

Agenda

Agenda

📄 *Agenda PC.05.09.23.pdf*

Page 1

1. Apologies
2. Declarations of interest
3. Matters arising from minutes of Planning Committee 01 August 2023

📄 *Minutes PC01.08.2023 AMcC LM.pdf*

Not included

📄 *Minutes PC01.08.2023 PM.pdf*

Not included

4. Planning Applications

4.1. LA06/2022/1296/RM - 19 Seaview Terrace, Holywood

Domestic garage and domestic building

Speaking in opposition to the application - Eamon Burns

Speaking in support of the application - Mr David Addis (applicant) and Mr David Donaldson (Agent)

📄 *Item 4.1 Exec Summary LA06 2022 1296 RM.pdf*

Not included

📄 *Item 4.1a LA06 2022 1296 RM.pdf*

Not included

4.2. LA06/2020/1220/F -102 Comber Road, Killinchy

Erection of agricultural shed (proposed) and creation of laneway (retrospective)

Speaking in support of the application - Conor Cochrane (agent)

📄 *Item 4.2 Exec Summ LA06 2020 1220.pdf*

Not included

📄 *Item 4.2a LA06 2020 1220.pdf*

Not included

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

 *Item 4.3 Exec Summary LA06 2022 0904 F.pdf* **Not included**

 *Item 4.3a LA06 2022 0904 F.pdf* **Not included**

5. Update on Planning Appeals (Report attached)

 *Item 5- Update on Planning Appeals.pdf* **Not included**


 *Item 5a - 2022 A0075.pdf* **Not included**

 *Item 5b - 2021 E0076.pdf* **Not included**

 *Item 5c - Commissioner Cost Decision.pdf* **Not included**

6. NIW Fence at Seacourt Pumping Station – update (Report attached)

 *Item 6 - Update on Correspondence re NIW fence.pdf* **Not included**

 *Item 6a - Letter to DFI re NIW fence & GPDO 20-07-23.pdf* **Not included**

 *Item 6b - DFI Response 02.08.23.pdf* **Not included**

 *Item 6c - Letter to NIW Chief Executive re NIW fence 20-07-23.pdf* **Not included**

7. Update on Planning Statistics (Report attached)

 *Item 7 - Planning Statistics.pdf* **Not included**

 *Item 7a - Annual Statistical Bulletin.pdf* **Not included**

8. Review of Council Decisions (Report attached)

 *Item 8 - Review of Council decisions.pdf* **Not included**

 *Item 8b - Review of Council decisions.pdf* **Not included**

9. DAERA Call for evidence on impacts of air pollution on the natural environment (Report attached)

📎 *Item 9 - DAERA Call for Evidence.pdf*

Page 3

📎 *Item 9a - Response to DAERA.pdf*

Page 5

10. Quarterly update on Trees (Report attached)

📎 *Item 10 - Tree preservation order and works.pdf*

Page 9

11. Quarter 1 Budgetary Control Report – June 2023 (Report attached)

📎 *Item 11 - Budgetary Control Report.pdf*

Page 11

****IN CONFIDENCE****

12. Quarterly update on Enforcement

Report attached

📎 *Item 12 - Update on Enforcement Matters.pdf*

Not included

📎 *Item 12a - EN Table update.pdf*

Not included

ARDS AND NORTH DOWN BOROUGH COUNCIL

29 August 2023

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Planning Committee of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards on **Tuesday, 5 September 2023**, commencing at **7.00pm**.

Yours faithfully

Stephen Reid
Chief Executive
Ards and North Down Borough Council

A G E N D A

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee 01 August 2023 (Copy attached)
4. Planning Applications (Reports attached)

4.1	LA06/2022/1296/RM	<p>Domestic garage and domestic building</p> <p>19 Seaview Terrace, Holywood</p> <p>Speaking in opposition to the application - Eamon Burns</p> <p>Speaking in support of the application - Mr David Addis (applicant) and Mr David Donaldson (Agent)</p>
4.2	LA06/2020/1220/F	<p>Erection of agricultural shed (proposed) and creation of laneway (retrospective)</p> <p>102 Comber Road, Killinchy</p> <p>Speaking in support of the application - Conor Cochrane (agent)</p>

