plan, especially as the school is located opposite a major area of open space, which includes 'Paire Mahure' St Mary's Gaelic Grounds. The objector failed to provide persuasive evidence to demonstrate a need for more open space or how this land would be maintained and managed if it were designated as open space. Any change of use to this land would be subject to planning permission where the local community would be consulted. We are not persuaded that there is a need to specifically zone this land for either use. Accordingly the objection is not sustained.
- 5.3.46 Objection 5618 to the non inclusion of land known as **Cottage Wood** for tourism and recreation in the plan. This area of land comprises an existing woodland forming part of an important setting to the town now within a proposed LLPA CLL03 Faughil. The plan has not actively zoned any land for tourism and recreation. The inclusion of this land within the SDL for this purpose would result in development pressure and would conflict with the plan objectives of protecting tourism resources by leaving them outside the SDL. We conclude that this land should not be designated for tourism purposes within Cushendall.

## AREA OF ARCHEALOGICAL POTENTIAL

- 5.3.47 An area of Archaeological Potential has been identified in Cushendall on Map 5/03. As we explained in Section 1 of our report, Areas of Archaeological Potential (AAPs) are highlighted in the draft plan for **information** purposes only. They are not a plan designation. Consequently we are not in position to address any site specific objections made against this particular AAP or its inclusion on the map.

## **LOCAL LANDSCAPE POLICY AREAS (LLPA)**

- 5.3.48 The plan identifies four LLPA around Cushendall. The main issues relate to the scale and size and the designation of the LLPA.
- 5.3.49 Objection 11 seeks the removal of the site from the proposed **LLPA Designation CLL 01 Court McMartin**. The Department recognises that if this land is required to meet the social housing needs for the settlement, with exception to the area identified at the Kilnadore Graveyard, it would be appropriate to remove the remaining part of the objection site from the LLPA. We support the Departments recommendation.
- 5.3.50 Objections 334 to the proposed LLPA Designations **CLL 01 Court McMartin, CLL02 Golf Links, CL03 Red Bay and CLL04 Red Bay** on the basis that these designations do not accurately reflect the area to be protected. The boat club, car park and toilet facilities provide tourist facilities in this area. The sewage treatment works is located within part of the coastal setting for Cushendall, which is recognised in CLL02. It would not be logical to exclude this small area from the overall LLPA area. The objections were not supported with any persuasive evidence or maps to suggest what areas should or should not form part of the LLPA. Accordingly the objections are not sustained.
- 5.3.51 Objection 334 to the proposed LLPA Designation **CLL02 Golf Links** on the basis that this area is not worthy of protection, was not substantiated with any evidence to justify the objection. Accordingly it is not sustained.
- 5.3.52 Objection 4986 is to the LLPA designations of CL01- CL04 in the plan. However no evidence was presented to substantiate these objections.

### **Recommendations**

- 5.3.53 **We recommend:**
- **The removal of the proposed LLPA Designation CLL 01 Court McMartin from objection site 11, with exception to the area around Kilnadore Graveyard.**

## 5.4 ARMOY

- 5.4.1 The plan reaffirms the status of Armoyn a village. The SDL for the settlement is shown on Map 5/04 of the plan.

### Plan Provision for Housing

- 5.4.2 Taking account of the 2008 HGI revisions for Moyle District the draft plan make provision for 70 residential units in Armoyn. Between January 1999 and August 2010 some 50 housing units were completed. The settlement has a remaining capacity for some 39 residential units. The housing Up-date Figures Paper March 2011 estimated a surplus of some 19 units (27.1%) above the plan allocation for Armoyn. It is not necessary to include additional land for housing in the SDL

### Social Housing

- 5.4.3 There was no social housing need presented for Armoyn.

### Settlement Development Limits

- 5.4.4 We concluded in section one of the report that there is no strategic need to allocate further housing land in Armoyn. We further concluded that there is no persuasive evidence that the SDL is too restrictive to accommodate the housing requirements over the plan period. Accordingly we do not support the objections seeking the expansion of the SDL or those seeking the restoration of the land previously included within the SDL of the NEAP 2002. In these circumstances, as stated in section one of the report, any extension of the SDL will only be considered where there are urban form arguments that would justify an exception being made. It is on this basis that we will consider and assess the site specific objections seeking the inclusion of additional land within the SDL for Armoyn.
- 5.4.5 Objection 4537 raised concerns about the failure of the SDL to provide for mixed areas for Protestants and Catholics to be integrated and to flourish within the proposed SDL. Nonetheless the objector failed to identify any sites to address such issues. Accordingly, there is no need for further lands to be rezoned or included within the settlement limit on that basis. Our assessment of the objections in Armoyn is as follows.
- 5.4.6 Objections 334 and 5704 relate to land opposite **150 Hillside Road to the north** of the settlement. The objection site is a large rectangular field that fronts onto Hillside Road, which is a protected route. It rises to the west up to housing at Dean Park. The site lacks mature vegetation around the boundaries. Given the topography and lack of vegetation around the site development on this land would appear prominent on approach to the settlement from the north. This would give rise to the appearance of urban sprawl. This land should not be included in the SDL.
- 5.4.7 Objection 334 relates to land to the east of **Bush River**. With exception of a small area of land to the north west corner of the site, the majority of the land

appears to be is physically detached from the SDL. Accordingly this site would not present a logical inclusion within the SDL.

- 5.4.8 Objection 334 on land **south of Glenshesk Road** does not abut the roadside because of the steep road side embankment. The site falls within the proposed LLPA for the village. The topography in this area provides an important backdrop and a sense of enclosure for the settlement along Glenshesk Road. The inclusion of this site within the SDL would result in an outward expansion of the settlement that would have a detrimental impact on its setting. It should not be included in the SDL.
- 5.4.9 Objections 334 and 4986 relates to some 2.45 hectares of land **east of Hillside Road**. The site is a large roadside field, which rises gently up from Hillside Road. The Hillside Road runs along the east side of the settlement and contains most of the settlement to the west side of the road. The inclusion of this land would further expand the settlement across the road resulting in urban sprawl. Accordingly we agree this land should remain outside the SDL.
- 5.4.10 Objection 334 on land to the **opposite St Olcan's Primary School and to the rear of 158 Hillside Road** is a large rectangular road side field. Objection 5618 relates to a small area to the south west corner of the field. With the exception of some small scale dwellings and buildings, development in Armoy is generally contained to the west side of Hillside Road. The inclusion of the larger site would extend development to the east side of Hillside Road. This would give rise to further urban sprawl. However, the small site as indicated by objection 5618 relates to a hard cored yard used to store buses and for the provision of recycling banks. The appearance of this land relates more to the urban form rather than the countryside at this location. We accept the Departments view that the inclusion of this small area within the SDL as un-zoned land would be appropriate at this location. We are satisfied that objection site 334 should remain outside the SDL and that objection site 5618 should be included within the SDL as white land.
- 5.4.11 Objections 334 and 5183 relate to 1 hectare of land **north of Turnarobert Park**. Objection 4879 also relates to four field parcels of land north of Turnarobert Park. The first field parcel immediately north of the settlement is enclosed by development on three sides along Hillside Road, Turnarobert Park and Station Road. The inclusion of this site presents a logical rounding off to the edge of the settlement. The inclusion of such a small site would not impact on the scale of the settlement. Given the concerns raised in planning application E/2006/0044, in respect of the access to the site, we consider it would not be appropriate to zone the site for housing. We are though satisfied that the inclusion of the site with the SDL would be logical in terms of the overall urban form of the village. With regard to the remaining land indicated by objection 4879 to be included within the SDL, we consider that this would give rise to significant expansion to the northern part of the settlement that would not maintain a compact urban form. Accordingly there is no justification for the inclusion of this part of the objection site within the SDL.
- 5.4.12 Objections 334 and 5618 seek the inclusion of **land south of Fairhill Street and north of Bush River** within the SDL for housing. We accept that there is some logic to the inclusion of this land within the SDL in terms of rounding off



the edge of the settlement at this location. However almost 50% of the site is within the flood plain and for this reason would present a major constraint to the development of this land. We do not therefore support the inclusion of this land within the SDL.

