

September 21st, 2023

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 27th September 2023** at **7:00 pm** in **City Hall, Bangor.**

Agenda

Agenda

(Attached)

📎 *C 27.09.2023 Agenda.pdf*

Page 1

1. **Prayer**
2. **Apologies**
3. **Declarations of Interest**
- 4 **Mayor's Business**
- 5 **Mayor and Deputy Mayor Engagements for the Month of September 2023**
- 6 **Minutes of Council Meeting held dated 20 August 2023**

(Copy attached)

📎 *C 30.08.2023 Minutes.pdf*

Not included

7 **Minutes of Committees**

7.1 **Planning Committee dated 5 September 2023**

(Copy attached)

📎 *Minutes PC.05.09.23.pdf*

Not included

📎 *Minutes PC.05.09.23 PM.pdf*

Page 5

7.2 **Environment Committee dated 6 September 2023**

(Copy attached)

📎 *230906 EC Minutes.pdf*

Not included

📎 *230906 EC MinutesPM.pdf*

Not included

*****IN CONFIDENCE*****

7.2.1 Matter Arising - Governance Arrangement for Management of Council Harbours Appointment of 'Duty Holder'

7.3 Place and Prosperity Committee dated 7 September 2023

(Copy attached)

📄 *PP 07.09.2023 Minutes.pdf* *Not included*

📄 *PP 07.09.2023 Minutes PM.pdf* *Not included*

7.4 Corporate Services Committee dated 12 September 2023

(Copy attached)

📄 *CS 12.09.2023 Minutes.pdf* *Not included*

📄 *CS 12.09.2023 Minutes PM.pdf* *Not included*

7.4.1 Matter Arising - Report on the Consultation Response to Northern Ireland's 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets and Seeking views on Climate Change Committee (CCC) Advice Report: The Path to Net Zero Northern Ireland

(Report attached)

📄 *Item 7.4.1-Matter Arising-Report on the Consultation response to Northern Irelands 2030 - 2040 Emissions Reduction Targets and First Three Carbon Budgets a.pdf* *Not included*

📄 *Item 7.4.1 - Matter Arising - Appendix 1 - Carbon Budget Consultation Document.pdf* *Not included*

📄 *Item 7.4.1 - Matter Arising - Appendix 2 - Draft consultation response revised Full council.pdf* *Not included*

7.5 Community and Wellbeing Committee dated 13 September 2023

(To follow)

7.5.1 Matter Arising - Report on the Funding Offer from Department of Business Energy and Industrial Strategy (BEIS) for Capacity and Capability Building Programme in Northern Ireland: Non-Good Products 2023/24

(Report attached)

- 📎 **7.5.1 Matter Arising Funding Offer from BEIS Capacity & Capability Building Programme.pdf** *Not included*

7.6 Audit Committee dated 18 September 2023

(To follow)

8. Requests for Deputation

8.1 Re-Gen

(Copy attached)

- 📎 **8.1 Request for Presentation - Re-Gen.pdf** *Not included*
- 📎 **8.1 Appendix 1 - Letter from Re-Gen.pdf** *Not included*

9. Nomination to East Border Region Members Forum

(Report attached)

- 📎 **9. Nomination to East Border Region Forum.pdf** *Not included*

10. NILGA Accredited Provision for Elected Member Development 2023/2024

(Report attached)

- 📎 **10. NILGA Accredited Provision for Elected Member Development 23 24.pdf** *Not included*
- 📎 **10. Appendix 1 - NILGA Accredited Provision Nominations LetterANDAug2023.pdf** *Not included*
- 📎 **10. Appendix 2 - NILGA Local Development Planning Leadership Programme 2023-24 Promotion.pdf** *Not included*
- 📎 **10. Appendix 3 - NILGA Leadership Development Programme 2023 -24 Promotion August 2023.pdf** *Not included*
- 📎 **10. Appendix 4 - NILGA Accredited Learning Provision Indicative Costs (2023-24).pdf** *Not included*

11. Implementation of New HRC Access Booking System Update

(To follow)

12. Nomination to Outside Bodies

(Report attached)

📎 *12. Nominations to Outside Bodies.pdf*

Not included

13. Sealing Documents

14. Transfer of Rights of Burial

15. Notice of Motion Status Report

(Report attached)

📎 *15. NOM Status Report.pdf*

Not included

📎 *15. NOM TRACKER LIVE.pdf*

Not included

16. Notices of Motion

16.1 Notice of Motion submitted by Councillor Moore and Councillor Creighton

This Council believes:

education should be accessible to all who seek it and embedding a culture of lifelong learning in our society is essential to enabling people to realise their potential.

part-time flexible learning is crucial to meeting the skills needed to build a modern, inclusive and green economy.

part-time students are a unique demographic, they are more likely to have disabilities, come from disadvantaged backgrounds, having caring responsibilities, such as children or elderly relatives, and in general, be part of a 'hard to reach' group who missed out on full-time study.

lifelong learning, including non-formal education, addresses social issues, strengthens communities and builds civic engagement. It is the most effective tool for meeting social policy objectives and creating positive social change.

recognises that lifelong learning must become a meaningful and developed policy area with tangible actions and outcomes, underpinned by the wealth of best practice and innovation from across the UK and Ireland.

This Council therefore resolves to:

work with the Lifelong Learning Alliance to develop a Lifelong Learning campaign, to inform and raise public awareness of how lifelong learning transforms lives and communities.

Engage with MLAs and MPs to prioritise funding for formal and informal part-time education when the

Executive is formed.

Encourage MLAs to form an All- Party Group on Lifelong Learning to support an evidence and best-practice informed approach to policy making, in collaboration with adult education bodies to form a voice for Lifelong Learning in the Assembly when an Executive is formed.

16.2 Notice of Motion submitted by Councillor Woods and Councillor McKee

That this Council, recognising its commitment as a responsible employer, and that staff are paid the current Living Wage, tasks officers to explore becoming 'Living Wage' accredited with the UK Living Wage Foundation, as well as ensuring any regularly contracted employees and workers, including those who are employed externally to deliver Council services, are paid the living wage hourly rate. It also explores also becoming Living Hours and Living Pensions accredited too.

16.3 Notice of Motion submitted by Councillor Adair and Councillor Douglas

That Council notes the increasing complaints regarding the poor condition and appearance of our cemeteries across the Borough and tasks officers to bring back a report on options to improve the maintenance of our cemeteries which are places of special significance to those who have lost loved ones.

***** IN CONFIDENCE *****

17. Disposal of Kinnegar Logistics Base Update

(Report attached)

- | | |
|--|---------------------|
| 17. Disposal of Kinnegar Logistics Base -update.pdf | <i>Not included</i> |
| 17. Appendix 1 - Letter from Cleaver Fulton Rankin.pdf | <i>Not included</i> |
| 17. Appendix 1 - Legal Opinion.pdf | <i>Not included</i> |
| 17. Appendix 2 - Letter from Joe ONeil Belfast Harbour to Stephen Reid.pdf | <i>Not included</i> |

18. NIE Request for Use of Land Castle Place Car Park, Newtownards

(Report attached)

- | | |
|--|---------------------|
| 18. Request for a lease to NIE - Kennel Lane Carpark Newtownards.pdf | <i>Not included</i> |
| 18. Appendix 1 - location map - request from NIE.pdf | <i>Not included</i> |
| 18. Appendix 2 - substation drawing - request from NIE.png | <i>Not included</i> |

ARDS AND NORTH DOWN BOROUGH COUNCIL

20 September 2023

Dear Sir/Madam

You are hereby invited to attend a hybrid Meeting (in person and via Zoom) of Ards and North Down Borough Council which will be held at the City Hall, The Castle, Bangor on **Wednesday, 27 September 2023 at 7.00pm.**

Yours faithfully

Stephen Reid
Chief Executive
Ards and North Down Borough Council

A G E N D A

1. Prayer
2. Apologies
3. Declarations of Interest
4. Mayor's Business
5. Mayor and Deputy Mayor Engagements for the month of September 2023
6. Minutes of Council meeting dated 30 August 2023 (Copy attached)
7. Minutes of Committees
 - 7.1. Minutes of Planning Committee dated 5 September 2023 (Copy attached)
 - 7.2. Minutes of Environment Committee dated 6 September 2023 (Copy attached)

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 - 7.3. Minutes of Place and Prosperity Committee dated 7 September 2023 (Copy attached)

- 7.4 Minutes of Corporate Services Committee dated 12 September 2023 (Copy attached)
 - 7.4.1 Matter Arising – Report on the Consultation response to Northern Ireland’s 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets and Seeking views on Climate Change Committee (CCC) Advice Report: The path to Net Zero Northern Ireland (Report attached)
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 - 7.5.1 Matter Arising – Report on the Funding Offer from Department of Business Energy & Industrial Strategy (BEIS) for Capacity & Capability Building Programme in Northern Ireland: Non-Food Products 2023/24 (Report attached)
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8. Requests for Deputation
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15. Notice of Motion Status Report (Report attached)
16. Notices of Motion
 - 16.1 Notice of Motion submitted by Councillor Moore and Councillor Creighton

This Council believes:

- education should be accessible to all who seek it and embedding a culture of lifelong learning in our society is essential to enabling people to realise their potential.
- part-time flexible learning is crucial to meeting the skills needed to build a modern, inclusive and green economy.
- part-time students are a unique demographic, they are more likely to have disabilities, come from disadvantaged backgrounds, have caring

responsibilities, such as children or elderly relatives, and in general, be part of a 'hard to reach' group who missed out on full-time study.¹

- lifelong learning, including non-formal education, addresses social issues, strengthens communities and builds civic engagement. It is the most effective tool for meeting social policy objectives and creating positive social change.
- recognises that lifelong learning must become a meaningful and developed policy area with tangible actions and outcomes, underpinned by the wealth of best practice and innovation from across the UK and Ireland.

