

June 29th, 2022

Notice Of Meeting

You are requested to attend the meeting to be held on **Tuesday, 5th July 2022 at 7:00 pm** in **Virtual via Zoom.**

Agenda

Agenda

1. Apologies

2. Declarations of Interest

3. Matters Arising from Minutes of Planning Committee Meetings held on 19 May 2022 and 7 June 2022

📄 *PC.19.05.22 Minutes PM.pdf*

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📄 *PC.07.06.22 Minutes Final PM.pdf*

Page 9

4. Planning Applications (Reports attached)

4.1 LA06/2019/1007/F Retention of a Fence and Gate Surrounding an Existing Pumping Station (Retrospective)

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📄 *Item 4.1a - LA06-2019-1007-F Addendum.pdf*

Page 35

📄 *Item 4.1 LA06-2019-1007.pdf*

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📄 *Item 4.1b - LA06-2019-1007 F.pdf*

Page 41

4.2 LA06/2019/0371/F Replacement of Wind Turbine Approved Under LA06/2020/0384/F with a Vestas V52 Model with 50m Hub Height and 26m Blade Span

Land approximately 150m SE of 32a Lisbarnet Road, Lisbane

📄 *Item 4.2 - Executive Summary.pdf*

Page 55

📄 *Item 4.2a - LA06-2019-0371-F.pdf*

Page 56

4.3 LA06/2021/0021/F Change of Use (Temporary for 3 Years) of Parking Spaces to Parklet (Consisting of Planters and Area for

Public Seating)

To front of 22 Frances Street, Newtownards

📄 *Item 4.3 - Executive Summary.pdf* *Page 81*

📄 *Item 4.3a - LA06-2022-0021-F.pdf* *Page 82*

4.4 LA06/2022/0022/F Change of Use (Temporary for 3 Years) of Parking Spaces to Parklet (Consisting of Planters and Area for Public Seating

📄 *Item 4.4 - Executive Summary.pdf* *Page 91*

📄 *Item 4.4a - LA06-2022-0022-F.pdf* *Page 92*

4.5 LA06/2021/1367/F Change of Use (Temporary for 3 Years) of Parking Spaces to Parklet (Consisting of Planters and Area for Public Seating)

To front of 44a-36 High Street, Newtownards

📄 *Item 4.5 - Executive Summary.pdf* *Page 100*

📄 *Item 4.5a - LA06-2021-367-F.pdf* *Page 101*

5. Update on Planning Appeals (Report attached)

📄 *Item 5 - Update on Planning Appeals.pdf* *Page 108*

📄 *Item 5a - 2021-A0040.pdf* *Page 110*

6. Quarter 4 Performance Report (Report attached)

📄 *Item 6 - Quarter 4 Performance.pdf* *Page 115*

7. Metropolitan Working Group for Local Development (LDP) (Report attached)

📄 *Item 7 - MASWG Report requiring nomineee.pdf* *Page 118*

📄 *Item 7a - MASWG - Terms of reference.pdf* *Page 120*

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

8. New Regional Planning IT System (Report attached)

 *Item 8 - Planning Portal Replacement Update.pdf*

Not included

 *Item 8a - RESTRICTED Budget Paper April 2022.pdf*

Not included

Invitees

Robert Adair
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Stephen Addy
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Naomi Armstrong-Cotter
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Graeme Bannister
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Craig Blaney
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Joe Boyle
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Mark Brooks
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Peter Caldwell
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Angus Carson
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Alistair Cathcart
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David Chambers
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Simon Christie
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Stephen Cooper
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Cllr Trevor Cummings
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Alison Curtis
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Andrew Dadley
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Stephen Daye
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Stephanie Denny
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Brian Dorrian
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Karen Douglas
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Stephen Dunlop
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Nigel Edmund
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Paulene Foster
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Robert Gibson
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Jennifer Gilmour
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Deborah Girvan
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Jennifer Glasgow
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Paula Gowdy
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Gillian Greer
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Stephen Grieve
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Wesley Irvine
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Cllr Steven Irvine
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Hannah Irwin
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Claire Jackson
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Peter Johnson
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Bill Keery
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Lauren Kendall
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Colin Kennedy
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Richard King
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David Lindsay
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Heather Loebnau
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Janice MacArthur
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Patricia Mackey
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Sharon Mahaffy
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Nigel Martin
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Lorna McAlpine
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Carl McClean
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Sian McConnell-Porter
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Steven McCrea
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Rosemary McCullough
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Ann McCullough
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Susie McCullough
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Alan McDowell
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Michelle McElveen
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Clare McGill
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Stephen McIlveen
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Barry McKee
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Ray McKimm
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Martin McRandal
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Moiria McVeigh
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Wendy Monson
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Victoria Moore
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Jan Nixey
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Ian O'Neill
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Stephen Reid
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Gillian Robinson
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Richard Smart
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Marion Smith
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Tom Smith
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Philip Smith
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Eddie Thompson
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Frances Thompson
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Gavin Walker
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Colin White
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Jeanette Wilson
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Scott Wilson
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ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held virtually on Thursday, 19 May 2022 at 7.00 pm via Zoom.

PRESENT:

In the Chair: Councillor Cathcart

Aldermen: Gibson Mcllveen

Councillors: Adair Kennedy (7.01pm)
McKee Smith, P
McRandal Walker

Officers: Director of Regeneration, Development and Planning (S McCullough), Principal Planning and Technical Officer (G Kerr) and Democratic Services Officers (M McElveen and S McCrea)

1. APOLOGIES

Apologies for inability to attend were received from Alderman McDowell and Councillors McClean, Brooks and Thompson.

2. DECLARATIONS OF INTEREST

Councillor P Smith later declared an interest prior to discussion of item 4.2:LA06/2022/0130/O - Lands immediately South of 84 Crawfordsburn Road, Bangor - Dwelling (Renewal of LA06/2018/0938/O)

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 5 APRIL 2022

PREVIOUSLY CIRCULATED: - Copy of the above.

AGREED TO RECOMMEND, on the proposal of Alderman Mcllveen, seconded by Alderman Gibson, that the minutes be noted.

4. PLANNING APPLICATIONS

4.1 LA06/2021/1136/O - Lands between 61 Cloughey Road and 17 Ballygalget Road, Portaferry - Dwelling and garage on an infill site
(Appendix I)

PREVIOUSLY CIRCULATED: - Case Officer's Report.