- 5.4.13 Objection 334 relates to a large rectangular field south of **Housing Zoning AYH 06 south of Carrowreagh Road**. The south west boundary of this land abuts the Sewage Treatment Works for the town. The inclusion of this land would represent a significant expansion to the settlement failing to create a compact urban form.
- 5.4.14 Objections 334 and 4986 relates to road side land south of **Housing Zoning AYH 08 along Drones Road**. The inclusion of this land within the SDL would give rise to a significant outward expansion to the south of the settlement, failing to provide a compact urban form at this location.
- 5.4.15 Objection 334 relates to road side **land south of Carrowreagh Road**. The inclusion of this land would give rise to a significant expansion to the west side of the settlement, failing to provide a compact urban form at this location. The majority of this land does not adjoin the proposed SDL and would represent an illogical edge to the settlement.
- 5.4.16 Objection 334 relates to roadside land **north west of Carrowreagh Road and Dean Park**. The inclusion of this land would give rise to a significant expansion to the north west of the settlement, failing to provide a compact urban form at this location. This land also falls within the area of Mineral Constraint.
- 5.4.17 Objection 4943 is on some 3.6 hectares of land at **Gracehill Road and west of The Ferns** and relates to a rectangular site located to the south west side of the village and runs alongside Army Primary School. The site is relatively free from any environmental constraints. Access to the land could be part taken through the Ferns and partly onto Gracehill Road, subject to meeting the Departments Road Safety standards. Despite the locational benefits of this site in close proximity to the Primary School and the village centre, there is no overriding need for additional land irrespective of the housing density on the site to meet the housing requirements for the village. Accordingly this land should remain outside the SDL.
- 5.4.18 Objection 5704 relates to some 5 hectares of land **east of Drones Road and south of the proposed LLPA Designation AYL 01**. The inclusion of a site of this scale and size to the east side of Drones Road would represent a significant expansion to the settlement. It would conflict with the plan objectives of the creation of compact urban forms. The north east part of the site is bounded by the Bush River corridor and falls within the flood plain. The development of the site would be constrained by archaeological remains and environmental sensitive landscape on approach to the settlement. Access would also be onto a protected route. Given the combination of scale and constraints relating to the site there is no justification for the inclusion of this land within the SDL for Armoy.

## Recommendations

### 5.4.19 We recommend:

- The inclusion of objection site 5618 on land opposite St Olcan's Primary School within the SDL as un-zoned white land.
- The inclusion of objection site 334, 5183 and part of objection site 4879 on land immediately north of Turnarobert Park within the SDL as un-zoned white land.

## HOUSING ZONINGS

5.4.20 Objection 334 is to **Housing Zonings AYH 01 Adjacent to Church Road, AYH 02 Fernmount Park, AYH 03 Junction of Turnarobert Park and Market Street, AYH 04 Rear of 5 Main Street, AYH 05 Rear of 11-13 Main Street, AYH 06 Junction of New Street and Carrowreagh Road, AYH 07 New Street, AYH 08 Rear of 19 & 21 Drones Road**, on the basis these sites, along with the other proposed housing zonings, are inadequate to meet the overall provision for housing for Armoyle. These objections were not substantiated.

5.4.21 Objection 334 to KSR 2 of **Housing Zoning AYH 04 rear of 5 Main Street BAH 01 9 Main Street** on the basis that this site may require additional lands to be provided and access from the Main Road. This site is now developed for housing. Accordingly the objection is not sustained.

## AREA OF VILLAGE CHARACTER

5.4.22 The plan designates an Area of Village Character as shown on Map 5/04. Objections 334 to the proposed **Designation AYV 01 Area of Village Character** argued that this area should be re-evaluated. However the objector presented no justification or evidence to demonstrate why the Department should relook at this designation. Accordingly the objection is not sustained. Objection 5722 to the proposed **Designation AYV 01** was unsupported with evidence to explain their objection. Objection 5757 seeks that proposed **Designation AYV 01 Area of Village Character** is supported by legislation. Any Listed buildings within the AVC have legislative support irrespective of the proposed designation while PPS6 sets out regional policy to support this designation.

## LOCAL LANDSCAPE POLICY AREAS

5.4.23 Objection 334 is to the proposed LLPA **Designation AYL 01 Bush River** on the basis of the entirety of land included within the designation. The objector stated that not all the proposed land within the designation was worthy of such protection. The objection was not supported with any evidence or maps to suggest what areas should not form part of the LLPA. Accordingly the objection is not sustained.

## 5.5 BALLINTOY

- 5.5.1 The plan upgrades the status of Ballintoy from a Hamlet as designated in the NEAP to a village. The SDL for the settlement is shown on Map 5/05 of the plan.

### Plan Provision for Housing

- 5.5.2 Taking account of the 2008 HGI revision for Moyle District the draft plan makes provision for 21 residential units in Ballintoy. Between January 1999 and August 2010 some 5 housing units were completed. The settlement has a remaining capacity for some 41 residential units. The housing Up-date Figures Paper March 2011 estimated a surplus of some 25 units (119%) above the plan allocation in Ballintoy. It is not necessary to include additional land for housing in the SDL.

### Social Housing

- 5.5.3 There was no social housing need presented for Ballintoy.

### Settlement Development Limits

- 5.5.4 We concluded in section one of the report that there is no strategic need to allocate further housing land in Ballintoy. We further concluded that there is no persuasive evidence that the SDL is too restrictive to accommodate the housing requirements over the plan period. Accordingly we do not support the objections seeking the expansion of the SDL or those seeking the restoration of the land previously included within the SDL of the NEAP 2002. In these circumstances, as stated in section one of the report, any extension of the SDL will only be considered where there are urban form arguments or other factors that would justify an exception being made. It is on this basis that we will consider and assess the site specific objections seeking the inclusion of additional land within the SDL for Ballintoy. Our consideration of the objections is as follows:
- 5.5.3 Objection 334 on land **north of Knocksoghey Lane** relates to a large flat area now occupied by some farm dwellings and buildings which have been included within the proposed SDL. Further residential development so close this farm could present neighboring conflicts. The inclusion of all this land would also further extend the settlement to north east. There is no logic for the inclusion of this land within the SDL.
- 5.5.4 Objection 334 on land along the entire **southern boundary of the settlement** relates to a large area of land which rises up and provides an important backdrop to the southern edge of the settlement. The inclusion of all this land within the SDL would further extend the settlement to south east leading to unnecessary urban sprawl that would be visually prominent.
- 5.5.5 Objection 334 relates to land to the south east of the SDL and to the south side **of Whitepark Road**. A covered reservoir is also located to the south east part of the site. The site if included within the SDL would result in an

unacceptable intrusion into the surrounding countryside, failing to result in a compact urban form.

- 5.5.6 Objections 334, 4758, 5587 & 5618 relate to land **west of 68 Main Street and Larrybane Park**. The rising topography of the site elevated above the level of the road provides a physical edge to the settlement. The boundary vegetation also assists in marking the edge of the settlement at this location. The inclusion of either objection site would further extend the settlement in a linear form along Whitepark Road. This would fail to provide a compact urban form for Ballintoy. We are satisfied that this land should remain outside the SDL.
- 5.5.7 Objection 334 on land to the **north of Main Street** relates to flat open land taking in part of two large fields. The openness of this area allow views from the settlement towards the coastline. Given the openness of the landscape in this area, the inclusion of large areas of land within the SDL would give rise to unacceptable urban sprawl that would impact on the setting of the settlement.
- 5.5.8 Objections 334 and 4986 relate to land **opposite Larrybane Park**. Objection 334 includes three separate roadside plots whereas objection 4986 relates to a large rectangular field running back from Whitepark Road. The land is flat and open and permits extensive views from the settlement to the northwest towards Ballintoy Harbour and the Coast. Given the openness of the landscape in this area, the inclusion of large areas of this land within the SDL would create urban sprawl that would impact negatively on the setting of the settlement.
- 5.5.9 Objection 334 on land to the **rear of 41-33 Main Street** relates to an area of backland development. Its inclusion would give rise to further expansion into the openness of the surrounding countryside resulting in urban sprawl.

## HOUSING ZONINGS

- 5.5.10 The main issues relate to:
- (a) The zoning of housing land; and
  - (b) The KSR.

### Zoning of Housing Land

- 5.5.11 Objection 334 is to **Housing Zonings BAH 01 9 Main Street, BAH 02 land west of St Joseph's RC Church, BAH 03 lands to the rear of the Gospel Hall, BAH 04 rear of dwelling at Knocksohney Road & BAH 05 129 Whitepark Road** on the basis these sites along with the other proposed housing zonings are inadequate in the overall provision for housing in Ballintoy were not substantiated.