This Council therefore resolves to:

- To work with the Lifelong Learning Alliance to develop a Lifelong Learning campaign, to inform and raise public awareness of how lifelong learning transforms lives and communities.
- Engage with MLAs and MPs to prioritise funding for formal and informal part-time education when the Executive is formed.
- Encourage MLAs to form an All-Party Group on Lifelong Learning to support an evidence and best-practice informed approach to policy making, in collaboration with adult education bodies to form a voice for Lifelong Learning in the Assembly when an Executive is formed.

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IN CONFIDENCE

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18 NIE request for Use of Land Castle Place car park, Newtownards (Report attached)

MEMBERSHIP OF ARDS AND NORTH DOWN BOROUGH COUNCIL

Alderman Adair	Councillor Hollywood
Alderman Armstrong-Cotter	Councillor S Irvine
Alderman Brooks	Councillor W Irvine
Alderman Cummings	Councillor Irwin (Deputy Mayor)
	Councillor Kennedy
Alderman Graham	Councillor Kerr
Alderman McAlpine	Councillor MacArthur
Alderman McDowell	Councillor Martin
Alderman McIlveen	Councillor McCollum
Alderman Smith	Councillor McCracken
Councillor Ashe	Councillor McKee
Councillor Blaney	Councillor McKimm
Councillor Boyle	Councillor McLaren
Councillor Cathcart	Councillor McRandal
Councillor Chambers	Councillor Moore
Councillor Creighton	Councillor Morgan
Councillor Cochrane	Councillor Rossiter
Councillor Douglas	Councillor Smart
Councillor Edmund	Councillor Woods
Councillor Gilmour (Mayor)	Councillor Wray

Item 7.1

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ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held at the Council Chamber, Church Street, Newtownards on Tuesday 5 September 2023 at 7.00pm.

PRESENT:

In the Chair: Alderman McIlveen

Aldermen: Graham
Smith McDowell

Councillors: Cathcart McCollum
Creighton McKee (zoom)
Kerr (7.09pm) Morgan
Martin Wray
McCracken

Officers: Director of Prosperity (A McCullough), Head of Planning (G Kerr), Principal Planning Officer (C Blair) and Democratic Services Officer (J Glasgow)

1. APOLOGIES

An apology for inability to attend was received from Councillor McRandal, Councillor McLaren and Councillor Woods.

2. DECLARATIONS OF INTEREST

Councillor McCollum declared an interest in Item 4. 3 – LA06/2022/0904/F - Sir Samuel Kelly Lifeboat Shelter, Copelands Marina Car Park, Donaghadee.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE 01 AUGUST 2023

PREVIOUSLY CIRCULATED:- Copy of the above.

NOTED.

4. PLANNING APPLICATIONS

4.1 LA06/2022/1296/RM - 19 Seaview Terrace, Holywood - Domestic garage and domestic building
(Appendix I)

DEA: Holywood and Clandeboye

Committee Interest: A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation.

Proposal: Domestic garage and domestic building

Site Location: 19 Seaview Terrace, Holywood

Recommendation: Approval of Reserved Matters

The Head of Planning (G Kerr) outlined the detail of the proposal which was a reserved matters application for a domestic garage and domestic outbuilding located at 19 Seaview Terrace, Holywood. The application was being presented to committee due to the number of objections received to the proposal.

The Site Location Plan showed the location of 19 Seaview terrace and application site at the opposite site of shared private lane identified on the visual in green. It was important for members to note that outline planning permission for a domestic garage and building had already been granted on this site. The application before committee was for approval of the matters reserved by the extant outline permission. A reserved matters application did not represent a further application for planning permission on the site.

In the determination of any reserved matters application the Council was restricted to consideration of only those matters which had been reserved for subsequent approval and it could not revisit the overall principle of development which had already been approved at outline stage.

The application complied with the conditions set by the extant Outline permission, including a condition requiring the two ancillary buildings to have a layout broadly in line with the indicative site layout plan. The slide showed the layout approved by the extant outline planning permission and the detailed layout submitted as part of the reserved matters application.

The Head of Planning displayed slides to show the site and surrounds to provide some context for Members. As Members could see from the site layout as part of the reserved matters, it reflected that set out in the extant outline decision notice and was therefore compliant with condition 5 of the outline permission which stated that the ancillary buildings hereby permitted shall have a layout which was broadly in line with the indicative site layout plan.

The application also complied with a condition set at the outline stage restricting the ridge height to above finished floor level to a maximum of 3.5m. The proposed buildings were subordinate to the two and a half storey main dwelling and the design and external materials were both typical of those used in domestic ancillary accommodation and sympathetic to the character of the immediately surrounding area.

(Councillor Kerr entered the meeting – 7.09 pm)

Given the scale of the ancillary buildings, layout in relation to neighbouring properties and the position of windows, there would be no unacceptable adverse harm to residential amenity in terms of loss of light, overlooking or any other disturbance. Conditions 6 & 7 of the outline permission control the use of the building by stipulating that the buildings shall not be used at any time other than for purposes

ancillary to the residential use of No.19 Seaview Terrace. Therefore, the proposal did not result in any intensification of the use of the site or access.

Letters of objection from 9 separate addresses had been received and all material issues raised had been considered in the report. Many of the issues raised related to the principle of development which had been established by the outline planning permission or the scale of the buildings which had been controlled by conditions set at outline stage. In accordance with the outline permission the redline did not extend to the public road as no intensification of use of the access was proposed and that would be controlled by condition.

Objections highlighted on-going disputes regarding the ownership of the access lane and obstructions within the forecourt. Such matters were of a civil nature and lay outside the remit of the planning process and the scope of the reserved matters application. Outline planning permission for ancillary development within the boundary of this private garden has already been granted. Through provision of dedicated parking within the site the scheme has the potential to reduce the number of vehicles parked on the common hardstanding in front of Seaview Terrace.

One letter of support was received in relation to the application, welcoming the development with regards to the visual and aesthetic improvements which would result, in addition to the potential for the subject garage to help to alleviate ongoing parking issues in the immediate vicinity.

Having considered all material planning matters, the Head of Planning advised that it was recommended that the reserved matters be approved.

The Chairman invited questions from Members for the Head of Planning.

Alderman Graham asked if the proposal allowed for car parking apart from that available in the proposed garage. The Head of Planning displayed the concept drawing referring to the space for the car port and garden room. She advised that there would be room available for cars in the car port and garage.

As there were no further questions from Members, the Chairman invited Mr Eamonn Burns to come forward who was speaking in opposition to the application.

Mr Burns advised that none of the current objectors including himself had objected to the application at outline stage which demonstrated the residents were not against the principal of development in the garden of No 19 Seaview Terrace but could not support aspects of the reserved matters application. He felt there had an error in the certificate and residents had been denied the opportunity to participate at outline stage. Concerns had been raised in respect of erroneous and missing information via the planning complaints procedure and the response confirmed that the declaration on the P1 form was taken at face value. Mr Burns referred to fraud risk guidance issued to Councils by the NI Audit Office and questioned if the process was in line with that guidance.

Mr Burns further outlined the design and access matters which he felt gave grounds to the Committee to overturn the recommendation. The design did not comply with

condition 8 with the intention of that condition being to restrict the ridge height to 3.5m to ensure the development integrated into the site and retained neighbouring levels of amenity. Despite him having raised this through his objection there had been no specific levels provided defining the exact relationship between the affected property at 2 Church Hill and the new development. Mr Burns stated that there was going to be a level change at the rear of the development and would exceed the limit. The proposal was being presented with a flat roof which he viewed would create a harsh block wall in particular at the rear boundary. Mr Burns expressed concerns regarding the flat roof which was not seen in the Holywood area in similar style developments which was a unique Victorian front garden setting. He questioned how the proposal's scale and design integrated and ensured neighbouring levels of amenity were retained. Mr Burns referred to the detail within the letters of objection and the loss of amenity to No 2 on the garden and living space which he viewed as truly shocking and he wondered how that could be compliant.

The design included a new extensive entrance, residents were of the view that the garage would be accessed in a similar way to No 15 Seaview Terrace with a shared pedestrian access to the garden and in keeping with the local townscape character. There was no information at outline stage that the home office and gym would require a vehicular access. Mr Burns felt the Committee should not allow for that critical change/addition at this stage and residents strongly opposed the proposed entrance as it created a huge and unnecessary loss of amenity. During the outline process the proposal became described as a domestic garage and ancillary building and that change was never readvertised. Combined with the vehicular access this converted the modest garden room portrayed at outline into a fully independent residential space complete with vehicular access and parking. Mr Burns felt this would set a precedent for future development within the terrace.

In finishing, Mr Burns stated that the application should be rejected. He welcomed the opportunity for the application to be paused to have some discussion and come up with a much better and far less impactful solution.

The Chairman invited questions from Members for Mr Burns.

Councillor Cathcart noted the concern regarding the height of the proposal, and he wondered if a pitched roof would make more an impact. Mr Burns stated that a design proposal with a pitched roof would be in more in keeping with the townscape. He referred to the impact on No 2 Church Hill that would be faced with a high wall which would be well above the sill level at first floor level. Even a softer solution with a pitch at one side would provide a better design and more appropriate solution.

Councillor Cathcart referred to the concerns regarding the height with that being 3.5m at outline stage. Mr Burns stated that the condition related to the loss of neighbouring amenity and the concern was the impact a wall of that size had on neighbouring amenity. The wall would overshadow and be very dominant particularly on No 2 Church Hill. Mr Burns reiterated that there was no clear information to show the exact relationship between the proposal and No 2. The area was a very unique location in Holywood and for the protection of heritage he expressed the view that something different could be done.