DEA: Ards Peninsula

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

Proposal: Dwelling and garage on an infill site

Site Location: Lands between 61 Cloughey Road and 17 Ballygalget Road, Portaferry

Recommendation: Refusal

The Principal Planning and Technical Officer outlined the particulars of the application, advising members to note that as this was an outlying application, it would be the principal of development that was to be considered and that further details might be produced should the recommendation have been overturned at the meeting. None of the statutory consultees had objection to the proposal, but there had been one objection from a third party relating to the application, stating that the proposal did not represent a gap-site and that houses in line for development ran onto different roads. The objector also protested that if the houses had been considered as part of the same frontage, an entire field with a hedge would require removal for site lines and thus would cause detrimental effect on rural character. The Case Officer had accessed the principal of development in the report and agreed with the views expressed by the objector. The site was located in the countryside between the settlement limits of Portaferry and Cloughey. There were no designations upon the land and the general area was characterised by agriculture, associated buildings and dispersed dwellings. The application site was located along the eastern-side of Cloughey Road whilst immediately south of the site was 17 Ballygalget Road (henceforth referred to as '17'); a single-storey semi-detached dwelling & outbuilding. To the north lay 61 Cloughey Road (henceforth referred to as 61); a single detached dwelling.

The Principal Planning and Technical Officer referenced slide imagery of the location(s) to members, including the application site and abovementioned adjacent dwellings. She advised that the policy states the definition of a substantial and continuously built-up frontage would include a line of three or more buildings. When such is applied to the application in conjunction with the location of 61 fronting to the Cloughey Road, whilst 17's frontage was upon the Ballygalget Road. The three buildings would have required the same frontage to the same road without any breaks otherwise frontage would not be considered continuous. The dwelling of 17 were angled to front onto the Ballygalget Road with only the corner of the plot abutting the Cloughey Road. Given that such signified two different frontages, the first criterion of the policy was not met as there was not a substantial and continuously built-up frontage. Gap sites within a continuous built-up frontage that exceed the local average plot-width may be considered as constituting an important visual break. Referencing the slide, The Principal Planning and Technical Officer was able to point out an important visual break. If both dwellings 17 & 61 were considered as bookends to the gap-site, the width of the gap-site would equate to 57.3 metres. The Case Officer had looked at several plot sizes in the locality to provide an average of 35 metres. The plot-width of the application site was measured to be approximately 52 metres, meaning it would have been much larger than other local plot averages. Due to this difference between the site's width and average plot sizes, the site could be considered as an important visual break. In considerations of the above, it was postulated that the proposal would result in the genesis of a suburban-style build-up of development when viewed with existing and

proposed buildings. This would mean that the proposed site would add to the ribbon of development between 17 & 61. The amplification texts of C2Y8 stated that ribbon development was always detrimental to rural character due to its contributions toward a localised sense of build-up whilst disrespecting the traditional settlement patterns of the countryside.

The Principal Planning and Technical Officer referred to an appeal reference within the Case Officer's report; appeal number 2017-AOO14, Glenavy Road. The report's commissioner had also referenced the policy's mention of one frontage. Members were asked to recall April's Planning Committee wherein approval was sought for planning permission approval regarding an infill site. Concerns had been raised with the prospect of infill sites in general, the possibilities of the future use of countryside and the precedent that might be set for such developments. The application had been called in with the recommendation of refusal. The proposal would clearly not meet the requirements of policy as set out in CTY8.

Councillor Adair advised that the area in question was locally known as Nutt's Bridge. With 17 & 61 presenting on different roads, Councillor Adair wanted to know if it would have made any difference to planning permission had the dwellings been situated on the same road. The Principal Planning and Technical Officer advised that the question was deeply hypothetical and additionally hard to answer due to the number of variables.

Councillor McRandal spoke of the numerous appeal examples provided whereby refusal was the end result and asked if any similar examples existed in which an appeal was upheld, however the Principal Planning and Technical Officer was unable to provide that information as the Case Officer had looked toward dismissed appeals in line with the refusal recommendation. With no other questions for The Principal Planning and Technical Officer, the Chairman asked for members a proposal.

Proposed by Alderman McIlveen, seconded by Councillor McKee that the recommendation be adopted, and that Planning Permission be refused.

Alderman McIlveen believed it was a boon to bring forth the cases to Council to help members understand policies and how such were applied. He described the particulars of the visual gap, and the size of the site by comparison to other dwellings. Mirroring Councillor McRandal's references to alternative appeal examples, Alderman McIlveen believed it would have been useful to have seen both sides of an argument, such as upheld appeals which would allow members to more effectively exercise their discretion in accessing policy.

Councillor P Smith agreed with the decision to accept the proposal and spoke of numerous gap-site instances whereby the Council had been consistent in their approach.

RESOLVED, on the proposal of Alderman McIlveen, seconded by Councillor McKee, that the recommendation be adopted, and that planning permission be refused.

4.2 LA06/2022/0130/O - Lands immediately South of 84 Crawfordsburn Road, Bangor - Dwelling (Renewal of LA06/2018/0938/O)
(Appendix I)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Hollywood and Clandeboye

Committee Interest: Application made by an elected member of the Council

Proposal: Dwelling (Renewal of LA06/2018/0938/O)

Site Location: Lands immediately South of 84 Crawfordsburn Road, Bangor

Recommendation: Approval

(Councillor P Smith declared an interest and was temporarily removed from the meeting at 19:17.)

The Principal Planning and Technical Officer explained the application was for outlying planning permission for a dwelling on the Crawfordsburn Road within the development limits of Bangor. It came before the Planning Committee as it had been placed by an elected member of the Council. This application was to be considered as a renewal, as in March 2019, a previous application had been placed for the same site where members had agreed with to grant permission. Due to it being an outlying permission only, members were asked to consider their decisions solely on a dwelling at the site location. Particulars of the dwelling were to be conditioned and would be received at reserved matter stage if approval was granted.

The Principal Planning and Technical Officer provided further details alongside associated slides. The lands in question were located in the front-garden area of 84 Crawfordsburn Road which was well screened and consisted of a lawn and landscape planted areas. The ground level dropped down into the site from the northern boundary with frontage that consisted of a red-brick wall & hedging whilst a high hedge defined the eastern and western boundaries with the property backing onto the Carnalea Golf Club grounds. The surrounding area of the site was residential and consisted of a mixture of housing types. Photograph references were supplied showing the site in question alongside access to 84 Crawfordsburn Road & its frontage as well as the dwelling and garden adjacent.

The Principal Planning and Technical Officer explained that the position of the site at 84 Crawfordsburn Road was planned to mirror the lay of the adjacent 84a property which was granted under reference W-2004 0823 for a split-level bungalow. The ridge height of the dwelling would stand at no more than six metres to lessen the impact of loss of light or dominance. By comparison, the dwelling of 84a was split-level and had a ridge height of five metres from ground level at the highest point. There would be room for parking of in-curtilage vehicles on site. No objections had been received to the proposal and all consultees were content.

Proposed by Councillor McRandal, seconded by Councillor McKee that the recommendation be adopted, and that Planning Permission be granted.