## The KSRs

- 5.5.12 Objection 334 to KSR 4 of **Housing Zoning BAH 01 9 Main Street** on the basis that this site may require additional lands to be provided and access from the Main Road. This housing site abuts the main road. The objection was not supported with any evidence to substantiate the objection.
- 5.5.13 Objection 334 to **Housing Zoning BAH 02 land west of St Joseph's Church** on the basis that KSR1 relating to the density does not reflect the land use and character in this area, in that the site would not deliver enough housing. High density development is not characteristic of the central area of Ballintoy. The objection was not supported with persuasive evidence to substantiate the objection.
- 5.5.14 Objection 334 to KSR 1, 2 & 3 of **Housing Zoning BAH 03 lands to rear of Gospel Hall** on the basis that these would restrict the potential development of the site. These objections were not supported with persuasive evidence to demonstrate how the KSR would restrict the potential of this housing zoning.
- 5.5.15 Objection 334 to KSR2 of **Housing Zoning BAH 05 129 Whitepark Road** on the basis that this site may require additional lands to be provided to access from the Main Road. This housing site is set back from the public road. The objection was not supported with any persuasive evidence to substantiate the objection.

## AREA OF ARCHAEOLOGICAL POTENTIAL

- 5.5.16 An area of Archaeological Potential has been identified in Ballintoy on Map 5/05. As we explained in Section 1 of our report, Areas of Archaeological Potential (AAPs) are highlighted in the draft plan for **information** purpose only. They are not a plan designation. Consequently we are not in position to address any site specific objections made against this particular AAP or its inclusion on the map.

## LOCAL LANDSCAPE POLICY AREAS (LLPA)

- 5.5.17 The plan designates three LLPA around Ballintoy, these are shown on Map 5/05. The main issues relate to the designation of these LLPA.
- 5.5.18 Objections 334 to the proposed **Designations BAL 01 Ballintoy Harbour & BAL 03 Ballintoy LLPA** on the basis of the areas designated do not accurately reflect the areas required to be protected. These objections were not supported with any evidence or maps to suggest what areas should form part of these landscape designations. Accordingly the objections are not sustained.
- 5.5.19 Objections 331 to the overlap of the proposed **LLPA Designation BAL 02 Boheeshane Bay** on housing zoning BAH 05 129 Whitepark Road. The objection also seeks the designation of more housing land to compensate for the areas that these designations relate to. We do not consider that this

objection warrants the zoning of more housing land but recommend that the supporting text in paragraphs 5.2 and 5.3 relating to Designation of BAL 02 on page 234, volume 2 should take account and take account of land within the SDL including this housing zoning.

- 5.5.20 Objection 4986 seeks the removal of The Castle, Harbour Road from proposed LLPA **Designation BAL 01**. This area forms part of this setting to north west of the village. The objection site is part of the cluster of development along Harbour Road. This area of landscape informs the character of this area. The objector provides no evidence to suggest why this area should be treated differently from the surrounding landscape. Accordingly the objection is not sustained.

### **Recommendations**

5.5.21 **We recommend:**

- **that the supporting text in paragraphs 5.2 and 5.3 relating to Designation of BAL 02 on page 234, volume 2 takes account of land within the SDL including the housing zonings.**

## 5.6 BALLYVOY

- 5.6.1 The plan upgrades the status of Ballyvoy from a Hamlet in the NEAP to a village. The SDL for Ballyvoy is shown on Map 5/06 of the plan.

### Plan Provision for Housing

- 5.6.2 Taking account of the 2008 HGI revision for Moyle District the draft plan makes provision for 10 housing units in Ballyvoy. Between January 1999 and August 2010 some 34 housing units were completed. The settlement has no remaining capacity. The housing Up-date Figures Paper March 2011 estimated a surplus of some 24 units (240%) for Ballyvoy above the plan allocation. It is not necessary to include additional land for housing in the SDL.

### Social Housing

- 5.6.3 There was no social housing need presented for Ballyvoy.

### Settlement Development Limits (SDL)

- 5.6.4 We concluded in section one of this report that there is no strategic need to allocate further housing land in Ballyvoy. We further concluded that there is no persuasive evidence that the SDL is too restrictive to accommodate the housing requirements over the plan period. Accordingly we do not support the objections seeking the expansion of the SDL or those seeking the restoration of the land previously included within the SDL of the NEAP 2002. In these circumstances, as stated in section one of the report, any extension of the SDL will only be considered where there are urban form arguments or other factors that would justify an exception being made. It is on this basis that we will consider and assess the site specific objections seeking the inclusion of additional land within the SDL for Ballyvoy. Our consideration of the objections is as follows:
- 5.6.5 Objections 329, 334, 4983 (a) & 5618 all relate to land west of **St Patrick's RC Church**. This land is on elevated land to the north side of Cushendall Road, adjacent to the church which is a Listed Building. The site would make a logical extension to the SDL given the existence of development immediately opposite this land. Nonetheless, the lack of need for more housing overrides any justification for the inclusion of more land within the SDL. Accordingly this land should remain outside the SDL.
- 5.6.6 Objection 334 relates to land **east of the settlement and south of Blackpark Cottages**. The objection site is one large relatively flat field on elevated land behind existing housing along Blackpark Road. The site lies into the edge of the existing built form. Nonetheless given the status of Ballyvoy within the settlement hierarchy the lack of need for more housing land overrides any justification for the inclusion of more land within the SDL. Accordingly this land should remain outside the SDL.
- 5.6.7 Objections 334, 4447 and 4983 (c) relates to variations in the configuration of land to the **east of Barnish Primary School**. Objection 334 relates to the large roadside field, objection 4447 relates to two fields back from Black Park

Road and objection 4983 (c) relates to two fields, one fronting Ballypark Road and one fronting Cushendall Road. The land in this area rises steeply from Cushendall Road and any development would be visually prominent on this land. The proposed LLPA designation BVL01 seeks to protect the development of this area. The field fronting Cushendall Road would link both parts of the settlement together and if sensitively developed could result in a logical inclusion in the settlement. The field fronting Blackpark Road would further extend development to the north and would sit opposite the existing housing at Blackpark Road. However, none of the objectors disputed the Department's figures or presented any persuasive evidence to demonstrate a need for more housing land in Ballyvoy. The lack of need for more housing land for Ballyvoy overrides any justification for the inclusion of either of these sites.

- 5.6.8 Objection 334 relates to land **north of St Patrick's RC Church**. The inclusion of this land would extend the settlement to the north in to elevated area of landscape. Development on this land would result in visually prominent urban sprawl that would be detrimental to the character of the settlement. This site should remain outside the SDL.
- 5.6.9 Objection 334 relates to land **west of the Gaelic Sports Ground..** The inclusion of this large roadside site land would further expand the settlement to the west resulting in unnecessary urban sprawl along Cushendall Road. We are satisfied that this site should remain outside the SDL.
- 5.6.10 Objection 334 relates to land at **the rear of Hunters Bar and Restaurant**. A small area to the north west of the site relates to the associated car park for the adjacent Bar and Restaurant. The south eastern topography of this land rises up. The inclusion of this land would further expand the settlement resulting in unnecessary urban sprawl along Cushendall Road. We are satisfied that this site should remain outside the SDL.
- 5.6.11 Objection 334 relates to land **south of Cushendall Road**. The site of itself would sit well within the SDL. However, the topography of this area of land falls steeply below the level of the road. A small stream runs through the middle of the site. These constraints would mean that this portion of land would not be best suited to the development of housing. We are satisfied that this site should remain outside the SDL.
- 5.6.12 Objections 4983 (b) and 5618 seek the inclusion of around 1 hectare of land **south of Barnish Primary School** within the SDL for housing. The land falls steeply below the level of the road and lack enclosure to the south. To the south the site is bounded by a stream corridor and associated woodland that makes an important contribution to the setting of the settlement. Development could interfere with this setting at this location. We are satisfied that this site should remain outside the SDL.



## LOCAL LANDSCAPE POLICY AREAS (LLPA)

- 5.6.13 The plan designates two LLPA around Ballyvoy, which are shown on Map 5/06. The main issues raised relate to the designation of the LLPA.
- 5.6.14 Objections 334 to the proposed **BVL 01 St Patrick's and BVL 02 Carey River LLPA** designations were made on the basis that the areas identified do not accurately reflect the areas required to be protected. These objections were not supported with any evidence or maps to suggest what areas should form part of these landscape designations. We cannot give further consideration to this objection.
- 5.6.15 Objections 4983 to the proposed **BVL 01 St Patrick's and BVL 02 Carey River LLPA** designations were not supported with any evidence to justify the objections. No changes should be made to the plan as a result of this objection

## 5.7 MOSS-SIDE

- 5.7.1 The plan reaffirms the status of Moss-side as a village. The SDL for the settlement is shown on Map 5/07 of the plan.