Alderman Smith noted that conceptually Mr Burns and residents were content for development on site and the concerns were in relation to the scale, design and massing of the proposal. The Case Officer's report stated that there was no adverse harm to the residential amenity of the area and the density and scale was acceptable and questioned if Mr Burns would disagree in that regard. Mr Burns confirmed that he would disagree with those comments. Without radically changing the proposal he felt there were ways to accommodate what was wanted without the loss of amenity. He referred to the entrance and he felt the Planning Officers did not truly understand just how negative an impact that would have. A hedge had been removed a number of years ago in advance of the application which had provided a lovely greenscape for the terrace. Mr Burns pleaded to the Committee that the entrance would create huge disruption and would like to have the opportunity to explore alternatives. Mr Burns highlighted the legalistic planning process and stated that the residents just wished for the magnificent place to live and respected each other to be enjoyed.

Alderman Smith sensed the frustration expressed by Mr Burns and highlighted the challenge for the Committee in respect of planning process. He referred to parking and that would be a major issue if the proposal was to proceed. The Case Officer's report referred to a negligible impact and asked if Mr Burns disagreed with that. Mr Burns totally disagreed. The applicant had ensured that residents were unable to park at the top of Seaview Terrace. The current neighbourly environment was a challenge and residents were concerned regarding the disruption.

Alderman Graham referred to the extra accommodation that would be provided within the proposal for cars with a garage and car port and asked Mr Burns if he seen that element of the application as positive in alleviating congestion within the small area. Mr Burns did not see that as a positive. He referred to No 15 Seaview Terrace which had a garage nicely set back. The proposal was now capable of being a private living space and that was big concern, there was no protection for residents to allow for the property being rented out separately.

Alderman Graham felt the architect had made considerable effort in the design of ancillary building and he questioned if Mr Burns shared that view. Mr Burns stated that it was not unpleasant and had lots of glazing. He stated that houses at Seaview Terrace had their living space at front first floor level and the proposal would mean that 72sqm of flat roof would be seen when looking out his window and architectural the design did not fit into the area.

As there were no further questions for Mr Burns, the Chairman thanked Mr Burns for his attendance and he returned to the public gallery.

The Chairman invited Mr Donaldson (Agent) and Mr Addis (Applicant) to come forward who were speaking in favour of the proposal.

Mr Donaldson advised that the Applicant welcomed the Officer's comprehensive report and recommendation to approve and commended the report to Members as a fair and objective assessment of the key planning issues. He viewed it as unfortunate that the main objector to this proposal had chosen to expend a great

deal of time and energy in trying to frustrate and delay the Applicant's proposals, both at outline stage and now at this reserved matter stage.

Mr Donaldson summarised 11 key points why the proposal must be granted:

1. This was not a planning application – outline planning permission had already been granted in November 2022. No one sought to legally challenge this decision in the Courts, and it therefore remained a valid permission.
2. The legal scope of 'reserved matters' had a very specific definition in legislation - Article 2 of the Planning (General Development Procedure) Order (NI) 2015. The only matters that could be lawfully considered at this stage related to:
 - a) siting;
 - b) design;
 - c) external appearance;
 - d) means of access; and
 - e) landscaping.
3. This Committee could not reconsider the principle of development. It could only determine whether the aspects specified above were acceptable and whether the proposal complied with the conditions of the outline permission.
4. As the report made clear, issues such as rights of way, parking arrangements, land ownership etc. were not material considerations in the determination of this proposal.
5. In relation to siting, the proposed buildings were located in precisely the same locations as already approved under the outline permission.
6. In relation to size, the proposal was not for a larger amenity building than indicated at outline stage. The outline concept indicated a garden building of approximately 84sqm and the current application was for a building of approximately 72sqm. The garden building took up less than 15% of the garden of which it was situated.
7. The proposed buildings were tucked up against the south-western boundary of the garden and the gables of the houses at Nos 2 and 3 Church Hill. It should also be noted that Seaview Terrace was arranged so that the only useable amenity space for No 19 and No 15 was to the front. The occupants of No 15 were supportive of the proposal. The amenity building could not be located to the rear of the dwelling.
8. On design and appearance, the proposal was for a simple garage and car port, and for a flat roofed amenity building in the garden. As the Officer report noted, the design and appearance were sympathetic to the local character. The building itself in style mimicked the typical style of an orangery building.
9. The existing and proposed levels were indicated on the drawings and the heights complied with the outline conditions which stipulated no more than 3.5m above finished floor level, not above ground level.
10. Access to the application site was via a laneway which was shared by the other houses in the terrace. The objector took issue with how that shared access was used, and where vehicles were parked. However, it would be wholly incorrect to treat that as a material planning consideration, especially at reserved matters stage.
11. It was important that the planning system was not allowed to be used as a pawn in what effectively was a dispute over access and parking rights. In any case, by providing this garage and car port, the Applicant was not adversely

affecting the current arrangements, but was actually helping to take parking pressures off the shared area.

In response to comments made by Mr Burns, Mr Donaldson stated that the certificate submitted at outline stage was entirely correct. In respect of the entrance, Mr Donaldson highlighted that Mr Addis could choose to hard surface that area and that would not require planning permission. With reference to impact on the window of No 2 Church Hill, Mr Donaldson stated that window was at second floor level and the ridge of the proposed building would not come near the sill of that window. In respect of other solutions being available, there were always other solutions available; however, the test was whether the proposal was unacceptable and that was not the case, no harm to local character would be caused and as it was entirely consistent with the outline conditions.

To conclude, Mr Donaldson stated that there was no rational or lawful basis on which approval for this straightforward and compliant reserved matters proposal could possibly be rejected.

The Chairman invited questions from Members for Mr Donaldson and Mr Addis.

In relation to the design and the flat roof proposed, Councillor Cathcart noted the uniqueness of the area and raised a question regarding the visual impact. Mr Donaldson explained that when the outline permission was granted it proposed the condition of the ridge height of no more than 3.5m above the floor level. If a pitched roof had been proposed, that would have been a very low pitched roof and the view was that a low pitched roof in that context would have been out of character whereas the flat roof proposed was in keeping with the character. The other key element was that the site was not open and prominent, it was a well enclosed garden area. The garage and car port would be at the front then the levels dropped for the proposed amenity building. Therefore, the views of the amenity building would be very limited as there was already fencing and hedging around the application site.

Councillor Martin asked Mr Donaldson to recap on points 2 and 3 of his remarks. Mr Donaldson reiterated those points.

Councillor McCollum was not entirely clear whether the access and car port would alleviate some of the existing parking problems in the area which were apparent from the photos and she was familiar with the difficulty parking in that area. Councillor McCollum requested clarity in that regard. Mr Donaldson outlined that the proposal was to build a single car garage and a car port within the garden area. Those would be situated to the left-hand side and to the right there was additional hardstanding. Therefore, creating an additional 4 spaces within Mr Addis's curtilage.

Councillor McCollum asked if it was the Applicant's intention to take the cars which were currently situated outside into the curtilage. Mr Donaldson stated that Mr Addis would have the choice whether to move those existing cars however he believed the logic would be to use the space.

The Chairman referred to the indicative map submitted as part of the outline application and asked if that map showed dimensions similar to that which was on

the reserved matters application. Mr Donaldson stated at outline stage a concept drawing was provided. The outline concept indicated an amenity building of approximately 84sqm and the current application was for a building of approximately 72sqm therefore slightly less. The garage and car port were identical to what was shown. Both were located against the gables of No 2 and No 3 Church Hill.

Referring to the hard standing area, the Chairman noted that planning permission was not required. Mr Donaldson confirmed that planning permission was not needed to open up the front of the garden and create hard standing. The reason the application needed planning was due to it being within the front garden and did not benefit from permitted development rights which may apply to a back garden.

Alderman McIlveen referred to the concern that the objector had raised regarding the use of the garden building which was for an office and gym essentially creating a fifth residential building in a small area. He noted the condition attached that the building was to remain ancillary and questioned if that was sufficient to allay those concerns. Mr Donaldson clarified that the outline permission was described as a domestic garage and ancillary building and the reserved application was described exactly the same. It was ancillary building not a dwelling and the condition prevented that from becoming a dwelling.

As there were no further questions, Mr Donaldson and Mr Addis returned to the public gallery.

The Chairman invited questions from Members.

Councillor McCracken referred to the use and the condition attached in that regard. He asked the Planning Officer to outline if that condition was breached what the action would be. The Head of Planning noted that was hypothetical question however explained that the application would be tightly conditioned that the buildings would remain ancillary to the main function of the dwelling house. Therefore, that prevented it being set-up as an independent residential unit, if that was breached and reported an enforcement case would be opened for investigation.

Councillor Martin referred to the remarks made by Mr Donaldson regarding the limitations now available from outline to reserved matters stage. He asked for comment in that regard. The Head of Planning explained that an outline application would come in for an outline proposal without the detail drawings, the parameters were set at that stage within that there was a list of conditions for compliance. At reserved matters stage, the proposal would be assessed against those conditions. In this instance, the proposal was assessed with regards the height, the siting and design, and it was found to be acceptable. She also noted that the period for any potential judicial review for the outline had passed. There were no objections raised at outline stage and this proposal was no different to what had been set. She recognised that objections had now been raised however highlighted the need to be mindful of the planning process and keep planning legislation in mind.