4.3	LA06/2022/0904/F	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 Sir Samuel Kelly Lifeboat Shelter, Copelands Marina Car Park, Donaghadee
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5. Update on Planning Appeals (Report attached)
 6. NIW Fence at Seacourt Pumping Station – update (Report attached)
 7. Update on Planning Statistics (Report attached)
 8. Review of Council Decisions (Report attached)
 9. DAERA Call for evidence on impacts of air pollution on the natural environment (Report attached)
 10. Quarterly update on Trees (Report attached)
 11. Quarter 1 Budgetary Control Report – June 2023 (Report attached)
- ***IN CONFIDENCE*****
12. Quarterly update on Enforcement (Report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Alderman McIlveen (Chair)
Councillor Creighton	Councillor McKee
Alderman Graham	Councillor McLaren
Councillor Kerr	Councillor McRandal
Councillor Martin	Councillor Morgan
Councillor McCracken	Alderman Smith
Councillor McCollum	Councillor Woods
Alderman McDowell (Vice Chair)	Councillor Wray

Unclassified

3

ITEM 9

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 September 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	18 August 2023
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below. n/a
Subject	DAERA Call for evidence on impacts of air pollution on the natural environment
Attachments	Item 9a - Response to DAERA

Background

The Department for Agriculture, Environment and Rural Affairs (DAERA) has 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 is available at <https://www.daera-ni.gov.uk/future-operational-protocol-a-call-for-evidence>. The call for evidence closes on the 15 September 2023.

Detail

DAERA operates as the appropriate nature conservation body in Northern Ireland and has 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. This advice is provided through the use of an Operational Protocol, currently under review.

Not Applicable

4

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

As DAERA recognise 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 is limited evidence available that could be provided as part of the call for evidence. Officers have considered the questions posed in the call for evidence and have responded to that effect.

RECOMMENDATION

It is recommended that Council note the content of this report and attachment.

Response ID ANON-G8F4-2AQ3-G

Submitted to A Call for Evidence on DAERA's Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment
Submitted on 2023-08-18 17:35:40

Introduction

What is your name?

Name:

Gail Kerr

What is your email address?

Email:

gail.kerr@ardsandnorthdown.gov.uk

On what basis are you responding?

Representative Organisation

If other please state:

Question 1: Do you have any comments or feedback on the legislation listed, or any other legislation you feel should be considered?

Please provide any comments below:

At a strategic level, regional policy is contained with both the SPPS and PPS2: Natural Heritage. In the preparation of its LDP, Council must take account of regional policy and guidance relating to this topic area.

Question 2: Do you have any additional evidence that you can provide to be taken into consideration in the determination of appropriate zones of influence to be used within the Operational Protocol?

Please provide any evidence below:

Distance of 7.5km is referred to as to be used for the zone of influence, clarification required as to why this distance is to be adopted - does this suggest there is evidence that beyond this distance there is no impact.

Question 3: Do you have any additional evidence to be taken into consideration in the determination of thresholds to be used within the future Operational Protocol?

Please provide any evidence below:

The use of 0.1% of the Critical level being proposed as the de minimis/nugatory threshold is consistent with the position used by Shared Environmental Services when undertaking Appropriate Assessment on behalf of Council for European designated sites.

Question 4: Do you have any additional evidence that you can provide to be taken into consideration in relation to in-combination assessments for use within the future Operational Protocol?

Please provide any evidence below:

No - Ards and North Down Borough have to date no proposals that could garner any evidence that could be taken into consideration in this regard

Question 5: Do you have any additional information on other types of plans and projects that should be considered in the future Operational Protocol?

Please provide any evidence below:

No

Question 6: Do you have any comments, feedback, or evidence on: Option 1 Framework for Assessment of New Projects, and process flowchart?

Please provide any comments, feedback, or evidence below:

Setting the site thresholds and the use of the high- medium- low risk categorisation for projects which is based on clear evidence needs to be robust so that the matter is not debated through the planning process;
Option 1 is considered to be a complex assessment process.

Question 7. Do you have any comments, feedback, or evidence on: Option 2 Framework for Assessment of New Projects, and process flowchart?

Please provide any comments, feedback, or evidence below:

Question 8. Do you have any comments, feedback, or evidence on priority habitats?

Please provide any comments, feedback, or evidence below:

No clarification if assessment on impacts on non-designated priority habitat include in-combination assessment

Question 9. Do you have any comments, feedback, or evidence on: Option 1. Framework for replacement of existing facilities, 'like for like' projects, and variations including reviews of PPC permits, and process flowchart?

Please provide any comments, feedback, or evidence below:

No

Question 10. Do you have any comments, feedback, or evidence on: Option 1A. Flat-rate emissions reduction approach (flat-rate option), whereby all replacement facilities are required to reduce ammonia levels by a minimum of 30%?

Please provide any comments, feedback, or evidence below:

Option 1A - flat rate reduction of 30% - cannot see how this is fair or equitable as replacement proposals are going to be located at varying distances to designated sites. Those closest (1- 2km) to the designated site are only required to make a disproportional reduction relative to their likely impact which is considered to be unfair.