Councillor McRandal believed the acceptance of a renewal appeared straightforward given no issues were raised by the planners and no objections had been received.

Councillor McKee concurred with his colleague and spoke of the pattern of establishment of dwellings in front of dwellings in the area.

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

(Councillor P Smith returned to the meeting at 19:22.)

4.3 LA06/2022/0118/LBC - Ards Arts Centre, Town Hall, Newtownards - Emergency repairs to the south pediment, comprising stone repairs, re-rendering of the tympanum and installation of lead weathering details
(Appendix II)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Newtownards

Committee Interest: Application made by the Council

Proposal: Emergency repairs to the south pediment, comprising stone repairs, re-rendering of the tympanum and installation of lead weathering details

Site Location: Ards Arts Centre, Town Hall, Newtownards

Recommendation: Consent

The Principal Planning and Technical Officer advised the application sat before the committee as it had been placed by the Council. It was explained in conjunction with slides that the Town Hall was a listed building that sat at the primary retrieval core of Newtownards. It was of historical importance to the town and, being listed, Historic Building Branch were contacted regarding the minor repairs would in terms of development and detailed drawings had been submitted and assessed by Historical Environment Division. The proposed alterations to the building had been deemed as acceptable and would not detract from the listed building.

RESOLVED, on the proposal of Alderman McIlveen, seconded by Councillor P Smith that the recommendation be adopted and planning permission be granted.

5. UPDATE ON PLANNING APPEALS
(Appendix IV)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning attaching decision notice. The report detailed that the following enforcement notice was quashed on the 31 March 2022

Appeal reference:	2020/E0028
Application Reference:	LA06/2018/0403/CA
Appeal by:	Mr Mervyn and Julie Philips
Subject of Appeal:	Alleged unauthorised residential dwelling, access laneway and associated hardstanding.

Location:	Land at 80m South of 12 Drumawhey Road, Newtownards
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The Commissioner determined that the building, which formed the focus of the appeal, was not being used a residential dwelling.

The enforcement notice was served during the initial stages of the global COVID 19 pandemic and at this time the owner of the property would not allow the Council access to the site to complete an internal site inspection. Given the unprecedented times the Council was not able to enforce an internal site inspection, and as a result of an approaching immunity date the Council had to serve the EN to protect its position.

The Commissioner determined that the building was being used as a tack store, home office and artist's studio ancillary to the residential property at No. 12 Drumawhey Road and therefore did not constitute a breach.

New Appeals Lodged

1. The following appeals were submitted on 23 February and 23 March 2022 respectively.

Appeal reference:	2021/A0227
Application Reference:	LA06/2021/0413/F
Appeal by:	Mr James Morley
Subject of Appeal:	Demolition of existing dwelling and erection of 4 no.2 Bed apartments
Location:	115 Station Road, Craigavad, Holywood

Appeal reference:	2021/E0077
Application Reference:	LA06/2020/0019/C
Appeal by:	D Graham
Subject of Appeal:	Alleged unauthorised removal of two trees protected by a Tree Preservation Order (TPO)
Location:	Lands adjacent to 5 Bennett House and to the rear of 2b Fort Road, Helens Bay

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

RECOMMENDED that the Council notes this report.

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

6. UPDATE ON NOTICE OF MOTION ON REVISION OF MINERAL PLANNING PERMISSIONS (ROMPS) (FILE RDP39/RDP14)
(Appendices V, VI)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning attaching correspondence from Council to Minister for Infrastructure dated 04.03.2022 and response from Chief Planner to Council dated 06.04.2022. The report detailed In February 2022 Council adopted a Notice of Motion submitted by Councillor McKee and Councillor Kendall:

That Council notes with concern that, since Local Government Reform in 2015, the Department for Infrastructure (and the Department for the Environment before that) has failed to commence Section 129 of the Planning Act (Northern Ireland) 2011 on the review of Old Minerals Permissions (ROMPs). Such delays in legislating for the need for historic minerals permissions to comply with robust environmental standards has already given rise to significant harm and places undue liabilities and responsibilities on public authorities resulting from repeated Ministerial decisions since 2006 not to commence ROMPs legislation.

In recognition of the considerable pressures that the implementation of ROMPs will place on the financial and staffing resources of this Council, this Council considers the imposition of these responsibilities and liabilities upon our resources as unreasonable. Therefore, this Council calls on the Minister for Infrastructure, to urgently legislate for the removal of responsibility for the implementation, administration and delivery of ROMPs from this, and all local authorities, and for her Department to implement, administer and deliver ROMPs.

Progress

Council subsequently wrote to the Minister for Infrastructure on this matter (see letter attached). The Department for Infrastructure (Dfi) had now responded, and a copy of which was also attached.

It read that Dfi would proceed with passing ROMPs over to Councils for implementation, administration and delivery. It stated that, with regard to concerns raised by this and other councils, the Department would consider a phased approach to implementation, the introduction of a fee for ROMPs applications, and the provision of guidance and model conditions.

Officers strongly disagreed with the approach outlined by Dfi and it was proposed that Council wrote back to the Department in this regard.

RECOMMENDED that Council writes back to the Minister for Infrastructure and the Chief Planner, opposing the Department's approach.

Proposed by Councillor McKee, seconded by Alderman McIlveen that the recommendation be adopted.

In proposing the recommendation, Councillor McKee explained that when both he and his colleague spoke on the Notice of Motion when brought to committee, they

had felt strongly that ROMPs becoming Council issue was not the correct path to take and that the Department should have taken more responsibility. He professed his disappointment of the decision by the Department to pass responsibility to the Council. Though a promise had been made of support and skillsets to carry out the function, Councillor McKee was not confident the level of support that may be offered would prove sufficient and thusly, agreed with the recommendation.

Alderman McIlveen recalled support for the Notice of Motion which reflected views of Council Officers in the response they had been making in the past, and so was happy to second the proposal and proceed to write back to the new Minister, Mr O'Dowd who he would hope might have a different approach to the situation by comparison to his predecessor.

AGREED TO RECOMMEND, on the proposal of Councillor McKee, seconded by Alderman Gibson that the recommendation be adopted, and the Council writes back to the Minister for Infrastructure and the Chief Planner, opposing the Department's approach.

TERMINATION OF MEETING

This meeting would spell the end of Councillor Cathcart's charge as Chairman for the Planning Committee. Councillor Walker thanked the Chairman for his engagement in issues over the course of the past year whilst Alderman McIlveen concurred, applauding the lead taken by the Chairman in some of the issues of the year and the challenges faced. Councillor P Smith congratulated Councillor Cathcart on his chairmanship over the course of the year and echoed the sentiments of his colleagues.

The meeting terminated at 7.32 pm.

ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held virtually on Thursday, 7 June 2022 at 7.00 pm via Zoom.