Alderman Smith referred to objections raised regarding integration and access and asked for the Planning Officer's view in that regard. He noted that the scope was limited surrounding the access as that was on private property and DfI Roads was

content. The Head of Planning stated that there had been a lot of issues raised that evening and how the planning application had been assessed. The area was located in a draft area of townscape character of Holywood and therefore needed to be assessed as a whole. There was no embargo on flat roofs within the ATC of Holywood and variation of design could be seen throughout. In terms of the impact on the view, there was no right to a view. With the regards the ATC, it was not the character of the area but the appearance of the proposal from public viewpoints such as streetscapes and in that regard the proposal was within a private garden, tight into a site and views were restricted. The architect was mindful in terms of design and the Case Officer's report was a fair assessment. All the conditions set at outline had been assessed and the proposal was in compliance with those. In respect of access and parking, the Head of Planning stated that the planning application was that outlined in red and there were wider civil issues raised.

Councillor Cathcart referred to Mr Burns concerns regarding the ridge height exceeding 3.5 metres in current levels and asked for comment in that regard. The Head of Planning referred to the visuals which had been displayed which showed the view of the site and the shared boundary with No 2 Church Hill. There were no concerns regarding overlooking or overshadowing. She further referred to the sectional illustration showing the proposed ground levels and development and outlined how those were in compliance.

To clarity, the Chairman questioned if the drawings became part of the permission. The Head of Planning confirmed that the drawings were part of the reserved matters decision notice.

Proposed by Alderman Graham, seconded by Councillor Cathcart, that the recommendation be adopted and that planning permission be granted.

Speaking to the proposal, Alderman Graham appreciated that taste and view of any architecture was a matter of opinion. Personally, he felt there had been an effort made to keep the development in keeping with the area and it was positive to have additional car parking in an area which had a confined space.

As seconder, Councillor Cathcart appreciated the concerns that had been expressed regarding the outline application. The focus however was on the reserved matters application which was in compliance with that set out at outline stage with appropriate conditions.

Alderman Smith understood the concerns of the residents and given the comments expressed by Head of Planning he felt there was no choice for the Committee other than to accept the recommendation.

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Cathcart, that the recommendation be adopted and that planning permission be granted.

4.2 LA06/2020/1220/F - 102 Comber Road, Killinchy - Erection of agricultural shed (proposed) and creation of laneway (retrospective)
(Appendix II)

DEA: Comber

Committee Interest: A Local development application 'called-in' to Planning Committee from the delegated list by a member of that Committee.

Proposal: Erection of an agricultural shed (proposed) and creation of laneway (retrospective)

Site Location: 102 Comber Road, Killinchy

Recommendation: Refusal

The Head of Planning outlined the detail of the application which was for the erection of an agricultural shed (proposed) and creation of laneway (retrospective) at 90m SW of 102 Comber Road, Killinchy. The application was before members due to a call in from Alderman McIlveen. The recommendation was to refuse planning permission. No objections had been raised from 3rd parties.

While there was no material planning history on the site, a previous application in the 80's for a dwelling; application was refused and in 2003 an application for a dwelling adjacent to this application site was made by the applicant for a retirement dwelling X/2003/1465/O which was withdrawn.

The application site was located in the countryside within an AONB. The site consisted of a stone lane which ran parallel to a field boundary which provided access to the application site on the northern section of a field. The site had three natural boundaries with one boundary remaining undefined. The lane appeared to be of relatively recent construction and in sections rose over 0.5m above the adjacent field level. The intervening field rises from the road which served to essentially screen any material views of the site. The wider area was rural in character but there were a number of roadside properties dotted along the main road.

The relevant policy in the consideration of a proposal was CTY12 of PPS 21. The starting point for the assessment of this policy was establishing if there was an active and established business and holding.

For this particular proposal it had been demonstrated and was accepted that the farm was active and established and that an assessment of the policy tests could be considered.

CTY 12 provided for development on an active and established agricultural or forestry holding where it was demonstrated that:

- a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- b) in terms of character and scale it is appropriate to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and

- e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

The policy directed new buildings to be sited beside existing farm buildings. The applicant lived approximately 1 mile from the site as the crow flies and the site was 3 miles by road. With regard to the SPPS in relation to the application – it largely echoed the provisions in relation to agricultural development and says that ‘new buildings *must* be sited beside existing farm buildings’an alternative site away from existing buildings will only being acceptable in exceptional circumstances”;

Members were asked to note that the test or bar for exceptional circumstances was set very high.

Further clarification was provided in CTY12 in that consideration may be given to an alternative site provided;

- 1) there are no other sites available at another group of buildings on the holding, and
- 2) where it is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons.

The applicant’s domestic curtilage and associated field were 1.3ha and it would be considered that the site could accommodate the proposed agriculture shed (200sq m) as required by the policy as it would be grouped with existing buildings.

A supporting statement justifying the proposal stated that while there were primary group of buildings at the applicant’s land, they were currently all in operation being operated by the applicant’s son for a vehicle repair business. At a recent site visit however by a planning officer it was observed that there was an agricultural shed on the site not being used for any repair business

The supporting statement also argued that there was a limited width of a lane leading to the applicant’s home – 2.4m and therefore would not be appropriate for agricultural vehicles. The lane was also shared with another two properties so it was suggested a shed at this location would be detrimental to residential amenity.

It was acknowledged that the lane was narrow – but that was not exclusive to this particular farm holding – it had not prevented the applicant from building sheds and the operation of a business from the holding. Clearance of land and areas of hardstanding had been created which presumably would have required the use of heavy machinery.

Two other properties were served by the laneway, again not an uncommon arrangement in the countryside and the impact on residential amenity would not be materially greater using the lane to the applicant’s house than using the proposed lane on the Comber Road.

It would be the opinion that the reasoning provided for the justification of requiring an agricultural shed did not meet the exceptional circumstances test or be due to health and safety reasons.

In summary, whilst acknowledging the particular circumstances of each application, the Council's Planning Department had sought to apply the policy in a consistent manner.

The approval of the proposed development would have the potential to create a precedent for future applications that would undermine the policy. Compliance with planning policy was in the public interest and a matter of acknowledged importance. It was considered that the argument put forward, that of residential amenity for dwelling along the applicant's laneway and a narrow lane were not exceptional circumstances justifying the setting aside of planning policy.

The refusal of planning permission was therefore recommended.

The Chairman invited questions from Members for the Head of Planning.

Councillor Martin referred to the executive summary which stated 'Under Part 7 of the Planning (General Permitted Development) Order (NI) 2015 'Agricultural Buildings and Operations' the proposed access does not constitute permitted development as it is required in connection with development for which an application for planning permission is necessary. The new access is proposed onto a protected route and as the agricultural shed does not meet the criteria for development in the countryside it is also contrary to PPS 3 (Access, Movement and Parking) Policy AMP 3'. Councillor Martin asked if the assessment was contingent on CTY12. The Head of Planning advised that DfI had expressed no objection and had not commented on the fact that the Comber Road was a protected route. She outlined that there was provision granted within the legislation for agricultural laneways. However, the laneway was constructed to lead to the agricultural shed. The Head of Planning outlined the PD legislation in respect of access onto a protected route which stated;

"That permission granted by the Schedule shall not, except in relation to development permitted by Parts 10, 12 and 23, authorise any development which requires or involves the construction, formation, laying out or alteration of a means of access to an existing road which is a special alteration of a means of access to an existing road which is a special, trunk or classified road or which creates an obstruction an obstruction to the view of persons using any road at or near any crest, bend, corner or junction or inter-section so as to be likely to cause danger to such persons".

Also, Part 7 (Class C) further clarifies that agricultural access is not permitted if it is required in connection with development for which a planning application is necessary".

In response to further questions from Councillor Martin, the Head of Planning explained that farmers were afforded some permitted development rights as it was recognised they carried out a range of work. As this proposal was the first structure

on the land it required planning permission and the proposal was viewed as intensification of a laneway onto a protected route. The Head of Planning outlined that the applicant owned the site as well as some surrounding land. She highlighted the need to ensure precedent was not set in the area. Once planning permission was granted for one shed, permitted rights were afforded to others sheds for farmers. The Head of Planning stated that a Planning Officer had recently visited the site and there was a shed that was not being used that could be used for agricultural means and there was room within the holding.

Councillor Martin noted that the key point was there were other sites available. He questioned the implications if such application was accepted. The Head of Planning explained that during the assessment of the application there were no arguments put forward that were considered as exceptional circumstances. It was not uncommon for farmers to have fields in various sites. Three miles was not considered to be far away from a holding. The policy needed to be applied in a consistent manner and such approval would set aside policy which protected the countryside.

Councillor Cathcart referred to the distance from the dwelling and the proposed shed and questioned what was deemed reasonable in terms of the functionality of the farm. The Head of Planning stated that it was not an uncommon arrangement for livestock to be grazed separately from the farm holding. The distance was not deemed unreasonable to transport any livestock. The Case Officer had carried out several site visits and there was no evidence of livestock on the holding. Farmers tended to prefer their sheds to be located close to their farm holding in particular for security reasons.

Councillor Cathcart referred to the third refusal reason in respect of the protected route and that it would prejudice the free flow of traffic and road safety yet DfI had not expressed concerns. The Head of Planning explained in this instance Planning officers had the power to recommend the refusal reason given the legislation described.

Councillor Wray questioned in this situation what would be an exceptional circumstance and asked if the applicant had been asked if there was livestock on the land. The Head of Planning stated that there was capacity at the holding and from the information put forward nothing was deemed to be an exceptional circumstance or matters which were uncommon in farms. She referred to a previous appeal decision which was a material consideration.

Councillor McCollum sought clarity that CTY12 directed new buildings to be sited next to existing farm buildings. In this instance there was a field adjacent to the applicant's dwelling which could house the shed. The Head of Planning confirmed that there was an empty shed or there was enough room at the holding to construct the proposal.

The Chairman sought clarity that no information had been forwarded to state why it was essential to have the shed on the alternative site. The Head of Planning advised that no reference had been made. It was acknowledged that the laneway at the holding was narrow however that was not an exceptional circumstance.