Question 11. Do you have any comments, feedback, or evidence on: Option 1B. Distance from site emissions reduction approach ('distance from site' option), whereby the minimum reduction in emissions required is determined by the distance to a designated site, as presented in Table 5?

Please provide any comments, feedback, or evidence below:

Option 1B is a more equitable approach - facilities/ developments potentially impacting the designated site most, by reason of their proximity, are required to make the biggest reductions. The content of Table 5 setting out the required improvements is presented accessibly.

Question 12. Do you have any comments, feedback, or evidence on: Option 2. Framework for replacement of existing facilities, 'like for like' projects, and variations including reviews of PPC permits?

Please provide any comments, feedback, or evidence below:

Option 2 seems to be the most preferable option as it is only fair that those facilities/ developments who make the biggest emissions are required to make the biggest reduction. The content of Table 7 setting out the required improvements is presented in an accessible way. This is the preferred option, relative to Option 1A and 1B.

Question 13. Do you have any comments, feedback, or evidence on: Option 2. Farm-specific emissions reduction approach whereby the facilities making the largest contribution to ammonia emissions at a site are required to make the largest reductions?

Please provide any comments, feedback, or evidence below:

See Question 12. The thresholds/ tiers in Table 7 should be based on objective evidence.

Question 14. Do you have any comments, feedback, or evidence on the Farm Enterprise Case Studies presented?

Please provide any comments, feedback, or evidence below:

No

Question 15. Do you have any comments, feedback, or additional evidence on the Farm Mitigation Measures Case Studies and Costs presented?

Please provide any comments, feedback, or evidence below:

No

Question 16. Do you have any comments, feedback, or additional evidence on the environmental economics information presented?

Please provide any comments, feedback, or evidence below:

No

Question 17. Final Question - Do you have any other comments, feedback, or additional evidence on the information presented in this Call for Evidence?

Please provide any comments, feedback, or evidence below:

No

Unclassified

9

ITEM 10**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 September 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	21 August 2023
File Reference	n/a
Legislation	The Planning (NI) Act 2011 & The Planning (Trees) Regulations (NI) 2015
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below.
Subject	Update on Tree Preservation Orders & works
Attachments	N/A

Background

This report represents 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. This update provides information from 05 June (date of previous report) to 21 August 2023.

Detail

The table overleaf sets out the figures from the date of the last report to Committee.

RECOMMENDATION

It is recommended that the Council notes the content of this report.

Not Applicable

10

Table 1 Tree Preservation Orders Served

TPO (Full or Provisional)	Date Served	Address
0		

Table 2 Consent for Works Decisions

TPO / Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
Tree Preservation Orders	4	0
Address	1. 75 Victoria Road, Holywood 2. 1, 1a & 3 Glen Road, Holywood 3. High Trees, Donaghadee 4. 1 Tarawood, Holywood	
Conservation Area	1	0
	1. 1 Victoria Road, Holywood	

* Notification refers to when the Council receives notification of proposed works to trees within a conservation area. If the Council does not accept the proposed works, it must serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' means that the Council did not consider it necessary to serve a TPO and thus there is no objection to the proposed works.

Detail - Tree Preservation Orders

1. 75 Victoria Road, Holywood – felling of 1no. tree – the tree was of poor form and condition and therefore required for safety reasons.
2. 1, 1a, and 3 Glen Road, Holywood – carrying out works to 7no. trees – all works were for management and maintenance reasons.
3. High Trees, Donaghadee – carrying out works to 6no. trees – all works were for management and maintenance reasons.
4. 1 Tarawood, Holywood – carrying out works to 7no. trees – all works were for management and maintenance reasons.

Detail - Conservation Area

1. 1 Victoria Road, Holywood – felling of 3no. trees – 2no. with ash dieback and 1no. with significant rot at the base and a significant loss of crown vigour.

Unclassified

11

ITEM 11**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 September 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Finance
Date of Report	07 August 2023
File Reference	FIN45
Legislation	Section 5 Local Government Finance Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below.
Subject	Quarter 1 Budgetary Control Report - June 2023
Attachments	

The Planning Service's Budgetary Control Report covers the 3-month period 1 April to 30 June 2023. The net cost of the Service is showing an overspend of £12k (3.3%) – box A on page 2.

Explanation of Variance

The Planning Service's budget performance is further analysed on page 2 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

Not Applicable

12

Explanation of Variance

The Planning Service's overall variance can 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	

RECOMMENDATION

It is recommended that the Council notes this report.