### Plan Provision for Housing

- 5.7.2 Taking account of the 2008 HGI revision for Moyle District the draft plan makes provision for 64 residential units in Moss-side. Between January 1999 and August 2010 some 57 housing units were completed. The settlement has remaining capacity for 115 residential units. The housing Up-date Figures Paper March 2011 estimated a surplus of some 108 units (169%) above the plan allocation for Moss-side. It is not necessary to include additional land for housing in the SDL.

### Social Housing

- 5.7.3 There was no social housing need presented for Moss-side.

### Settlement Development Limits

- 5.7.4 We concluded in section one of this report that there is no strategic need to allocate further housing land in Moss-side. We further concluded that there is no persuasive evidence that the SDL is too restrictive to accommodate the housing requirements over the plan period. Accordingly we do not support the objections seeking the expansion of the SDL or those seeking the restoration of the land previously included within the SDL of the NEAP 2002. In these circumstances, as stated in section one of the report, any extension of the SDL will only be considered where there are urban form arguments or other factors that would justify an exception being made. It is on this basis that we will consider and assess the site specific objections seeking the inclusion of additional land within the SDL for Moss-side. Our consideration of the objections is as follows:
- 5.7.5 Objections 334 & 4986 relate to some 1.5 hectares of land at west of **Housing Zoning MEH 04 to the rear of 210 Moycraig Road**, which comprise one relatively large agricultural field. The field is bounded by the SDL on three sides and would present a logical rounding off to the SDL at this location. Nonetheless the over provision of housing land for Moss-side means there is no justification for the inclusion of land of this size and scale within the SDL.
- 5.7.6 Objection 334 relates to land to the rear of **210 Moycraig Road**. The land is relatively flat and is bounded by the Moss-side Water to the east and the Moycraig Road to the west. Agricultural buildings exist to the north west of the site. These buildings are within the SDL. Two dwellings at 214 and 216 Moycraig road are located to the south west of the site. The site would further extend the settlement to the south west result in urban sprawl in this rural area.
- 5.7.7 Objection 334 relates to land **south west of the junction of Moyarget Road and Moycraig Road**. This site is a flat road side field, which sits within the rural context of the settlement. With exception to the development on the

opposite side of both roads, the site has not physical attachment to the settlement. Both roads provide a defining physical edge to the settlement at this location. The inclusion of this land within the SDL would give rise to urban sprawl at this location.

- 5.7.8 Objections 334 and 4640 relate to land **west of Housing Zoning MEH 06 and north of Moyarget Road**. The site would sit well into the existing settlement to the west and south. Neither objector presented any evidence to substantiate a need for an additional land for housing to be included within the SDL, even for lower density housing on the site. The grant of planning permission (C/2003/0203/O & C/2006/0246/RM) for 1 dwelling does not establish the principle of a housing development on this site. Accordingly we agree this land should remain outside the SDL.
- 5.7.9 Objection 334 on land to the **east of 224 Moyarget Road** relates to a large rectangular road side field. The site is bounded by a mature 1 metre hedge around the field. The inclusion of this land would result in a linear expansion to the settlement at this location failing to provide a compact urban form.
- 5.7.10 Objection 334 relates to three fields to the **east of the open space zoning in Moss-side**. The inclusion of this land within the SDL would result in an illogical urban edge to the settlement limits resulting in urban sprawl at this location. There is no justification for the inclusion of this land within the SDL.
- 5.7.11 Objection 334 relates to **land south of Moss-side Gardens along Knockmore Road**. The inclusion of this land within the SDL would result in an illogical linear extension to the urban edge to the settlement limits. There is no justification for the inclusion of this land within the SDL.

## HOUSING ZONINGS

- 5.7.12 The main issues relate to:
- (a) Zoning of Housing land; and
  - (b) The KSRs.

### The Zoning of Housing Land

- 5.7.13 Objections 334 to **Housing Zoning MEH 01 Main Street, MEH 02 Knockmore Road, MEH 03 22 Main Street, MEH 04 19-31 Main Street, MEH 05 42 Main Street and MEH 06 rear of Mill Farm** on the basis these sites along with the other proposed housing zonings are inadequate in the overall provision for housing in Moss-side were not substantiated.
- 5.7.14 Objection 334 to **Housing Zoning MEH 04 19-31 Main Street** on that basis that the proposed designation MEL01 overlaps the housing zoning. Planning permission has been granted on this site and development has commenced. Therefore this proposed designation does not restrict the delivery of housing on this site.

## The KSR

- 5.7.15 Objection 4641 to **Housing Zoning MEH 06 Rear of Mill Farm** on the basis that KSR1 relating to the density on the site should be amended. Planning permission has been granted on this site and is partially built. Accordingly this objection is not sustained.

## LOCAL LANDSCAPE POLICY AREAS (LLPA)

- 5.7.16 The plan designates two LLPA in Moss-side, which are shown on map 5/07. The main issues relate to the designation of the LLPA/

### The Designation of LLPA

- 5.7.17 Objection 4986 to the proposed LLPA **Designation MEL01 Moss-side Water** was not substantiated with any supporting evidence. Objections 334 to the proposed **Designation MEL01 Moss-side Water and MEL02 Moss-side Crossroads** LLPA's on the basis of the areas designated do not accurately reflect the areas required to be protected. These objections were not supported with any evidence or maps to suggest what areas should form part of these landscape designations. We cannot consider these objections further.
- 5.7.18 Objections 334 to the overlap of the proposed LLPA **Designation MEL 01 Moss-side Water** on housing zonings MEH04 and MEH05. The objection also seeks the designation of more housing land to compensate for the areas that these designations relate to. Housing has been approved and is partially built on Housing Zoning MEH04, the objection is not justified in this instance. Housing Zoning MEH05 relates to a small site some 0.22 hectares. The plan does not prohibit the development of housing at this location, but requires account to be given to the LLPA designation. Accordingly these objections are not sustained.

## 5.8 WATERFOOT

- 5.8.1 The plan reinforces Waterfoot as a village. The SDL for the settlement is shown on Map 5/08 of the plan.

### Plan Provision for Housing

- 5.8.2 Taking account of the 2008 HGI revision for Moyle District the draft plan makes provision for 65 housing units in Waterfoot. Between January 1999 and August 2010 some 23 housing units were completed. The settlement has remaining capacity for 57 residential units. The housing Up-date Figures Paper March 2011 estimated a surplus of some 15 units (23.1%) above the plan allocation for Waterfoot. The Department stated that Northern Ireland Water advised that Waterfoot is served by Cushendall Waste Water Treatment Works which has additional capacity available to meet the housing needs in Waterfoot. Accordingly, we accept there is more than sufficient land to sustain the village and it is not necessary to include additional land for housing in the SDL.

### Social Housing

- 5.8.3 At the EIP the NIHE stated that for Waterfoot the updated figures for March 2011 indicated an increase in the social housing need of 6 residential units over 7 years (2018). It is not considered necessary to amend the SDL to accommodate this need.

### Settlement Development Limits

- 5.8.4 We concluded in section one of this report that there is no strategic need to allocate further housing land in Waterfoot. We further concluded that there is no persuasive evidence that the SDL is too restrictive to accommodate the housing requirements over the plan period. Accordingly we do not support the objections seeking the expansion of the SDL or those seeking the restoration of the land previously included within the SDL of the NEAP 2002. In these circumstances, as stated in section one of the report, any extension of the SDL will only be considered where there are urban form arguments or other factors that would justify an exception being made. It is on this basis that we will consider and assess the site specific objections seeking the inclusion of additional land within the SDL for Waterfoot. Our consideration of the objections is as follows:
- 5.8.5 Objections 259 and 5168 relate to land to the **north west of Coast Road**. Objection 5168 seeks the designation of this land for tourism. This land is located on elevated land and is physically detached from the edge of the settlement. It also falls with the proposed LLPA Designation WTL 01 which forms part of the dramatic coastline flanking the northern side of Waterfoot and the Glenariff Estuary. The elevation and separation of this land from the proposed SDL means it would not present a logical rounding off to the edge of the settlement but would give rise to urban sprawl. The inclusion of all this land would further extend the settlement to north west. Objector 259 did not dispute the Department's updated housing figures and objector 5186 provided no supporting evidence relating to a tourism need. The plan has not designated

any land for tourism purposes. Without any demonstrated need for more land in Waterfoot there is no justification for the inclusion of either site within the SDL.