PRESENT:

In the Chair: Alderman Gibson

Councillors:	Adair	Brooks (7.05pm)
	Cathcart	Kennedy
	McKee	Smith, P
	McRandal	Walker
	Moore	Thompson
	McClean	

Officers: Director of Regeneration, Development and Planning (S McCullough), Principal Planning and Technical Officers (G Kerr and L Maginn), Senior Professional and Technical Officers (P Kerr and C Rogers) and Democratic Services Officers (M McElveen and R King)

CHAIRMAN'S REMARKS

The Chair welcomed Councillor Moore following her appointment to the Council. He advised members she would be observing the meeting ahead of a formal induction.

1. APOLOGIES

Apologies for inability to attend were received from Alderman McElveen and Councillor McAlpine.

2. DECLARATIONS OF INTEREST

The following Declarations of Interest were notified:

Alderman Gibson – Item 4.1 – LA06/2021/0905/F – Retention of existing agricultural shed 230m north of 121 Manse Road, Ballygowan

Councillor Cathcart – Item 4.5 – LA06/2021/1364/F – Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating) to front of 2-4 Seacliff Road, Bangor

3. 19TH MAY PLANNING COMMITTEE MINUTES TO BE RATIFIED BY JUNE COUNCIL AND ANY MATTERS ARISING CONSIDERED AT JULY PLANNING COMMITTEE

AGREED TO RECOMMEND, that the item be noted.

4. PLANNING APPLICATIONS

(The chair withdrew from the meeting having declared an interest in Item 4.1. The Vice Chair, Councillor McRandal, assumed the chair in his absence – 7.05pm)

(Councillor Brooks joined the meeting – 7.05pm)

4.1 LA06/2021/0905/F – Retention of existing agricultural shed 230m north of 121 Manse Road, Ballygowan (Appendix I)

PREVIOUSLY CIRCULATED: - Case Officer's Report.

DEA: Comber

Committee Interest: A Local development application 'called-in' to Planning Committee from the delegated list w/c 25 April by a member of that Committee - Called in by Alderman McIlveen:

"For this matter to be called in for the Planning Committee to consider whether the evidence submitted by the applicant is sufficient to confirm that his agricultural business is currently active and established, whether the new building is necessary for the efficient use of the agricultural holding and the efficient functioning of the business, and that no suitable alternative buildings or sites are available pursuant to CTY 12 of Planning Policy Statement 21"

Proposal: Retention of existing agricultural shed

Site Location: 230m north of 121 Manse Road, Ballygowan

Recommendation: Refusal

The Principal Planning and Technical Officer (G Kerr) outlined the above planning application, explaining that it was for the retention of an existing agricultural shed at 230m north of 121 Manse Road, Ballygowan.

The application was before members due to a call in by Alderman McIlveen.

The recommendation was to refuse planning permission.

An agricultural shed existed on the site which was the subject of the application.

Providing context, she added that the site was subject of a previous planning application under planning ref. LA06/2018/0817/F – Lands 220m NE of 121 Manse Road, Ballygowan for an Agricultural building.

This application was recommended for refusal on 31 January 2019 as the proposal was contrary to CTY 1 and CTY12 of PPS21 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant had not provided sufficient information to confirm that the existing agricultural business was currently active and established; the new building was necessary for the efficient use of the agricultural holding and there were no suitable existing buildings on the holding or enterprise that could be used.

Following recommendation to refuse, the application was withdrawn on the 26 February 2019.

Following that recommendation to refuse permission, an agricultural building was then constructed on the site without the benefit of planning permission and was currently subject to enforcement proceedings.

An image showed the site was located in the countryside and consisted of part of a large agricultural field. The site occupied a roadside position and was fairly flat throughout. The roadside boundary is defined by post and wire fencing. The northern boundary was defined by a hedgerow and the remaining boundaries were undefined as they made up part of the larger field. An area of trees and overgrown hedges had been included within the site in the southern section.

The officer showed further images of the site to members and explained the relevant policy in the consideration of a proposal such as this one was CTY12 of PPS 21. CTY12 stated that planning permission would be granted for development on an active and established agricultural or forestry holding where it was demonstrated that a list of criteria was met.

The starting point for the assessment of this policy was establishing if there was an active and established business and holding.

The SPPS at paragraph 6.73 provided clarity when dealing with proposals for agriculture and forestry development – it stated that “provision should be made for development on an active and established (for a minimum of six years) agricultural holding or forestry enterprise....”

PPS 21 also referenced what constituted an active and established holding, Paragraph 5.56 of PPS21 referred to criteria set out in CTY10.

The P1C form submitted as part of the planning application stated that the farm business was established in June 2017 and a Category 3 business ID was allocated on 17 April 2018. Category 3 Business IDs were allocated to enable keepers of small number of animals (less than five cattle / 10 sheep) to operate a herd or flock.

No farm maps had been made available during the processing of the application. DAERA had confirmed that the business referred to on the P1C form had not been established for more than six years and that the business had not claimed SFP in the last six years.

It was considered that the agricultural holding had not been established for more than six years and therefore did not meet this initial part of the policy test.

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.

Members would be aware of previous applications brought for farm sheds.

In a lot of those instances it was demonstrated that while the farm business had been in existence for six years the holding had not been in possession of the applicant for six years.

This application before you this evening had neither – the business had not been in existence for six years and the 'six-year test' requiring proposals for farm buildings to be located on an active and established agricultural holding could not be satisfied and the proposal was considered to be contrary to planning policy.

Furthermore, 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

Refusal of planning permission was therefore recommended.

Councillor Cathcart asked if further evidence had been submitted by the applicant in terms of demonstrating it had been an active agricultural business for the required six years. He referred to the applicant's Business ID and queried if that was sufficient.

The officer advised that DAERA had confirmed in a consultation response that the business had not been established for more than six years and that the business had not claimed SFP in the last six years. Therefore, further evidence was required to show it was an active business and the officer advised that nothing had been submitted despite a request made by the case officer on April 5th 2022.

Councillor Cathcart queried the CAT 3 ID status of the farm and if that would have been sufficient evidence. The officer explained that it would be acceptable provided the business had been operational for at least six years but that had not been the case. The officer understood that the shed had been erected in order for the applicant to get a herd number but this business had been allocated category 3 because it was for a small number of animals and DAERA had since clarified that it applied to five cattle/10 sheep which would give members an idea of how small the operation was.

The Vice Chair invited Mr Edwin Poots MLA and Mr Johnson to the meeting in order to speak in support of the application. He advised they had five minutes to address the committee.

Mr Poots MLA advised that his interest in the application was that Mr Burton had an agricultural business within five miles of his own property and he had used the business many times over the years. The applicant had always wanted to farm himself and after some delays in purchasing the land in question he had taken control of the land in 2017 and had spent a few years organising it for use and that had included an application for a herd number.