Alderman Graham noted that due to the typography of the site the proposal would be shielded from the main road. In terms of visual integration, the application was deemed acceptable. However, once there was a structure in place that allowed for permitted development. In response to a further question from Alderman Graham, the Head of Planning stated that the report stated that the scheme map showed a holding of 6.81ha across five fields and the fields were grouped around the site.

Alderman Graham felt it was hard to determine what was an unacceptable distance to travel in a tractor. For example, he referred to the transportation of hay bales which would require multiple journeys in a tractor onto a public road. Having such facilities available on site allowed for those journeys not to occur.

The Chairman asked that Mr Conor Cochrane be admitted to the meeting via zoom who was speaking in favour of the application.

Mr Cochrane (Agent) wished to highlight a number of points which provided justification as to why he disagreed with the planners' recommendation of refusal. The first policy test that must be satisfied for agricultural proposals was for applicant to demonstrate a site specific localised need, in light of that the applicant had provided a robust evidence base to prove that the landowner currently operated an active and established farm holding and was currently in receipt of single farm payments. DAERA had been consulted on the application who also confirmed that the farm was active and established which satisfied that provision of the policy. With regards to the CTY12 policy test which required the applicant to demonstrate a need for the proposal - to satisfy that, a suite of information was provided to the Planners which set out details of the size, scale, operations associated with the farm holding. The Planners noted concerns with the need for the proposal to be located away from the main house. In response to that, the applicant lived three miles away from the proposal site and whilst that was relatively close in proximity in general terms it was problematic for the applicant. Following the expansion and purchase of 25 sheep in recent months, the shed was required to be situated at the subject site. Furthermore, the existing access into the main farm holding was not fit for purpose as it was too narrow and did not cater for the machinery and articulated movements required. This site utilised an existing access which was much safer and more efficient for the applicant. While the planners considered that the existing access lane was usable, he would disagree entirely. The applicant's farm was expanding and there was a need to accommodate safe maintenance activity. The applicant was intending to purchase another 50-70 sheep at the end of the year and the shed was needed for the storage of meal, hay and for veterinary purposes. Mr Cochrane outlined a number of items of heavy machinery that would need to be stored at the proposed shed with a lot of equipment being too large to fit down a problematic access at the home address. He considered that the design approach was entirely acceptable and well integrated into the rural setting. All consultees had provided positive responses with DfI considering the access arrangement to be appropriate. To provide clarity in respect of the protected route, Mr Cochrane stated that the protected routes policy test was a planning matter which Planning Officers had the discretion to engage or disengage. The exceptional policy test under PPS21 only engaged that policy test if the exceptional test was not met. The applicant was in great need for the shed at the location, the farm enterprise was expanding and there was a need to cater for his

farm at the proposed location. In finishing, Mr Cochrane contended that the exceptional policy test had been met.

The Chairman invited questions from Members for Mr Cochrane.

Councillor Martin referred to the items of machinery that were listed and asked if that information was provided to planning officers. A lot of the proposal seemed to be contingent on CTY12 and the reasons behind the need. Mr Cochrane stated that the Planning Officers and himself had been back and forth in communication for a number of months. There had been three addendums and countless emails clarifying the operational needs of the applicant. He accepted when the application was submitted that had lacked operational detail however subject to the Planners' concerns further evidence had been provided. He did not disagree in principle in applying the policy test however he felt there was a need to consider the exceptional policy test and what exceptional meant. There could be sites available at the home farm however the applicant owned over 6ha of land further down the Comber Road. The access at the home farm was not fit for purpose and by applying the exceptional policy test that was forcing articulated movements onto a protected route and to the proposal site. That was not a sustainable and he contended that was not a pragmatic approach to address the agricultural uses.

Alderman Graham asked how much land was at the primary group of buildings. Mr Cochrane clarified that there was 6.8ha of land at the new proposed farm shed location and 1.3ha at the home farm. As the applicant's farm was expanding the new location, closer to the Comber Road was going to be extensively more farmed and therefore a shed was required at the location.

Alderman Graham referred to the new stone lane and where it joined the road he questioned if that was a shared exit. Mr Cochrane advised that access lane was entirely for the applicant's own needs and there was no shared access.

Alderman Smith noted that Mr Cochrane comments regarding the unsuitability of the home farm area and highlighted that there was a car mechanic business already operating and he wondered if that made the case that the access was viable as it was being used by a considerable number of vehicles. Mr Cochrane stated that the lands were extensive and reiterated the vehicular requirements and articulated movements required for the sustainable operation of the new farm holding. To have that access with the car business and for domestic purposes was not viable and would require a third access to be constructed onto the protected route. The laneway at the proposed location was maintained to a safe standard.

The Chairman wished for clarity on the existing access noting the application was for a retrospective laneway. He questioned when the access was opened. Mr Cochrane clarified that the application was not retrospective. The application was purely for a new shed to be located and the existing lane was retrospective however any existing maintenance associated was within permitted development rights. The lane existed prior to its maintenance.

As there were no further questions for Mr Cochrane, he was removed from the meeting and re-admitted to the virtual public gallery.

The Chairman invited questions from Members for the Planning Officer.

In response to a question from Alderman Smith regarding the exceptional circumstances, the Head of Planning stated that despite hearing the comments from the Agent she would still be of the view that the proposal did not engage an exceptional circumstance. With regards the points raised, it was clear that the land was being farmed. The machinery listed could not all be accommodated in the size of shed proposed. She contended that the application was listed correctly, the laneway required planning permission. In respect of comments made regarding a third access, the Killinakin Road was not protected. No reference had been made to widening the existing lane rather than creating a new access. The application had been thoroughly assessed and nothing had been put forward to show an exceptional case.

Councillor Martin noted that the application was contingent on the exceptional circumstances. He felt conflicted regarding the application. He asked the implications of the application was overturned for future decisions. The Head of Planning stated that it was important to set out the parameters on what was being assessed. She referred to CTY12 explained the assessment to Members. She contended that the policy had been applied in a consistent matter and been given full consideration.

RECESS

The meeting went into recess 9.07 pm - 9.20 pm.

Councillor McCollum sought clarity that CTY12 directed that new buildings must be sited by existing farm buildings unless there were exceptional circumstances and the applicant had not made a case for exceptional circumstances. The Head of Planning confirmed that was correct.

Councillor Wray recalled reading in the Case Officer's report that the mechanical and vehicle repair business was unauthorised. Without going into the detail, the Head of Planning confirmed that the business operated on the holding appeared unauthorised. An enforcement case had been opened in that regard.

The Chairman questioned if that was for the use or the building. The Head of Planning stated that it was for both. The enforcement case was at an early stage in the process.

Proposed by Councillor Morgan, seconded by Councillor Wray, that the recommendation be adopted and that planning permission be refused.

On proposing the recommendation, Councillor Morgan stated that she could not see an exceptional case had been made and therefore the application should be refused.

Councillor Wray concurred and agreed with the recommendation.

The Chairman stated the difficulty was what the exceptional circumstances might be and that was a subjective test. He was mindful of the representations made and was unsure if he could support the proposal.

Alderman Graham also had reservations with the proposal and did not feel the Committee could second guess what was the efficient running of the farm business.

The proposal was put to the meeting and declared CARRIED with 8 voting FOR, 3 AGAINST, 2 ABSTAINED and 3 ABSENT. The voting resulted as follows:

FOR (8)	AGAINST (3)	ABSTAINED (2)	ABSENT (3)
Aldermen	Aldermen	Councillors	Councillors
McDowell	Graham	Cathcart	McLaren
Smith	McIlveen	Martin	McRandal
Councillors	Councillor		Woods
Creighton	Kerr		
McCracken			
McCollum			
McKee			
Morgan			
Wray			

- 4.3** **LA06/2022/0904/F - Sir Samuel Kelly Lifeboat Shelter, Copelands Marina Car Park, Donaghadee - Retention of temporary curved box steel frame shelter/canopy over a vessel for restoration purposes for a further 5 years. Extension to site area including ancillary mobile unit/exhibition space, disabled access ramp and 2.4m high perimeter fencing**
(Appendix III)

DEA: Bangor East & Donaghadee

Committee Interest: Land in which the Council has an interest.

Site Location: Sir Samuel Kelly Lifeboat Shelter, Copelands Marina Car Park, Donaghadee

Recommendation: Approval

(Councillor Morgan withdrew from the meeting – 9.29 pm)

(Councillor McCollum declared an interest and withdrew from the meeting)

The Principal Planning Officer (C Blair) outlined the detail of the application. The application was before members as it was situated on land leased by the Council. One representation was submitted, which had been fully considered within the case officer report.

Members should note that initially the plans submitted for the exhibition room building were for a grey 'Plastisol' temporary portacabin. The use of those materials was not deemed appropriate for the coastal setting. Consequently, amendments were received to visually enhance the structure incorporating changes to the use of materials with stained timber boarding on the elevations and torch on felt for the roof.

All the statutory consultees were content; with NIEA Water Management Unit recommending a standard condition to ensure that all construction activity shall be confined within the site boundaries.

A further condition had been attached to ensure that restorative works within the site were limited to between the hours of 8am and 8pm. That was to protect the amenity of neighbouring residents.

Members should also note that there was planning history directly associated with the application site under LA06/2018/0290/F which was granted temporary permission for five years on 5 September 2018 for "Temporary Curved Box Steel Frame Shelter/Canopy over a vessel for restoration purposes."

The planning history demonstrated that the temporary shelter/canopy element had previously been accepted in principle by the Council (it was before the Planning Committee on 4 September 2018). The previous approval remained a material planning consideration relevant to the determination of this current planning application.

The Officer referred to the visual displaying the existing structure and fencing as a Google Earth image.

The site was located within the car park Northwest of Copelands Marina. The existing site was located directly adjacent to, and grouped with, other boats that occupy the Southeast quarter of the car park.