- 5.8.6 Objection 300 & 303 relates to land adjacent to **Parkanore Estate and Glenariff River**. The objector stated that it is seeking the inclusion of land for social and affordable housing. Objection 334 also seeks the inclusion of this area of land within the SDL and part of objection site 5618. A revised map in relation to objection site 300 & 303 reducing the size of the site by retaining a buffer area and path way was presented at the EIP. NIHE identified a need for 6 additional residential houses in Waterfoot, but stated that it was not economically viable to develop a site unless it could yield over 8 residential units. The Department stated there is no need for the plan to intervene to meet the needs for social housing in Waterfoot. The amended objection site benefits from the natural enclosure provided by the Glenariff River. A significant proportion of the site is restricted by the flood plain and therefore its inclusion would only yield a small number of residential units on the site. We consider that a flood risk assessment would be necessary to establish the viability of the site. We accept that access for a small number of residential units could be taken through Parkanore Estate. The Department stated that given the limited residential yield possible for the site that this revised site could be included within the SDL. We consider that Regional Policy contained in PPS21 (Policy CTY5) would allow such a site to come forward to meet any social housing needs in Waterfoot. Accordingly this land should remain outside the SDL.
- 5.8.7 Objection 334 relates to two large fields to the south of **Bayview Park**. Objection 4986 relates to the inclusion of the front road side field overlapped by objection site 334. This site lies within a flat and open landscape and its inclusion within the SDL would further extend the settlement form southwards and along Garron Road. Development of this land would also close the visual gap between Waterfoot and the settlement at Glenariff (Bay), giving rise to unacceptable urban sprawl and coalescence. This land should remain outside the SDL.
- 5.8.8 Objections 334 and 5168 relate to land in the **Bay area to the east side of Garron Road** and takes in a large rectangular area. The site overlaps three existing dwellings at 231,233 & 246 Garron Road and a caravan park to the north. The remainder of the site provides an area of open space that permits extensive views of the bay looking out from the settlement. Development of this land would have a significant impact on the setting of Waterfoot and the outlook to the bay. The inclusion of this land would give rise to urban sprawl in this area impacting on the setting of the settlement. This land should remain outside the SDL.
- 5.8.9 Objections 334 and 4986 on land **north west of 1 Glenariff Road** relates to an elevated area of land rising above the road. The land is detached from the settlement and would give rise to urban sprawl at this location. If developed this would have a significant impact on the setting of the settlement contained in the bay area resulting in an illogical edge to the settlement.
- 5.8.10 Objection 334 and part of objection 5186 relate to land to the **south west of Bayview Park**. The identified objection site does not follow the field pattern in

this area and over 50% of the area falls within the flood plain. The objection site relates to an area of backland development. Its inclusion would give rise to further expansion into the surrounding open countryside, resulting in urban sprawl. There is no justification for the inclusion of this land within the SDL.

- 5.8.11 Objection 4694 relates to land between **Glenariff (Bay) and Waterfoot**. The objector failed to provide a map to show the exact area to which the objection relates. However, the inclusion of land between the two settlements would narrow the important visual gap between them and result in unacceptable urban sprawl. This would be inappropriate in this environmentally and visually sensitive coastal area. Accordingly the objection is not sustained.

## **HOUSING ZONINGS**

- 5.8.12 The main issues relate to:
- (a) The Zoning of Housing Land; and
  - (b) The KSRs.

### **The Zoning of Housing Land**

- 5.8.13 Objection 5618 to **Housing Zoning WTH 03 14 Main Street** as housing land on the grounds that this site is not suitable for housing development. The objector seeks that this land is zoned as white land. The Department stated that planning permission was granted on 29/06/09 for the renovation and extension of the existing building to 10 apartments, a café and a shop. Given this planning history we consider that mixed use such as that approved would be suitable for this central location and therefore we recommend the removal of this housing zoning from the plan. This would allow the possibility for alternative uses on this site. Given the overprovision of housing allocation in Waterfoot, the loss of this housing zoning would not compromise the overall housing allocation in the plan.
- 5.8.14 Objection 4617 to **Housing Zoning WTH 05 SW of St Patrick's Primary School** on the basis that the objector considered that this housing site would not come forward for housing purposes. This would result in a shortfall of 35 residential units for Waterfoot. This was supported with a letter from a local estate agent. However, the Department confirmed that outline planning permission E/2004/0208/O was granted in 2004 for housing on this land. Accordingly we are not persuaded that this zoning should be removed from the plan.

### **The KSRs**

- 5.8.15 Objections 334 to KSR 2 of **Housing Zoning WTH 02 & WTH 03 14 Main Street** on the basis that this site may require additional lands to be provided to allow access from Main Street. Both small sites abut the main road which would indicate that access would be physically possible to these zonings. The objection was not supported with any evidence to substantiate the objection.

- 5.8.16 Objection 334 to **Housing Zoning WTH 04 39 Main Street** on the basis that KSR 2 identified that there is insufficient width within the site to provide for turning. This housing zoning is a small narrow plot that fronts onto the Main Street, it is therefore not necessary that the site should provide vehicular access. The KSR is simply identifying a possible constraint to development of the site. The objection is not sustained.

### **Recommendations**

- 5.8.17 **We recommend:**

- **The removal of Housing Zoning WTH 03, 14 Main Street, from the plan**

### **AREA OF ARCHAEOLOGICAL POTENTIAL**

- 5.8.18 An area of Archeological Potential has been identified in Waterfoot on Map 5/08. This area is subject to regional policy as set out in PPS 6. Objection 334 questioned why housing zonings were located in this area. This designation does not prohibit the development of housing on this land. The objection is not sustained.

### **LOCAL LANDSCAPE POLICY AREAS (LLPA)**

- 5.8.19 The plan designates three LLPA in Waterfoot which are shown on Map 5/08. The main issues raised relate to the designation of LLPA.
- 5.8.20 Objections 334 to the proposed Designations **WTL 01 Red Arch LLPA & WTL 02 Glenariff River** on the basis of the areas designated do not accurately reflect the areas required to be protected. These objections were not supported with any evidence or maps to suggest what areas should or should not form part of these landscape designations. Accordingly the objections are not sustained.
- 5.8.21 Objection 4986 to the proposed LLPA Designation **WTL 02 Glenariff River** was not substantiated with any arguments. Objections 300 and 4694 to this proposed LLPA were on the basis that it will restrict development in this area. The designation has been proposed to protect key landscape features attributed to the Glenariff River. Its intention is not to prevent development but to restrict it to a modest scale, sensitively sited and essential for public infrastructure. A planning application would be the only way to establish what is appropriate in this area in conjunction with the restrictions for the area. Accordingly we are not persuaded that this LLPA should be removed from the plan for this reason.
- 5.8.22 Objection 4563 to the proposed LLPA Designation **WTL 03 Glenariff Bay** on the basis that this designation should be extended along Glasaneely and Black Burn in Glenariff Bay. The objector stated that the justification for this related to these burns having roadside access which could open up opportunities for future development along these scenic and wildlife corridors.



The objector failed to provide accurate details, maps and persuasive justification for the inclusion of additional land in this LLPA. In the absence of more detailed information we are not in position to recommend the inclusion of this land within the LLPA.

## 5.9 SMALL SETTLEMENTS

- 5.9.1 The draft plan designates 7 new small settlements in the Moyle District (Designation SET 1) in recognition of several basic facilities to serve their local community. As previously emphasised within the strategic section of our report, we consider that any further development in the small settlements should be confined to urban form arguments or other factors that would justify an exception being made.