The issue faced by the applicant was that to have a herd number he required covered space in order to meet animal welfare requirements to protect livestock from the weather.

He referred the committee to a successful appeal in relation to a similar application – this had been circulated to members prior to the meeting. He explained that the PAC, in relation to that appeal, had seen the building as a necessary part of the business and had granted permission. At that point the applicant did not have a shed and needed to obtain a herd number.

He advised that Mr Burton now had a herd number but needed a shed to keep the animals in. It was a chicken and egg situation and the conundrum that the applicant now found himself in. The application site was the most secluded site on the land he owned. He added that the applicant was in his retirement years but had always wanted to carry out farming. In conclusion, he said that if members were to read the planning appeal which set out the PACs consideration of policy then they would see that this application met the policy.

The agent, Mr Johnson, added that the decision to withdraw the original application had been taken too soon and he had withdrawn it without Mr Burton's permission. He added that without the shed, the applicant would lose his farming business.

The Chair invited questions to the speakers from members.

Councillor Cathcart accepted that officers and the committee could only be guided by planning policy but asked the speakers if there was further evidence beyond the current ID that had been referred to earlier.

It was advised that Mr Burton had an ID and Herd Number, along with herd equipment and machinery. He had carried out drainage and tidied up the land and had spent considerable time and money doing that. The applicant regarded this as evidence and Mr Poots argued that all those things were previously regarded as evidence and the SFP was not a requirement as evidence. He encouraged members to read the PAC appeal.

Councillor Cathcart asked for further detail on the planning appeal and Mr Poots explained that it dated back to November 2014 and then read out the commissioner's response stated below:

"Although the appellant does not have herd of cattle at present no evidence was presented to dispute his future intentions. I note that the drawings which formed the basis for his application for planning permission indicate that the proposed shed would be used for silage and the housing of ten calves.

"I accept that it is the appellant's intention to develop his farming enterprise in the direction he has stated. In order to do so he is bound by statute to provide a facility for the isolation of cattle. This proposed shed would provide such a facility and without it the appellant would be unable to expand his farm enterprise in the direction which he intends. Therefore, it is my view that the proposed shed is necessary for the efficient use of the holding. As the evidence from both parties' states that there are no other buildings on the holding, the appeal site cannot be considered as an alternative site away from existing farm buildings, and the Department's objections to the proposal under this part of the policy are misplaced."

Mr Poots MLA said that the appeal decision made no reference to six years. Councillor Walker advised that the problem was the application before members related to an application for retrospective planning permission and officers were asking for evidence that the business had been in place for more than six years.

That evidence had not been provided so Councillor Walker was asking again for that evidence. He also queried if there was any reference to the business in the PAC case having proof of existence of six years.

Mr Poots MLA explained that the applicant had acquired the farm in 2016 and had gone through the process of clearing the farm and suitable for its purpose. He had acquired equipment over the years and now had a herd number along with livestock. The building contained hay and food stock and there was considerable evidence that the individual had been engaged in farming activity since acquiring the land. Mr Johnson argued that there was no reference in the appeal document that it had been a farming business for more than six years and said that while the business ID number was only to link the farm with DAERA around herd activity, farming activity had taken place before that but aside from a statement it was not possible to provide evidence of those farming practices.

Councillor P Smith had sympathy with the applicant but agreed with Councillor Walker that there was difficulty in granting permission given that DAERA had confirmed that it had not been an active farm business for the required six years. He recognised there was a consistency element given previous decisions made by the committee in similar cases. He felt the objections in terms of the appeal had been around visual integration and necessity, but it had been accepted that the exemplified applicant had operated as a farm business for at least six years. He asked how the committee could accept further evidence.

Mr Poots advised that the applicant had farm machinery for a long number of years and had carried out a large amount of work. The building was there for animal welfare reasons and it was not appropriate to keep sick animals in a field. He was aware of situations of that and complaints. It was not DAERA's role to find whether there has been an active farm for six years but it was up to the committee to decide on the information provided.

The vice chair thanked the speakers and they were returned to the public gallery. He invited questions of clarification to the officer.

Councillor P Smith referred to the crux of the argument being the six-year rule and the criteria not met by the applicant. He asked the officer to explain the process with regards to testing for that particular requirement.

The officer explained that it had been clarified by DAERA that the six-year rule was not met and no evidence to show otherwise being submitted as part of the application. The example appeal provided in the planning application dated back to 2014. She disagreed that it was a similar case as it had already been acknowledged that the applicant was a farming business and it was not the case with this particular application. There were other more recent appeal decisions she pointed to which had been consistent with this approach and recommendation taken at this meeting.

They were all accepting though that the applicant in question had been an established farm business for more than six years and the objections related to integration.

In terms of animal welfare legislation, this was not planning policy and there was guidance in relation to farmers not meeting the criteria to rent sheds in order to house their animals until they met the six-year requirement.

Councillor Cathcart asked for clarity that the PAC had accepted the case referred to by the applicant was a business that had been active for six years. The officer said that was accepted as a starting point and then the PAC had to assess whether the shed was necessary for the business and in that case, it was deemed so. Evidence had also been submitted with that case.

Councillor Cathcart's understanding was that a shed was required for a herd number, but the applicant could not get planning permission without a herd number so it was a catch 22. The officer advised that planning legislation was separate and there were other ways to acquire a herd number through renting a shed until the business had been active for the required six years.

Councillor Cathcart felt that in this particular case having to rent a shed to build up a six-year existence was ridiculous. He asked what evidence could be submitted to show the farm had been in operation for six years. It was advised that invoices, for example for hedge cutting, needed to refer to the specific site but the planning officer reiterated that no evidence had been submitted as part of the application.

Proposed by Councillor Walker, seconded by Councillor P Smith, that the recommendation be adopted, and that Planning Permission be refused.

The proposer, Councillor Walker shared the compassion of Councillor P Smith but felt that the Council had to follow the rules set down and pointed to the fact that no further evidence had been provided to show it had been an active business. Another factor that had not been considered was if the shed was even necessary for the business and if other options were available. Unfortunately on the aspect of the six-year rule, members had no choice but to refuse.

The seconder, Councillor P Smith echoed the sentiments and was sympathetic to the applicant's predicament but the committee's hands were tied without any further evidence being provided.

Councillor Cathcart added his sympathies and believed the rules around development around agriculture and the countryside were strange and needed to be reviewed going forward. He felt the rules had been brought in to prevent unruly development in the countryside but he felt there was a difference between someone adding a dwelling in the countryside as opposed to a shed which was for the welfare of animals. He would have liked further evidence though but he appreciated the difficulties in showing it and felt that guidance needed to be provided on what was required. He felt it difficult to go against the officer's recommendation.