Adjacent and east of the site, was the coastal path leading to the Commons. There were a variety of uses in the wider area including residential to the west in particular, as well as community and retail.

Turning now to the policy consideration for the application, the Ards and Down Area Plan 2015 was the current local development plan for the area. The site was located inside the settlement limit where development is looked upon favourably.

The path immediately to the east/northeast of the site falls within the "Commons and Coastline" Local Landscape Policy Area, however the retention of the shelter/canopy and proposed modest additions do not have any adverse impact on the designated area or obstruct access to the coastal walk.

The Planning Officer outlined that Policy TSM1 of PPS 16 stated that planning permission would be granted for tourism development within settlements that was appropriate in nature and respects the site context in terms of scale, size and design.

As could be seen from the visuals, the Planning Officer highlighted that the existing shelter/canopy was to be continually retained as was approved under the 2018 application. It measured approximately 19m long, 7.5m wide and 5.5m high. The proposal would also include the addition of a small exhibition room with disabled ramp access and fencing. The compound area itself needed to be extended further west by 8m into the car park to accommodate the provision of those facilities.

The exhibition room was to be sited adjacent and to the front of the lifeboat shelter and would measure 10m long by 3m wide by 2.86m high to its ridge.

Its layout, scale, size and amended design were in keeping with the context of the area with the adjacent boatyard to the south, car park area to the north and west and the former vacant bus station site further north. The residential properties beyond the car park boundary to the west along Railway Street, Edward Street and William Street were 30m away at their closest point from the exhibition room and 38m from the boat shelter/canopy. The proposal would therefore have no adverse impact on neighbouring residential amenity given those distances and whilst views of the sea may in part be obstructed, that was not a material planning consideration.

The addition of the exhibition room would ensure that visitors could understand and appreciate the history and heritage of the Sir Samuel Kelly Lifeboat whilst it was continuing to be restored at this current location and therefore it was considered that the proposal meets the requirements of policy TSM 1 of PPS 16.

In terms of access, movement and parking there was no impact on the surrounding car park with ample space for vehicle movement and turning, including coaches.

Given that the proposal was located within an existing car park area there was no adverse visual or physical impact on the designated coastal area or the listed Donaghadee Harbour approximately 300m north of the site.

In summary, the Planning Officer detailed that it was considered that this application for temporary permission of five years for the proposed retention of the lifeboat shelter/canopy to carry out ongoing restoration works and new exhibition structure with access ramp and fencing was acceptable in principle, did not cause any adverse impact on the surrounding context of the area or nearby residential amenity, and was considered to be a valuable tourism asset for Donaghadee and the Borough as a whole. Additionally, as that was a temporary approval and not the permanent location for the boat the boat shelter canopy and exhibition room would be permanently removed upon the completion of the restoration works within the next five years.

The recommendation was to grant full planning permission.

Proposed by Councillor Cathcart, seconded by Councillor Wray, that the recommendation be adopted and that planning permission be granted.

Councillor Cathcart felt the application sought for a simple retention of what was already in place with the addition of some features which were appropriate for the site. He noted the objection received in respect of visual impact however no-one had the right to a sea view. The attraction was for tourists and he welcomed attraction to the area.

Councillor Wray noted that the permission was for five years with the group looking for a permanent place to display the heritage and restore the boat. The Sir Samuel Kelly Lifeboat was a marine heritage asset and integral heritage and educational

value. It enhanced the location and was of the understanding that the proposal had wide support from the local community.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor Wray, that the recommendation be adopted and that planning permission be granted.

Councillor McCollum returned to the meeting.

5. UPDATE ON PLANNING APPEALS (Appendices IV - VI)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching 2022/A0075, 2021/E0076 and Commission Cost Decision. The report provided the undernoted detail:-

Appeal Decisions

1. The following appeal was dismissed on 09 August 2023

PAC Ref	2022/A0075
Application ref	LA06/2021/1481/O
Appellant	Mr. Ivan Robinson
Subject of Appeal	Erection of an off-site replacement dwelling with new access to Ravara Road
Location	Approx 185m SW of 25 Ravara Road, Ballygowan

The Council refused planning permission on the 21 June for the following reasons:

- i. 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.
- ii. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal will be a prominent feature in the landscape and will rely primarily on the use of new landscaping for integration.
- iii. The proposal is contrary to paragraph 6.73 of SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal has an adverse impact on rural character and result in suburban style build-up of development when viewed with existing and approved buildings and creates a ribbon development.

The Commissioner first advised as a preliminary matter that Policies CTY 3 and CTY 8 of PPS 21 should also form part of the appeal consideration. These inadvertently had been omitted by the Council in its refusal reasons on the decision notice. The Commissioner was of the opinion that no prejudice had been caused following the period of time provided for the appellant to comment.

The Commissioner did not dispute the position held by all parties that the building to be replaced exhibited all the essential characteristics of a dwelling and that an off-site location would be appropriate due to the restricted curtilage of the original dwelling. However, the Commissioner agreed with the Council's view that the proposed off-site location of the replacement dwelling would have a significantly greater visual impact than the dwelling to be replaced.

The Commissioner stated that due to the lack of boundary definition the proposal would be a prominent feature in the landscape when approaching the site from the west, which also fails to meet criterion (a) of CTY 14. As such the Commissioner found that the proposal would not integrate into the landscape and was contrary to Policy CTY 3.

In terms of the second reason for refusal under CTY 13, given that the proposal would require significant new landscaping to achieve a suitable degree of enclosure, it was found that the proposal would fail to adequately integrate into the landscape.

The Commissioner found that the proposal failed to comply with criterion (b) of CTY 14. The appeal site provides some visual relief in the rural area and the proposal would contribute to the existing development in general when viewed with the buildings to the south of Ravara Road and would add to the suburban style build-up in the area.

In terms of criterion (d) of CTY 14, this is cross-referenced with policy CTY 8. It was found that the proposal would not be visually linked with the existing commercial-type buildings and farm complex beyond (No.25). The Commission also considered that the siting of the proposed off-site replacement dwelling would not share common frontage to Ravara Road as the plot on which the proposal would stand does not abutt the road. The Commissioner considered that the proposal would not create or add to ribbon development and therefore policies CTY 8 and criterion (d) of CTY 14 are not offended.

Finally, the Commissioner was not provided with any persuasive arguments that the proposal was essential in this location and could not be located in a settlement.

2. The following appeal was allowed and Enforcement Notice quashed on 3 August 2023

PAC Ref	2021/E0076
Application ref	LA06/2016/0326/CA
Appellant	Mr. Robert Busby
Subject of Appeal	The alleged unauthorised change of use from farm building identified as Building A on the Enforcement Notice map to commercial butchers unit; the alleged unauthorised change of use from farm building identified as Building C on the Enforcement Notice map to a retail farm shop; and the alleged unauthorised use of an area of hardstanding hatched green on the Enforcement Notice map as a car park.

Location	Land at 40 Comber Road, Balloo, Killinchy
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The appeal was brought on Grounds (c), (d), (a), (f) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011 (the Act). There is a deemed planning application by virtue of Section 145(5). At the hearing, the appellant withdrew Ground (c), and (f) of appeal. The appellant also withdrew concerns in respect of the Enforcement Notice (the Notice) being a nullity. The appeal on grounds (d), (a) and (g) remained.

At the hearing, the Council stated that planning permission had been granted on 9 March 2023 for the Car Park and the change of use of Building C by application LA06/2022/0137/F. In accordance with Section 148(1) of the Act, the Notice shall cease to have effect so far as inconsistent with that permission. Accordingly, Part 3 (1) and (2) and Part 4 (1) and (2) of the Notice cease to have effect.

Appeal ground (d) is set out to consider immunity – it requires - that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.

Section 132 of the Planning Act sets out time limits for taking enforcement action. In accordance with Section 132 (3), in the case of any other breach of planning control, no enforcement action may be taken after the end of the period of 5 years beginning with the date of the breach.

As part of the appeal the appellant submitted significant information, that had not been previously provided. The Commissioner was satisfied that the submitted evidence demonstrated that the retail use of Building A is immune from enforcement action and that the use had at no time been abandoned.

As such the Commission found it unnecessary to consider the remaining grounds of appeal or the deemed planning application. The Enforcement Notice was therefore quashed and the Council was moving to close its enforcement case.

New Appeals Lodged

3. No appeals had been lodged since the date of the last report.

Appeals Withdrawn

4. The following appeal was withdrawn on 10 August 2023:

PAC Ref	2021/E0070
Application ref	LA06/2020/1115/F
Appellant	Mr & Mrs Howard Hastings
Subject of Appeal	1) Alleged unauthorised infilling and raising of the land without the benefit of planning permission. 2) Alleged unauthorised construction of a timber retaining structure
Location	Land at 27 Station Road, Craigavad, Holywood

The above appeal was withdrawn following the determination of the planning application LA06/2020/1115/F, which was granted full planning permission on 11 May 2023 for –

“Retention of dwelling approved under W/2014/0177/F, including alterations to fenestration of approved dwelling, revisions to patio/terrace area, landscaping and associated ground retention to include existing timber retaining structure. Also proposed amendment to existing development to include new 'Macwall' block wall to facilitate culverting of existing small watercourse which runs adjacent to boundary with No. 29 Station Road.”

As was outlined above this approval retrospectively granted the changes to the landscaping and associated ground retention and included the existing timber retaining structure.

Section 148 of the Planning Act (Northern Ireland) 2011 deals with this matter to which the Enforcement Notice breaches relate. It states –

“148— (1) Where, after the service of—

(a) a copy of an enforcement notice; or

(b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission. (Emphasis added).