### CHURCH BAY, RATHLIN

- 5.9.2 Objection 334 queried the extent of **CBL 01 Church Bay** LLPA designation but no evidence was presented to substantiate this objection or to explain how the LLPA should be altered.
- 5.9.3 Objections 334 and 4986 to the Church Bay Site of Local Nature Conservation (SLNCI) (Designation MSLN21) were not substantiated with any further arguments. However, the Department has stated that they now wish to withdraw this designation from the plan, as this area already falls within the Church Bay Area of Special Scientific Interest (confirmed 24/09/2010).
- 5.9.4 Objection sites 334 on land to the **north west of St Thomas's Church and land to the north of Manor House** comprises a steeply rising bank covered by sprawling mature vegetation. Physically the steep gradient of the bank provides a definitive edge to the north west of the settlement. The inclusion of these sites within the SDL for Church Bay, would result in development on the face of the bank which would dominate the existing bay side development within the proposed limits for Church Bay. The bank and its vegetation cover provide an important back drop to the settling of the settlement at this location. Any development on these sites would be extremely visible on approach to the island. Given the physical and visual constraints of this land it should not be included within the SDL for Church Bay.
- 5.9.5 Objections 4637 and 4893 relates to the inclusion of land **north and south of Glebe Cottages, Bayview Road**. Bayview Road, runs along a ridge to the north and east edge of the proposed SDL. The road at this location is elevated above the majority of the settlement, especially to the north of Glebe Cottages, and then falls with the topography to the south of Glebe Cottages. To the north east side of Bayview Road the proposed SDL has been drawn only to include the development at Glebe Cottages. To the north the topography is elevated. The two semi detached dwellings that are not within the SDL are visible in the backdrop of Church Bay. Further development in this elevated area would result in stacked development rising up from the level of the bay. Such development would have a significant visual impact on the scale and character of Church Bay, especially when viewed on approach to the settlement via the ferry and from the harbour area. Standing stones are also visually evident in the southern part of this area. These stones have been noted as a scheduled Archaeological Site and Monument; as such they would present constraints to the development of this area. To the south of Glebe Cottages the topography is low lying and any further development in this area could be designed to be in keeping with the scale of the surrounding development within the proposed

SDL. However, given the existence of other vacant land within the proposed SDL, there is no need to breach the proposed edge of the SDL along the east side of Bayview Road any further.

- 5.9.6 Planning permission (E/2011/0162/F) has been granted on objection site 4901 to the **rear of Rathlin Community Development Association building** for 10 two storey social and affordable houses. These dwellings are under construction (Sept 2012). This land is already within the proposed SDL.
- 5.9.7 Objection site 4986 takes in relatively flat land to the south of the proposed SDL in **Church Bay**. While bounded by a 1 m high stone wall the land is open and highly visible when viewed across the bay from the north part of the settlement. The land is also adjacent to a scheduled archaeological monument. Given that the site is just over 2 ha in size, could yield some 20 – 40 units. Such a scale of development would have a significant visual impact on the setting and built form of Church Bay. Development of this scale would not be in keeping with the character of the settlement. We do not support this objection.
- 5.9.8 Objection 5732 requests that Rathlin Island is given special recognition as an Area of Special Character. Rathlin Island is already afforded protection by means of existing policies relating to the Antrim Coast and Glens AONB and proposed draft plan policies. We see no need for an additional layer of protection.

### **Recommendations**

- 5.9.9 **We recommend that:**
- **Church Bay SLNCI (MSLN 21) is withdrawn from the plan.**

### **CROMAGHS**

- 5.9.10 Objection site 334 is located to the **south of St Olcan's RC Church and Presbytery**. While it is on flat land, its inclusion within the SDL would be inappropriate because of its large scale and size. Development on this scale would not be in keeping with the rural character of the settlement and its position within the settlement hierarchy of the plan.
- 5.9.11 Objection 334, located **opposite Tureagh Terrace**, relates to flat open land with poorly defined site boundaries. Given the scale and size of the site its inclusion within the SDL would be inappropriate and would not be in keeping with the small scale rural character of this settlement.
- 5.9.12 Objection site 334 located **opposite and north of St Olcan's RC Church** relates to open exposed land that lack mature boundaries. The size and scale of this site if developed would double the size of Cromaghs. Its inclusion within the SDL would therefore be inappropriate as it would not be compatible with the character of the settlement.

- 5.9.13 Objection sites 334, 4376, 4377 and 4986, 5673 located on land **north/opposite the Gaelic Football Grounds** are located on flat low lying land. The majority of this land is within the Well Water flood plain. There are also archaeological constraints to the development of this land. Its inclusion within the SDL would be inappropriate because of its size and scale. Development on this land would not be in keeping with the character of this small settlement. The needs of St Olcan's Parish for the land adjacent to the church do not justify the expansion of the SDL to include this site.
- 5.9.14 Objection site 334 is located to the **west side of Tureagh Terrace**. The northern part of this land is within the Well Water flood plain. Objection 5618 also overlaps on this land and the neighbouring land opposite the Gaelic Football grounds. We are not persuaded that there is any need or justification to include any of these lands within the SDL..
- 5.9.15 Objection site 334, 5728 located to the **east side of Turreagh Terrace**, relates to two large fields, one which is occupied by a single dwelling. The inclusion of this land would result in linear sprawl spreading eastwards along Glenshesk Road and away from the main built form of the settlement. It would be inappropriate to include this land within the SDL.

## CUSHENDUN

- 5.9.16 Objections 334 and 4986 queried the extent of **CNL 01 Cushendun Coastal LLPA, CNL 02 Milltown Burn LLPA and CNL 01 Glendun River LLPA** but no evidence was presented to verify these objections or to explain how the LLPA's should be altered to overcome any concerns. We cannot give further consideration or support to these objections.
- 5.9.17 Objection site 334 relates to land **north and north east of Shanes Park**. Objection site 4986 relates north east portion of this site. The land is relatively flat wrapping around Shanes Park. Church Road runs along the sites northern boundary. A small church set within a wooded area is also to the northern boundary. All of the land is within the Cushendun Conservation Area, but outside any of the proposed LLPA's. Development on either objection site 334 or the smaller area of objection site 4986 would significantly expand this small settlement. Development of this land would threaten the natural setting of Cushendun and be out of scale with its character .
- 5.9.18 Objection site 334 to the **east side of Bay Road**, is a narrow strip of land that runs between the road and Cushendun beach. Development on this land would threaten views out of and into Cushendun. It would be totally inappropriate to include this land within the SDL.
- 5.9.19 Objection site 334 to the **east side of Cushendun Bridge Glendun River**, includes the width of the river and its floodplain. The river is not a suitable area for developing houses. The inclusion of this land within the SDL is therefore inappropriate.

- 5.9.20 Objection site 334 to the **south of Riverview Crescent**, relates to land adjacent to the Glendun River corridor and falls within the proposed LLPA CNL03 Glendun River. Development on this site would significantly detract from the setting of the settlement, particularly as seen when approaching it from Knocknacarry. Riverside Crescent provides a defined physical edge to the settlement at this location. Furthermore the size and scale of this site, if developed, would significantly expand this small settlement. Development of this scale would threaten the setting and character of Cushendun.
- 5.9.21 Objection site 334 along **Cave Road**, is located on steep rising land towards the south of the settlement. Cave Road is a narrow concrete Road. This land provides an important backdrop to the existing development within the settlement. The inclusion of this land within the SDL would be inappropriate as it would result in a visually prominent expansion to the settlement.

### **GLENARIFF (BAY)**

- 5.9.22 Objections 334 and 4563, 4986 queried the extent of **WTL 03 Glenariff Bay** LLPA in respect of Glenariff (Bay), but no further evidence was presented to substantiate these objections or explain how the LLPA's should be altered to overcome any concerns. Existing rural and AONB policies already afford protection from unacceptable development along Glasaneely Burn and Black Burn.
- 5.9.23 Objection site 334, located **north west of the Gaelic Football Grounds along Garron Road**, is a flat area of road side land. The football grounds provide a soft visual edge to the settlement when travelling along Garron Road. The inclusion of this land would be inappropriate given its scale and its proximity to the boundary of Waterfoot. This portion of land provides an important physical and visual break between the respective settlements.
- 5.9.24 Objection site 334 located **north and west of the Gaelic Football Grounds**, is three large flat fields with poorly defined boundaries. Access is restricted to this area of land. In any event, the inclusion of this land within the SDL would be inappropriate, as further development would impact on the setting of Glenariff (Bay) and would contribute to the merger of Waterfoot with Glenariff (Bay)..
- 5.9.25 Objection site 334 located **east on the side of the Gaelic Football Grounds**, is a flat road side field. The inclusion of development on this portion of land would bring development in Glenariff (Bay) closer to Waterfoot. Whilst the site follows the boundary of the SDL around the football grounds, development on this land would give rise to the appearance of urban sprawl along the road side.
- 5.9.26 Objection site 334 located to the **rear of St Patrick's and St Brigid's RC Church**, is located on steep rising land, which is covered by mature vegetation, hence its inclusion within the proposed LLPA WTL 03 Glenariff Bay LLPA. Garron Road is narrow at this location and access to the objection land is restricted by the existing and established development fronting the road frontage. This land provides a very important visual backdrop to this part

of the settlement, as viewed looking southwards across the bay. Its inclusion within the SDL would be inappropriate as development on it would be visually prominent.