Councillor Adair wished to be recorded against the officer's recommendation to refuse planning permission.

RESOLVED, on the proposal of Councillor Walker, seconded by Councillor P Smith, that the recommendation be adopted, and that planning permission be refused.

(Alderman Gibson was returned to the meeting and assumed the chair – 7.50pm)

4.2 LA06/2019/0518/O – Off-site replacement dwelling and garage. Existing building to be retained for ancillary use to the main house. 25m north of 22 Lisbane Road, Comber
(Appendix II)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Comber

Committee Interest: A Local development application 'called-in' to Planning Committee from the delegated list w/c 3 May by a member of that Committee - Called in by Alderman McIlveen:

"I would like to call in the above application to allow the committee to determine whether the building meets the test of displaying the essential characteristics of a dwelling (and thereby meets the criteria of CTY3 of PPS21) and whether it complies with the requirements of Policy CTY1 (as a replacement dwelling) and CTY14 of PPS 21 in that it does not have an adverse impact on rural character and meets one of the exceptions set out in Policy CTY 1"

Proposal: Off-site replacement dwelling and garage. Existing building to be retained for ancillary use to the main house

Site Location: 25m north of 22 Lisbane Road, Comber

Recommendation: Refusal

The Principal Planning and Technical Officer (G Kerr) explained the application was for an off-site replacement dwelling and garage. The existing building was to be retained for ancillary use to the main house 25m North of 22 Lisbane Road, Comber.

The application was before members due to a call in by Alderman McIlveen.

The recommendation was to refuse planning permission.

There was a previous application submitted in 2018 Planning ref - LA06/2018/0868/F for an off-site replacement dwelling and garage. Existing building to be retained for ancillary use to the main house - 40m East of 22 Lisbane Road Comber BT23 6AF which was withdrawn.

An image showed the site was located in the countryside as shown in the Ards & Down Area Plan 2015 and the surrounding area had a typical rural and agricultural character. The site was also located within the Strangford and Lecale Area of outstanding Natural Beauty.

The site was in grassland and a gravel area. The rear boundary of the site was defined by hedging and the boundary shared with No. 22 was defined by 1m high ranch style fencing. The topography of the site fell to the north boundary.

Further slides showed that the building subject of the application was located within an existing farm courtyard.

Moving inside, the building consisted of a singular room and did not contain separate rooms which again would have been associated with a dwelling. At the time of the site visit there appeared to be no original chimney or fireplace but there was a modern oil burner and flue has been installed in the building.

The building did not appear to have been designed for use as a dwelling and now appeared to be used for ancillary accommodation/store to the adjoining dwelling at 24 Lisbane Road and farm. It also appeared to be used to store various domestic and agricultural items as seen in the images.

Turning to the policy consideration, the officer added that the SPPS referenced replacement dwellings and allowed for such proposals where the building to be replaced exhibited the essential characteristics of a dwelling and, as a minimum all external structural walls were substantially intact.

Replacement dwellings needed to be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there were demonstrable benefits in doing so.

CTY 3 of PPS 21 contained a list of criteria to be complied with and it was considered that the building did not meet the initial test of being a dwelling and had been altered and adapted to be used for agricultural purposes/ancillary living accommodation and as such was not acceptable for replacement under Policy CTY 3.

From evidence submitted by the agent, whilst the original use of the building may have been used as dwelling, it was clear it had been physically adapted for ancillary/storage used in the present day.

The policy was clear - If a building no longer had the essential characteristics of a dwelling or if it had been physically adapted for another use either internally or externally i.e. storage/agriculture, it could not be accepted as a genuine replacement.

In addition, it was considered that the proposal would result in a suburban style build-up of development when viewed with existing and proposed buildings.

The addition of this proposed dwelling, along with the existing neighbouring dwellings, would have adverse impact on the rural character of the area as it would create a suburban style cluster of dwellings.

Given the above summary of the proposal refusal of planning permission was recommended.

The Chair invited questions from Members.

Councillor P Smith felt that the suggested replacement building appeared to be an outbuilding of an existing farm and asked if there was justification for it being a dwelling based on the historical information provided.

The officers advised that the applicant had provided information that suggested the building had been used as a dwelling in the 19th century. While the original use of the building may have been a dwelling it was clear that it had been adapted for use in the present day and no longer had the characteristics so therefore could not be accepted as a genuine replacement. She referred members to the case officer's report and relevant legislation covered under CTY3.

Councillor P Smith queried the curtilage and asked what the norm was in terms of distance from the main site. The officer explained that it depended on the individual case and sometimes an offsite was justified because the curtilage could be so limited. This building was in an existing farmyard and it could not be replaced directly on site. It was felt in this case it would result in a suburban build up. Speaking in support of the application, Chris Cassidy, an agent representing the applicant, began by explaining the planning history of the site.

An application had been submitted in 2018 for an offsite replacement for the same building under reference LA06/2018/0868/F. The building was accepted as a replacement opportunity but the Council had an issue with the chosen location. Mr Cassidy said that a case officer had contacted him and advised if the application was resubmitted in an alternative location it could be approved. The case officer emailed a location map suggesting a site which would be acceptable.

On this advice the applicant withdrew the 2018 application and resubmitted it after agreeing an alternative location which was acceptable to the Council. This was the current application LA06/2019/0518/O and the one in front of members.

In terms of the current building, the Council accepted it was once a dwelling. The applicant had provided evidence of its use as a building as far back as 1840. It had been established that the occupant of the building was a man called William Mitchell. PPS 21 stipulated that for the replacement policy all references to 'dwellings' would include buildings previously used as dwellings. The policy indicated that there could be intervening uses of the building to be replaced.

The wording of Policy CTY3 allowed buildings which were now repurposed to be replaced if the current building still exhibited the essential characteristics of a dwelling. Guidance within Policy explained as a minimum requirement of characteristics all external structural walls should be substantially intact.

The building here retained all the original external walls. Original windows, heads and sills were evident on the southern elevations. Original floors were evident throughout the building. Original timbers to the roof remained in place along with evidence of electrical fittings from the 1950s.

The current structure did exhibit above the minimum essential characteristics required to identify it as a former dwelling and therefore represented a replacement opportunity in accordance with Policy.

He said the appellant raised concerns regarding the Council's handling of the case, and in particular with regard to email correspondence where it was indicated that officers were 'minded to approve' the original application if the location was amended.

Following the original advice, the new application was submitted. The location was amended as agreed and a new fee enclosed. Since then he said the applicant had submitted over 20 requests for updates. The majority of emails, he claimed, went unanswered with the file passed around at least four different officers.

He found it strange that the same case officer dealing with the application now was the same case officer that accepted the building was a house in 2018 and now contended it was not, yet nothing had changed.