This statutory provision is not discretionary but rather mandatory. As such, given the inconsistency between the EN and the retrospective planning permission that the EN ceases to have effect against the unauthorised development the subject of the EN as particularised in paragraph 3 of the EN itself. In so granting the Appellant permission the EN effectiveness fell away by the operation of Section 148(1) of the 2011 Act.

The continued pursuit of planning enforcement against unauthorised development now granted planning permission is considered nugatory.

Given the outcome of the above planning application to grant permission under LA06/2021/1115/F on 11 May 2023 the Council had no option but to withdraw the Enforcement Notice as per section 148 of the Act.

The appellant submitted a Costs Claim to the PAC on 20 June 2023. The Council submitted its response to the claims on 19 July 2023. The PAC issued its decision to deny costs to the appellant on 10 August 2023 and as such the Council had withdrawn its notice and moved to close the enforcement case.

Details of decisions were attached to the report.

Details of appeal decisions, new appeals and scheduled hearings can be viewed at www.pacni.gov.uk.

RECOMMENDED that Council notes the report and attachments.

The Director provided an overview of the report for Members.

AGREED TO RECOMMEND, on the proposal of Alderman Smith, seconded by Alderman Graham, that the recommendation be adopted.

6. NIW FENCE AT SEACOURT PUMPING STATION – UPDATE
(Appendices VII - IX)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching Item 6a - Letter to DFI, Response from DFI and Letter to NIW. The report detailed that the purpose of that report was to update Members on the responses received to correspondence sent to both the Department for Infrastructure (DFI) and Northern Ireland Water (NIW) in relation to the fence erected around Seacourt Pumping Station, Bangor.

The Council at its meeting of 5 July 2023 resolved the following proposal:

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor McRandal, that the Council and the general public remain dismayed at the erection of the fencing around Seacourt Pumping Station, regardless of its lawfulness under permitted development rights. The Council continues to consider that the fencing is detrimental to the coastal environment, and fails to maintain or enhance the quality of this coastal landscape, and urges NI Water to remove it. If NI Water consider that there is a need for health and safety risk mitigation infrastructure at the site then we ask that NI Water engage with Council with a view to identifying and agreeing solutions that are sympathetic to the area and the natural environment and capable of enjoying the support of the general public and elected representatives.

Furthermore Council notes with concern that the permitted development rights afforded to NI Water under Part 14 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 effectively mean that there are no constraints on the size and type of fence structure that NI Water could erect at Seacourt pumping station. Council will therefore write to Department for Infrastructure to highlight this legal loophole and to request urgent review of the law in order to nullify detrimental impacts that developments such as this fence could have on coastal landscapes and other protected landscapes."

Attached to the report were letters written to each DFI and NIW, and the response received to date from DFI. Officers were following up the request to NIW and would report back as appropriate.

RECOMMENDED that Council notes the content of this report and attachments.

The Director outlined the content of the report.

Proposed by Councillor Cathcart, seconded by Councillor Creighton, that the recommendation be adopted.

Councillor Cathcart expressed his disappointment with the response however was not surprised.

Councillor Creighton felt it was regrettable that the DfI were refusing considering looking at the legal loophole and there was no Executive in place to direct DfI on the matter. She noted that a response from NI Water was awaited and she hoped that was because the matter was being given serious consideration.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor Creighton, that the recommendation be adopted.

7. UPDATE ON PLANNING STATISTICS (Appendix X)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching Annual Statistical Bulletin 2022-23. The report detailed that purpose of this report is to update Members on the publication by DfI of the annual finalised results of Northern Ireland planning statistics April 2022 – March 2023, and to provide an update on Quarter 1 of 2023/24 (unvalidated information).

Members would be aware that statistics for Quarter 3 and 4 of 2022/23 were unable to be provided previously due to issues with extraction of data from the new Planning Portal system which launched in December 2022. Those quarters were included now within the annual figures, and can be viewed within the statistical tables available here <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2022-march-2023>.

The commentary alongside the publication notes the following:

'During the last two years there have been some key events that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022. All these factors should be borne in mind when interpreting these figures and when making comparisons with other time periods.'

There continue to be issues regarding extraction of figures for Enforcement, which the Department advises will be made available in due course.

The following table details the performance for Ards and North Down against the statutory performance indicators.

Majors	Received	Decided	Approved	Average Processing Time (target 30 wks)
Quarter 1	1	2	2	53.6
Quarter 2	1	0	0	-
Quarter 3	2	1	1	132.4
Quarter 4	0	0	0	
Total	4	3	3	62

Majors - Quarter 1

LA06/2020/0823/F was decided for 29no. dwellings on Lands at 160 High Street, Hollywood, a site located within the draft Area of Townscape Character with trees protected by a Tree Preservation Order, some amended plans were required in order to satisfy officers regarding a recommendation of approval.

LA06/2021/1293/F was also determined for a replacement primary school in Crawfordsburn, and processing was delayed due to requirements from DfI Rivers.

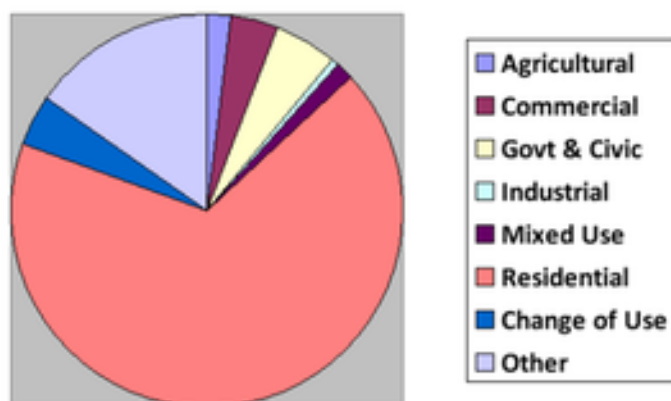
Majors - Quarter 3

LA06/2020/0097/F for redevelopment of Queen's Parade was approved by Members in January 2021, however, had to be notified to the Department for Infrastructure (DfI) as the Council proposed to approve the development contrary to DfI Rivers' advice. The then Minister advised Council in March 2022 that she did not consider the application required to be called in to her Department. Prior to re-determination by the Council the various phasing plans were amended to incorporate required road works and improvements required by DfI Roads and proposed conditions further refined. Due to the need for an accompanying legal agreement, the decision notice could not be issued until the agreement had been executed among the interested parties of the Council, the Department for Communities and the developer, and was issued in Quarter 3. The decision notice was dated 29 September, but system had recorded date of issue as 03 October, therefore placing the determination in Quarter 3 as opposed to Quarter 2.

Locals

Locals	Received	Decided	Approved	Average Processing Time (target 15 wks)
Quarter 1	230	270	256	23.4
Quarter 2	235	300	291	21.3
Quarter 3	228	173	166	15.1
Quarter 4	244	245	239	17.8
Total	937	988	952 (96.4% approval rate)	19.9

Of the application received during this time period, the development types were as follows:



Householder Development

Of the local applications determined above, 81 applications fell within the 'householder development' category of development, i.e. applications for alternations to an existing dwelling such as extensions, conservatories, loft conversions, or outbuildings within the boundary of a dwelling. Planning Service operates an internal target processing time of 8 weeks for householder development applications. In 2022-2023, 37 applications were determined within 8 weeks (46%) whilst of the 81, 65 were determined within the statutory target of 15 weeks (80%). Of the remaining 16 determined outside of 15 weeks, review of the cases indicates submission of amended plans or other information during the course of processing to address either objectors' concerns, consultees (such as HED) or planning policy considerations.

Additional Activity

In addition to the above planning applications, it is important to draw attention to additional work carried out within the Development Management Section which is not reported upon. Additional activity details the "non-application" workload of the Planning Service, and includes Discharge of conditions, Certificates of Lawfulness (Proposed & Existing), Tree Preservation Orders (TPOs)/ Consents to Fell Trees in Conservation Area, Pre-Application Discussions (PADs), Proposals of Application Notice (PANs) and Non Material Changes. Preparation of Statements of Case for appeals and attendance at hearings was not detailed.

Type	Received	Determined
Discharge of Condition	81	60
Certificate of Lawfulness	60	44
Non Material Change	47	39
Pre Application Discussion	40	-
Proposal of Application Notice	6	-
TPO	56	38

For PADs and PANS, only the received cases were included in the table as it was not considered appropriate to report on decided/withdrawn cases or processing times for those types of activity.

2023/2024 Quarter 1 – Unvalidated Information

DfI Analysis, Statistics & Research Branch is working to finalise the data for Q1 2023/24, a publication date was yet to be set; however, information was provided below, which has yet to be validated.

Quarter 1	Received / New Enforcement cases Opened	Decided / Enforcement cases concluded	Average Processing Time (wks)
Majors	0	1	93.4
Locals	198	242	15.2
Enforcement	100	72	Not available

In respect of the one application determined in the major category of development, **LA06/2021/0817/F** pertains to a proposal for 58no. dwellings on land zoned for housing off the Ballygowan Road, Comber.

Further to submission and consideration of a number of amendments and supporting information, the application was presented to Planning Committee in December 2022, when officers explained that a planning agreement was required to ensure that the developer entered into an agreement with NIW under Article 161 of the Water and Sewerage Services (NI) Order 2006. The decision notice was not able to be generated until the legal agreement had been executed, and therefore the decision notice was dated 17 May 2023.

In respect of Householder Development applications, 113 decisions were issued, 74 were issued within 8 weeks (65%) however, 98 were issued within 15 weeks (87%).

RECOMMENDED that Council notes the content of this report and attachment.

The Director outlined the detail of the report for Members.