- 5.9.27 Objection site 334 to the **south west of Garron Road**, comprises steep rising land. Its inclusion within the SDL would be inappropriate because of its scale and visually prominent location. This objection site also includes objection site 5528, whilst this is a smaller site, development even on this site would be visually prominent.
- 5.9.28 Objection site 334 **south east of Glen Road** is a flat portion of roadside land bounded to the south west by an agricultural lane. A mature 3-4 metre high roadside hedge restricts views of the land from Glen Road. On the opposite side and along the north east side of the Glen Road are a mix of semi-detached and detached dwellings. A footpath already runs along the road side boundary of the site. The inclusion of this site would be visually prominent from the Garron Road, given the lack of vegetation to the rear part of the site. The mature vegetation along the road side boundary assist with the filtering views of the existing development along Glen Road. Given the size and location of this land, its inclusion within the SDL would not be in keeping with the character of Glenariff (Bay).
- 5.9.29 Objection sites 334 and 4986 to the **west side of Garron Road and south east of Glen Road**, comprises two flat road side fields. Whilst the inclusion of this land lies into existing development within the SDL, its size if developed would substantially increase the scale and size of this small settlement. Its inclusion would be inappropriate because of its scale and size and the impact it would have on the character of this settlement.
- 5.9.30 Objection 4617 also relates to land to the **west side of Garron Road** and to the south east side of Glen Road. This objection site is inclusive of objection sites at 334 and 4986. The objector seeks the de-zoning of housing land in Waterfoot to be replaced within Glenariff (Bay). Housing land has not been zoned in any of the small settlements. We are not persuaded there is a need to expand the SDL in Glenariff for any purpose. The inclusion of this land would serve to disproportionately increase the scale and size of this small settlement. Accordingly this objection is not sustained.
- 5.9.31 Objection site 4526 to **north west side of Glen Road**, is a small site, set back from the road and accessed via the River Walk path. The River Walk path is a narrow land defined by a hedgerow and fence to each side. This path provides a defined boundary to this side of the settlement. Even though this is a small site and the objector is only seeking one dwelling, its inclusion would breach the existing physical edge of the proposed SDL and would result in an illogical protrusion at this location of the settlement.
- 5.9.32 Objection 4745 relates to a small rectangular site on **land adjacent to 19b Glen Road**. The land is located to the northern side of the River Walk. The land falls within Designation WTL 02 Glenariff River LLPA. Access to this land could be difficult, but not insurmountable. While development of this land would lie into the settlement form we are not persuaded that there is any need or justification for extending the SDL. We do not support this objection.

## **KNOCKNACARRY**

- 5.9.33 Planning permission has been granted (E/2007/0211/F) for housing on the small objection site 294, 334, 4986 and 5704 on land to the **east of Layde Road**. The Department accepts that this land should be included within the SDL for Knocknacarry. This development is only partially built. We support the inclusion of this land within the SDL.
- 5.9.34 Objections 334 and 5704 queried the extent of **KYL 01 Glendun River** LLPA but no further evidence was presented to substantiate these objections or to explain how the LLPA should be altered to overcome any concerns. The Department confirmed that a map of suitable scale, showing the extent of this LLPA, will be included in the final plan.
- 5.9.35 Objection site 334 & 5186, located on land **south of Glenview Park along Knocknacarry Avenue**, is an open area of land between the settlement and the small group of houses at Glenview Park. The western portion of this site is within the flood plain of the Glenview River. Development on this land would substantially increase the scale of the settlement and would merge the existing built form in this area, resulting in substantial urban sprawl out of character with the scale of the settlement along Knocknacarry Avenue. The inclusion of this land would be inappropriate because of its scale, size and location in relation to the existing urban form.
- 5.9.36 Objection site 334 & 5618 is located on **land opposite Agolagh Heights along Knocknacarry Road**. Objection site 5618 relates to a smaller portion of land than objection site 334. The site land is adjacent to the main road to Cushendun. Its western boundary is defined by mature tall 6-7 metres trees, which provide a solid edge to the existing settlement along the rear boundary of Knocknacarry Court. Development on this land would substantially increase the scale of the settlement and would result in further build up towards the east side of the settlement, in the direction of Cushendun. The inclusion of either objection site 334 or 5618 would be inappropriate because of its scale, size and location in relation to the existing urban form.
- 5.9.37 Objection site 334, located opposite **91, 93, 95 Knocknacarry Road**, involves low lying land. Over half the site is within the Glendun River flood plain. The inclusion of this site would result in further urban sprawl to the west side of the settlement. Development on this land would significantly detract from views towards the Glendun River, which is important to the setting of this settlement.
- 5.9.38 A small group of houses at **Glenview Park and Knocknacarry Crescent** are separated from the main settlement along Knocknacarry Avenue. In order to maintain a more compact urban form the Department stated that they wished to include this group of houses within the SDL for Knocknacarry. This addresses the concern raised by objection 5704. We endorse this suggested amendment to the plan.
- 5.9.39 Objection sites 334 & 5704 located on **land south west of Agolagh Heights** relates to gently rising land. Its inclusion within the SDL would further expand the recently partially constructed housing development. This would give rise to

further urban sprawl along the southern ridge to the settlement and should not be catered for.

- 5.9.40 Objection site 334, located on **land to the rear of Agolagh Heights**, is elevated above the neighbouring development. The site is adjacent to a partially constructed housing development to the west. The inclusion of this land within the SDL would be inappropriate given its scale and size. If developed it would excessively increase the size of the settlement beyond the character of a small settlement.
- 5.9.41 Objection site 334, located **east of Agolagh Heights**, relates to gently rising land. The inclusion of this land would be inappropriate as it would result in excessive urban sprawl heading towards Cushendun.
- 5.9.42 Objection site 4575, located on the **west side of Knocknacarry Avenue**, is a small site on relatively flat land immediately north of the Parochial House. Notwithstanding the small scale of the site, its inclusion within the SDL would give rise to further urban sprawl in the direction of Glenview Park. The inclusion of this site would not constitute rounding off.
- 5.9.43 Objection site 4575 to the **east of Layde Road**, relates to rising land. Whilst the site is small in scale, its inclusion would further extend the appearance of urban sprawl along Layde Road, as it would physically link the dwelling at 135 Layde Road to the settlement.

### **Recommendations**

- 5.9.44 **We recommend:**
- **The inclusion of land east of Layde Road to take account of Planning Permission E/2007/0211/F.**
  - **Provision of a full scale map within the plan to illustrate the extent of the KYL01 Glendun River LLPA.**
  - **A Settlement Development Limit should be drawn around the existing grouping of houses at Glenview Park and Knocknacarry Crescent**

### **LISCOLMAN**

- 5.9.45 Objection 334 queried the extent of **LNL 01 Liscolman Mill** LLPA, but no further evidence was presented to substantiate this objection or to explain how the LLPA should be altered to overcome any concerns.
- 5.9.46 Objection site 334, located to the **south west of the junction of Coleman Avenue and Toberdoney Road**, relates to a large flat site. The roads at this location provide a physical barrier to the edge of the settlement at this location. The inclusion of such a large scale portion of land at this location would breach the edge of the existing settlement, resulting in excessive urban sprawl at this location.