When submitting the new application, the applicant had a legitimate expectation that they would be granted Planning Permission. A copy of emails from the case officer confirmed the chain of events.

The building, he believed, conformed to all policy and he would ask members to reconsider the recommendation.

Councillor P Smith asked about the potential around ribbon development and asked for his views on why he thought it was not over development of the area. Mr Cassidy said it was one dwelling replacing another dwelling and therefore no intensification of dwellings. He pointed to the map explaining that it was located between two houses so could almost be considered an infill site. It would not bring any detriment to what was there at the moment.

The Chair thanked Mr Cassidy and he was returned to the public gallery.

Councillor P Smith sought clarity from the officer on claims that the proposed dwelling was potentially an infill site and therefore no overdevelopment would occur.

The officer said she had considered the infill element but was of the opinion that it was not an infill opportunity as that would require it to be where the site abutted the laneway. She showed images of the site to confirm that.

Councillor P Smith asked for the officer's thoughts on claims made by Mr Cassidy around the handling of the case and previous indications from an officer that the proposal would be granted planning permission.

In terms of the speaker's claims that emails had been left unanswered, the officer wished to apologise for any inconvenience and did not like to hear of any dissatisfaction with the processing of a case. Members were there to either accept or reject a recommendation by officers however and there was a separate complaints procedure open to the applicant.

She explained that officers were there to give advice and guidance on the information they were provided with but decisions were always reached through group discussion and signed off by three officers including a senior planning officer. The facts given at the time were for a replacement dwelling but it was only later discovered that the intervening use had changed to a storage facility.

Councillor P Smith referred to the speaker's claims that, historically, the building met all the criteria of a dwelling. He asked why the view of officers differed.

It was advised that the applicant had made no reference to the change of use of the building. It was only on internal inspection that this was identified and there were no internal walls or other characteristics of a dwelling, there was also evidence of a large agricultural sliding door.

Proposed by Councillor Walker, seconded by Councillor Cathcart, that the officer's recommendation be adopted and that planning permission be refused.

The proposer, Councillor Walker, felt that any suggestion of the building resembling a dwelling was a stretch and accepted the officer's recommendation.

Councillor Adair wished to be recorded as against the recommendation to refuse planning consent and the Chair asked to be recorded as abstained.

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

- 4.3** LA06/2021/1293/F – Demolition of existing primary school to accommodate erection of new 8 classroom primary school incorporating multi-purpose hall, associated outdoor play areas, landscaping and enhanced parking, drop-off and pick up areas Lands at and to the east of Crawfordsburn Primary School, 4 Cootehall Road Crawfordsburn
(Appendix III)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Holywood and Clandeboye

Committee Interest: A Major Planning Application

Proposal: Demolition of existing primary school to accommodate erection of new 8 classroom primary school incorporating multi-purpose hall, associated outdoor play areas, landscaping and enhanced parking, drop-off and pick up areas.

Site Location: Lands at and to the east of Crawfordsburn Primary School, 4 Cootehall Road Crawfordsburn

Recommendation: Approval

The Senior Professional and Technical Officer (P Kerr) outlined that the proposal was for the demolition of the existing Crawfordsburn primary school to accommodate erection of new eight classroom primary school incorporating multi-purpose hall,

associated outdoor play areas, landscaping and enhanced parking, drop-off and pick up areas.

The site was located at Lands at and to the east of Crawfordsburn Primary School, 4 Cootehall Road Crawfordsburn

The proposal was being presented at committee this evening as it was a major application. The submission of an environmental statement was not required.

There were no public objections received with respect to this proposal

All consultees were content with the proposal subject to conditions.

A pre application discussion was held in 2020 prior to submission of this planning application.

A PAN was received in respect of this application in line with legislation and PACC carried out as required and a report subsequently submitted with the application.

Turning to the Development Plan within both the Extant North Down and Ards Area plan 1984-1995 and Draft BMAP 2015, the Officer explained the site lay within both the settlement limit and the countryside. Within Draft BMAP the site was also affected by designations for an area of existing open space, rural landscape wedge, and within an Area of Village Character

The relevant policy considerations were SPPS PPS2 Natural heritage PPS3 Access Movement and Parking PPS6 Planning Archaeology and the Built Heritage and APPS6 Areas of Townscape Character PPS8 Open Space Sport and Outdoor Recreation PPS15 Planning and Flood risk and PPS21 Sustainable Development in the Countryside.

The existing primary school was located at this site and continued to operate on site. The existing school site consisted of the main school building, associated buildings, play areas and parking and access arrangements.

The proposal involved the erection of a low lying main school building and associated hall of simple design and finishes. There would be associated play areas/pitches as well as parking, drop off/pick up area to the front of the building.

APPS6 – The proposal lay within an area of village character. With regard to the demolition of the existing primary school, as the existing building was thought to make no positive contribution to the AVC its removal was deemed acceptable. With regard to the application proposal, due to modest design and appropriate scale the proposal would maintain the distinctive character of the AVC.

PPS3 – The current site had issues with traffic and parking which resulted in unsafe and obstructive parking along the Cootehall Road. This proposal would alleviate traffic, parking and pedestrian issues and would result in a safer and more appropriate parking and access layout which would have wide reaching benefits for the school users and the local community.

PPS21 – With regard to the portion of the site that involves encroachment into countryside, this proposal was considered a necessary community facility to serve the local rural population. This proposal required the use of the adjacent field in order to have safe and appropriate access arrangements for both traffic and pedestrians. The building was required to be positioned behind the parking and access area to provide a safe environment for children staff and parents entering and exiting the school. Due to the location of the main school building and a suitable landscape buffer the distinction between the settlement limit and the surrounding countryside would not be marred.

PPS8 – As there were areas of existing open space identified in Draft BMAP the loss of these areas had been considered alongside the community benefit. The community benefit was thought to outweigh any loss of open space considered alongside the fact that the new school brings with it both informal and formal areas of open space.

There would be no significant impact on natural and built heritage

With regard to the impact of the proposal on visual amenity, this was considered taking into account of what already existed on the site. The proposed building had a low ridge and was of an appropriate scale and design surrounded by associated lands and landscaping which softened the impact. Also, the fact that the proposal was set back further from the road than the existing building meant that the visual impact would also be softened. There were appropriate boundary treatments proposed which would aid visual integration. As the site was also affected by a Rural landscape wedge the fact that there was a local community need and that the proposal was sensitively located and integrated into the landscape was assessed and was deemed acceptable. Visual separation between the site and settlement was maintained.

Impact on residential amenity would be minimal and would not be significantly greater than what already existed at the existing school site. The surrounding residents would benefit from the improved access and parking arrangements.