Councillor Cathcart referred to previous discussions regarding the delays in processing planning applications and he asked if Planning Officers had been more rigorous in allowing amendments. The Director stated that she hoped to bring an update to Committee the following month with regards the performance improvement programme, lobbying of DfI had been carried out in respect of the statutory validation list. The bar was set low for having a planning application made valid and delays could commence from early stage. They had asked DfI to allow for legislation to stop the number of amendments and late objections to the process. DfI had advised that it had looked at the matter but did not propose to introduce legislation. Therefore, Planning Officers did not have the legal basis to decline to accept amendments.

Referring to the local processing times, Councillor Cathcart referred to Mid and East Antrim and asked if Planning had looked into what that Council were doing in terms of their quick processing times.

The Director stated that the statistics did not detail the number of staff that were dealing with planning applications and may not provide the same level of detail within Case Officer's reports. In this particular Borough, there were vocal and legal-minded objectors. Council's legal advisors stated that the Case Officer's report must be robust and address all matters. Workshops had been held with Officers to refine the

information however a simple extension or development application could be subject to extreme objection or be called in which caused delay. Officers tried to progress applications to a positive outcome and that could often took time. Officers were mindful of the number of objections they receive and the information that needed to be considered.

Councillor Cathcart asked if Planning had adequate staff and resources to meet the targets. The Head of Planning stated that the processing times were dependent on the types of applications. With the fee increase, she hoped to recruit an additional member of staff to assist with the Tree Officer however she had no firm proposal in that regard.

Councillor McCracken referred to the length of time it took statutory consultees to respond and asked if there were any steps that could be taken to build relationships and speed up those response times. The Director stated that generally there was a good relationship with statutory consultees. She explained that under the voluntary redundancy scheme DfI Roads and Rivers had lost a number of experienced staff and the Department did not have the money to replace those staff. Therefore, there were considerable vacancies and skills gaps. The planning improvement programme was being addressed but not quickly. The Director reassured members that those matters had been raised.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Councillor Cathcart, that the recommendation be adopted.

8. REVIEW OF COUNCIL DECISIONS

(Appendix XI)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching details of previous decisions. The purpose of the report was to provide an overview of decisions made by Council on planning applications since the transfer of planning powers in April 2015.

Members would be aware that the majority of planning powers transferred to local authorities in April 2015. The Council's Scheme of Delegation set out those categories of application which would be considered by the Planning Committee in addition to the mandatory categories, with all other decisions being delegated to authorised officers.

The Protocol for the Operation of the Planning Committee sets out at paragraph 90 that Members of Planning Committee should on an annual basis inspect a sample of implemented planning decisions in order to assess the quality of decision-making. The sample should include decisions delegated to officers to provide assurance that the Scheme of Delegation was operating effectively and in line with the Council's views.

To date no such review had taken place.

Recommendation 7 from the Northern Ireland Audit Office's Report on Planning in Northern Ireland, published February 2022, was as follows:

Planning committees should ensure that they regularly review a sample of their previously determined applications, to allow them to understand the real-world outcomes, impacts and quality of the completed project. Councils should ensure that they review a range of applications, to ensure that it is not only focused on those applications that tell a good news story about how the system is working. Lessons learned from this process should be shared across all councils.

This recommendation was further endorsed by the Public Accounts Committee in its report dated March 2022 with the following commentary:

"Without any review of past decisions, it is hard for those who make decisions to properly understand how the outcomes of those decisions impact on the communities around them. A key means of improving the quality of future decisions must be to reflect on the consequences of planning decisions."

The attached report provided a range of detail on past decisions, both delegated and Planning Committee, implemented and unimplemented, and includes applications which were called in to Committee on basis of number of objections, or whereby the Council received complaints from objectors as to the decisions made.

As part of the Planning Improvement Programme, which had evolved from the outcome and recommendations of the above reports, the Council would be providing the attached report to the Department for Infrastructure as appropriate.

RECOMMENDED that Council notes the content of this report and attachment.

The Director spoke to the report highlighting the salient points.

AGREED TO RECOMMEND, on the proposal of Councillor Martin, seconded by Councillor Kerr, that the recommendation be adopted.

9. DAERA CALL FOR EVIDENCE ON IMPACTS OF AIR POLLUTION ON THE NATURAL ENVIRONMENT (Appendix XII)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching Response to DAERA. The report detailed that the Department for Agriculture, Environment and Rural Affairs (DAERA) had launched an eight-week Call for Evidence on its Future Operational Protocol to assess the impacts of air pollutants, such as ammonia, on the natural environment. More information on the Call for Evidence was available at <https://www.daera-ni.gov.uk/future-operational-protocol-a-call-for-evidence>. The call for evidence closed on the 15 September 2023.

Detail

DAERA operated as the appropriate nature conservation body in Northern Ireland and had a duty to provide advice to planning authorities and other competent authorities on the potential impacts of air pollution, including ammonia, from plans and projects on designated sites and protected habitats. The Northern Ireland Environment Agency (NIEA) performs this function for terrestrial/freshwater

environments, on behalf of DAERA. That advice was provided through the use of an Operational Protocol, currently under review.

A recent consultation on the draft Ammonia Strategy was part of a programme of work to ensure DAERA were in a position to advise ministers on their return to Government that was informed by up to date and robust evidence. The responses to the consultation were currently being considered by DAERA and the Call for Evidence was the next step in this programme of work.

As DAERA recognised that they may not have access to all evidence of relevance in the development of the future Operational Protocol, they have invited stakeholders to submit additional evidence that will contribute to the development and delivery of a scientifically robust, evidence-informed, Operational Protocol to protect our natural environment and ensure sustainable development of our agriculture sector.

Members should note that no planning applications within Ards and North Down Borough to date have been identified by DAERA as potentially having an adverse impact on air pollution and consequently there was limited evidence available that could be provided as part of the call for evidence. Officers had considered the questions posed in the call for evidence and had responded to that effect.

RECOMMENDED that Council note the content of this report and attachment.

The Director spoke to the report seeking the Committee's approval for the response.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Councillor Martin, that the recommendation be adopted.

10. QUARTERLY UPDATE ON TREES

(Appendix XIII)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching table setting out the figures from the last report to Committee.

The report represented the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees. The update provided information from 05 June (date of previous report) to 21 August 2023.

RECOMMENDED that the Council notes the content of this report.

The Director outlined the detail of the report.

Councillor McCracken stated that quite often TPO's were issued and then forgotten and referred to another Council having done research and found that many TPO's were no longer relevant, and he asked if Council had done anything similar.

The Director advised that when Planning transferred to Council, it had received approximately 154 TPO's from DOE and Officers were working through those to see if they were still valid/appropriate in the context of intervening development which

superseded the Order, and assessing health and condition. Monies had been expended to work through a programme. Unfortunately there was only one Tree Officer who was also dealing with a range of other issues.

AGREED TO RECOMMEND, on the proposal of Councillor McCracken, seconded by Councillor Wray, that the recommendation be adopted.

11. QUARTER 1 BUDGETARY CONTROL REPORT – JUNE 2023 (FILE FIN45)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity covering the 3-month period 1 April to 30 June 2023. The net cost of the Service was showing an overspend of £12k (3.3%) – box A.

Explanation of Variance

The Planning Service's budget performance was further analysed on into 3 key areas:

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£60k favourable	2
Report 3	Goods & Services Expenditure	£6k favourable	2
Report 4	Income	£78k adverse	2

Explanation of Variance

The Planning Service's overall variance could be summarised by the following table:

Type	Variance £'000	Comment
Payroll	(60)	Vacant posts within Planning include Manager's post and Administration posts. Vacant posts are expected to be filled over the next few months.
Goods & Services	(6)	Number of small service underspends.
Income	78	Planning application fees. No major applications received. General slowdown in applications in NI. .

REPORT 1 BUDGETARY CONTROL REPORT						
Period 3 - June 2023						
	Year to Date Actual	Year to Date Budget	Variance	Annual Budget	Variance	
	£	£	£	£	%	
Planning						
730 Planning	384,683	372,250	12,433	1,541,500	3.3	
Total	384,683	372,250	A 12,433	1,541,500	3.3	
REPORT 2 PAYROLL REPORT						
	£	£	£	£	%	
Planning - Payroll						
730 Planning	536,148	595,700	(59,552)	2,383,000	(10.0)	
Total	536,148	595,700	(59,552)	2,383,000	(10.0)	
REPORT 3 GOODS & SERVICES REPORT						
	£	£	£	£	%	
Planning - Goods & Services						
730 Planning	42,480	48,950	(6,470)	308,100	(13.2)	
Total	42,480	48,950	(6,470)	308,100	(13.2)	
REPORT 4 INCOME REPORT						
	£	£	£	£	%	
Planning - Income						
730 Planning	(193,945)	(272,400)	78,455	(1,149,600)	28.8	
Totals	(193,945)	(272,400)	78,455	(1,149,600)	28.8	

RECOMMENDED that the Council notes this report.

Alderman Graham asked if the downturn in planning fee income was occurring across other Councils in Northern Ireland. The Director confirmed that other Councils in Northern Ireland appeared to be experiencing the same.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Alderman Smith, that the recommendation be adopted.

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Councillor Cathcart, seconded by Councillor Martin, that the public/press be excluded during the discussion of the undernoted item of confidential business.

12. QUARTERLY UPDATE ON ENFORCEMENT

*****IN CONFIDENCE*****

*****NOT FOR PUBLICATION*****

This report is presented in confidence to Members under Part 1 of Schedule 6 of the Local Government (Northern Ireland) Act 2014, Exemption 6a – Information which reveals that the council proposes to give under any statutory provision a notice by virtue of which requirements are imposed on a person. It provides updates for Members in respect of the status of live enforcement notices, court proceedings and proposed summons action.

The report was noted.

RE-ADMITTANCE OF PUBLIC/PRESS

AGREED, on the proposal of Councillor Cathcart, seconded by Alderman Graham, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 10.20 pm.