- 5.9.47 Objection site 334, to the **south east side of Toberdoney Road**, relates to a large portion of land within the proposed LLPA LNL 01 Liscolman Mill. The floodplain runs through the centre of the site. It is also an important site in terms of the setting of the settlement and the Mill. The inclusion of this land within the SDL would be inappropriate as it would give rise to a substantial expansion to the settlement that would threaten the character and setting of the settlement.
- 5.9.48 Objections sites 334 and 5618 involve land to the **west of 1-12 Toberdoney Road, and north of Colman Avenue**. These objection sites partially overlap but relate to the expansion of the settlement in the same area. Both objection sites represent a significant expansion to the west side of the settlement, which would result in substantial urban sprawl at this location. Such expansion would be inappropriate for a settlement of this size.
- 5.9.49 Objection sites 334 and 4986 located to the **west side of Carnbore Road** is a large flat field adjacent to a playing field. The inclusion of this land would be inappropriate due to its scale and would give rise to a substantial expansion beyond the character of this small settlement.
- 5.9.50 Objection site 334 located to the **rear of 30 Colman Avenue** is a large agricultural field that wraps around the existing road side development. The existing development at this location provides a soft rural edge to the settlement. The inclusion of this site within the SDL would be inappropriate as it would significantly expand the settlement at this location, resulting in further urban sprawl.
- 5.9.51 The inclusion of objection site 5618, located to **the north of Orby Drive and west of Carnbore Road**, would not be appropriate given its scale and size. Development of this land would give rise to a substantial expansion almost doubling the size of the settlement.

## LISNAGUNOGUE

- 5.9.52 Objection 334 queried the extent of the proposed Area of Archaeological Potential, but provided no further evidence to substantiate this objection.
- 5.9.53 Objections 334 and 4986 relate to a large portion of land to the north of the settlement on **land to west side of Park Road**. Objection site 4986 relates to a larger portion of land that overlaps objection 334. The land is slightly elevated and visible from Whitepark Road. The inclusion of either site within the SDL would almost double the size of the settlement. This would present a significant threat to the character and setting of the settlement. It would also impact on the setting of Dunseverick Church and the distinctive setting of the World Heritage Site.
- 5.9.54 The inclusion of objection site 334 to land **east and south of Dunseverick Church**, would be inappropriate as it would result in further expansion to the SDL resulting in unnecessary urban sprawl to the east of the settlement.

- 5.9.55 Objection sites 334 and 5738 relate to **land south of Whitepark Road**, which is a large flat agricultural field to the south of the settlement. The inclusion of this land would be inappropriate because of its scale and size, which would substantially and unacceptably alter the scale of this small settlement.
- 5.9.56 Objection sites 334 and 5618 relate to land south of **249 and 258 Whitepark Road**. Objection site 5618 only relates to the eastern side of the 334 objection site. The inclusion of either objection sites would be inappropriate as they would result in further expansion into the countryside and into the distinctive setting of the World Heritage Site.
- 5.9.57 Objection site 4743 relates to a small site at **226 Whitepark Road**. The SDL as drawn at this location does not follow any natural physical boundaries and cuts through the yard to the rear of 226 Whitepark Road. The inclusion of this property and its curtilage would result in a logical rounding off of the settlement at this location. This would not harm the setting of the settlement or any of the relevant environmental constraints in this area.
- 5.9.58 The inclusion of objection site 334, to the **north of Burn Brae**, would result in a significant expansion to the north of Lisnagunogue. The inclusion of this site within the SDL would breach the open space buffer to the edge of settlement, giving rise to the appearance of urban sprawl into the surrounding countryside..

### **Recommendations**

- 5.9.59 **We recommend:**
- **The inclusion of objection site 4743 at 226 Whitepark Road within the proposed SDL for Lisnagunogue.**

## 5.10 COUNTRYSIDE AND COAST

5.10.1 Section 1.14 of our report sets out the strategic context for the countryside throughout the plan area, including Moyle. The main issues raised by the objections to countryside and coast include:

- a) Land in the countryside should be identified as a hamlet, for tourism or as an LLPA;
- b) Designation of Sites of Local Nature Conservation Importance (SLNCI);
- c) Designation of Areas of Constraint on Mineral Development;

### **Land in the countryside that should be identified as a Hamlet, for Tourism or as an LLPA.**

5.10.2 Objection 4954 seeks that **The Aird** is designated as a small settlement and that additional land along the Causeway Road is included within the settlement. The designation of the Aird as a small settlement was considered in paragraph 1.3.42 of the our report on the plan strategy wherein we concluded that the area should not be designated as a small settlement. The arguments and evidence presented at site specific stage do not persuade us that a different conclusion should be reached in respect of the non-designation of The Aird as a small settlement in the plan area.

5.10.3 Several objection sought the designation of **Castlecatt**, which is situated SE of Bushmills, and **The Castle**, off Harbour Road, Ballintoy to be recognised as small settlements. These areas were considered in paragraph 1.3.43 and 1.3.44 of the strategy wherein we concluded that both areas should not be designated as small settlements in the plan.

5.10.4 Objection 4773 seeks the support of the plan for **Bushmills Golf Resort** and objects to how the plan blights tourism and economic stability. The objector failed to provide evidence as to plan should be amended. Nonetheless, issues around a site specific development proposal are not a matter for the plan. Since the publication of the plan the Department has issued PPS 16 Tourism which sets out policy for all types of tourism development. Accordingly we are satisfied that the plan requires no amendment on the basis of this objection.

5.10.5 Objection 4971 seeks that land adjacent to **Causeway Road** is designated as a tourism development opportunity site. With exception to the proximity of the site to the WHS at the Giants Causeway and the coastline, the objector provided no persuasive evidence to demonstrate what was so significant about this site that it should be specifically designated for tourism in the plan. PPS16 Tourism has been published and sets out regional policy to address tourist development proposals. Accordingly the objection is not sustained.

5.10.6 Objection 5186 seeks that land along the **Causeway Road south and south west of the Giants Causeway visitor centre** is designated as a tourism opportunity site. The WHS visitors centre is now developed and operational. The objector provided no persuasive evidence to demonstrate a need to designate this land as a tourism opportunity site. PPS 16 Tourism has been published and sets out regional policy to address tourist development proposals. Accordingly the objection is not sustained.

- 5.10.7 Objection 5728 seeks that **Glenshesk Valley** is designated a DRC within the plan area. This objection was addressed within Policy SET 1 of our strategic report, wherein we concluded that the general absence of a traditional focal point and of other community facilities and services did not merit a DRC at this location. No persuasive site specific evidence was provided to change our view on this matter.
- 5.10.8 Objection 5733 is to the failure of the plan to recognise the Scheduled Archaeological Site at **Ossians Grave** as a tourism potential site in the Glenaan, Cushendall and Antrim Coast & Glens Area. The importance of this site has already been recognised through its designation as a scheduled monument. If the objector wishes to develop the infrastructure around this scheduled monument this is a matter to be accessed via a planning application, under the appropriate regional policy set out in PPS16 Tourism. We are not persuaded that there is a need to designate this site for tourism in the plan.
- 5.10.9 Objection 4668 seeks that the area surrounding **Ballintoy Harbour** should be designated a 'super' LLPA. This is an attractive and environmental sensitive area and forms an important part of the coastal area which the plan already recognises as being important. Regional Policy contained in PPS6 does not have a definition for a 'super' LLPA. The objector failed to provide any persuasive evidence to demonstrate why this area should be designated as an LLPA and how such a designation would serve to give further protection to this area.

#### **Designation of Site of Local Nature Conservation Importance (SCLNI)**

- 5.10.10 Objection 331 made a generic objection to **Designations MSLNCI 01 – MSLNC 77**. These objections were not substantiated with evidence to justify what changes should be made to the designation and in the absence of such information we cannot consider them further.
- 5.10.11 Objections 4563 requested clarification on two potential SLNCI's at **Ballykenver Forest (D180360) and Clare Wood (D070410)** on why these sites were not included in the plan. The Department has identified SLNCI's for Moyle District through the advice set out in PPS 2. The objector provided limited information relating to these sites. In the absence of more detailed information, including suggested boundaries, we cannot consider the designation of these two sites further.
- 5.10.12 Objection 5618 is to the designation of **MSLNCI 18 Carey Valley** where it overlaps the village of Ballyvoy. The objector provided no evidence to justify their objection. The SLNCI covers a wide area, and the exclusion of Ballyvoy would compromise the overall designation. Accordingly the objection is not sustained
- 5.10.13 Objection 5728 is to the inclusion of land at Glenshesk Valley within **MSLNCI 38 Dunfinn SLCNI**. The objector provided no evidence to state why this land should not be included within this SLNCI designation.

## **Designation of Areas of Constraint on Mineral Development**

- 5.10.14 Objection 5644 argued that **Ballycastle Beach** should be identified as an area of constraint on mineral development to prevent the removal of sand and gravel deposits. We considered the issue of such extraction along North Coast beaches in our strategic report (p83-84), whereby the Department agreed to add additional text to paragraph 10.4.3 of the Strategic Framework Document.