In conclusion the proposal would result in wide reaching community benefit due to a new and improved primary school serving the local population and due to a vast improvement to access and parking arrangements at the school site. The simple design and sensitive landscaping were appropriate for the character of area and no loss of residential amenity would be suffered. Approval was recommended.

The Chairman invited questions from Members.

Councillor McClean acknowledged that this had been a long awaited and necessary development and it was notable that no objections had been received. He brought attention to the notorious parking issues at that location and wondered if the three additional parking spaces and a layby would be sufficient in totality as a provision to completely alleviate those problems. On a technical matter, he also asked how the development complied with countryside policy, querying if it met a necessity for a rural population. Also, he pondered if the Officer considered enough had been done

in terms of the visual aspect, recognising that it was an area of village character and abutted the countryside. He further commented that it would have been helpful to have had more visual details as it was difficult to assess the elevation from the black and white drawings displayed.

The Planning Officer explained that there would be a significant increased parking provision with two large laybys at either side alleviating the issues at pick up and drop off times and taking existing parking problems away from Cootehall Road. The school benefitted both the rural and settled community and visually, she described how the school would be built with high quality finishes including painted sandstone and laminated cladding. It would sit far back from the road and it was lower lying in many areas than the existing building. The landscape buffers would ensure that it would integrate well on the site.

Councillor Cathcart sought clarification if the additional land shown on the site map had always been owned by the school or if it was newly purchased. He was informed that the land had been acquired by the Education Authority. Councillor Cathcart understood the concerns raised about the visual impact but the Planning Officer reiterated that the development was low lying and well landscaped with buffers around all boundaries and hence the visual impact would be minimal.

(At this stage, Mr Sean Sloan, Mr Adam Larkin and Ms Abigail McConville were admitted to the meeting to speak in support of the application – 8.37pm)

Thanking the Chairman, Mr Larkin confirmed that there were currently 32 parking spaces but the new development would increase that to 50 together with a new layby for an additional 10 vehicles. That would achieve a substantial improvement and prevent congestion on the Cootehall Road at drop-off and pick-up times. He added that hard work had been carried out on some images to show the integration into the countryside but those images had not been included in the presentation.

In terms of the previous queries raised around visual impacts, Mr Sloan explained that there was always a requirement for an increase in size in order for the school to remain viable. Accordingly, 27% of pupils lived within one mile and 52% lived within two miles of the school which had been the reasoning for the school to remain on its existing site. There was no current provision for buses or drop-off which was the predominant cause of the problems and the current plan would alleviate the congestion on the Cootehall Road. The phasing required additional land to permit development whilst the existing school was still in operation. Another key element was pupil safety and it meant that once pupils were within the school site, they did not have to cross any traffic route. Aesthetically the building would be constructed from materials used locally including some elements on neighbouring buildings. He spoke about the sustainable aspects of the building and remarked that he had extra images of the design of the building.

Following on, Councillor Cathcart questioned the rear construction site and if a separate access for that would be created.

Mr Sloan clarified that the contractor would have ownership of the northern entrance of the site and once construction was complete after 15 to 18 months, that entrance

would be handed back to the school. The plans had mitigated against any potential cross over by the contractor and the present school operations.

There were no further questions for the speakers and the Chair thanked them for attending.

(Mr Sloan, Mr Larkin and Ms McConville were returned to the public gallery – 8.46pm)

Proposed by Councillor McClean, seconded by Councillor McRandal, that the recommendation be adopted.

Although accepting of the reassurances around parking, sustainability and design at face value Councillor McClean would have liked to have seen more pictures of the proposed design. He held some reservations about the designs of modern buildings, referring to the Officer's previous comments about minimal visual impacts. That was an indication, he felt, of modern standards and how it was deemed preferable for a building to be hidden from the road in order to cause less offence to the eyes. However, voicing satisfied with the assurances received, he said he was happy to support the recommendation. He argued that the Old Inn was the most handsome building in Crawfordsburn and it was the most visible, and he hoped modern design could edge towards that standard.

However, Councillor McRandal's stance differed from that of the previous speaker as he outlined how it had been made clear that the proposed construction was sympathetic to its surroundings. Furthermore, no objections were received and he assumed that this was the proof that local people were happy that the plans offered a much needed upgrade for the school.

Councillor McClean recognised however that it was a hugely needed development and the issues with parking were well known.

Councillor Cathcart recognised the significance of the decision that the Planning Committee was about to make on building in the countryside. Nevertheless, he thought that it was a necessary development for the community as the existing facilities were no longer fit for modern use. Making a final brief point, Councillor Cathcart highlighted that previously the school struggled to gain pupil numbers but in recent times it had become fully subscribed. He was delighted with the proposed new school facility that would be welcomed by the community and hoped to see approval of the application.

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

4.4 LA06/2022/0231/F – Retention of Open Space (Two year Time Extension to Temporary Permission issued under LA06/2020/0113/F)
(Appendix IV)

PREVIOUSLY CIRCULATED:- Case Officer's Report.
DEA: Bangor Central

Committee Interest: Application made by the Council

Proposal: Retention of Open Space (Two year Time Extension to Temporary Permission issued under LA06/2020/0113/F)

Site Location: Land immediately east of 41 Hamilton Road and south of 1 Springfield Avenue, Bangor. (Site of former Hamilton House & Sea Scout Hall)

Recommendation: Approval

The Principal Planning and Technical Officer (G Kerr) outlined that the application was for the Retention of Open Space for a further Two-Year Time Extension to a Temporary Permission issued under LA06/2020/0113/F.

Members would recall the previous application brought before Committee in March 2020 for the demolition of what was Hamilton House for an area of temporary open space.

The application was before members as it is a Council application.

An image showed the site occupied a triangular plot of land opposite the junction of Hamilton Road and Park Avenue. Ward Park lay to the south east on the opposite side of the road, whilst Springfield Avenue, which housed several private residential properties ran parallel to the rear of the site.

Further slides showed images including the layout of the site. It was situated within the proposed Bangor Central Area of Townscape Character (ATC)

The continuation of the site for temporary use as an area of open space, was acceptable in context of the surrounding area was a suitable 'mean-while' use until such time as an appropriate replacement proposal was submitted.

From an enforcement point of view Councillor Cathcart asked what would happen if permission was no longer granted for that open space and if the Council would be required to eventually build upon it.

The Planning Officer established that if a decision was not made in respect of building on the site, it would just continue to apply for the retention of the open space for an additional period until such times as a planning application was brought forward. As there had been incidences of anti-social behaviour and vandalism, this interim arrangement had been favourably received.

Councillor Cathcart said that it was preferable by residents in the area, to keep the site as open space until longer term plans were decided upon. He was happy to propose the recommendation.

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

The seconder, Councillor Brooks, emphasised that it was very rare to see a town centre site returned to a green open space and he would be happy for that situation to continue for as long as possible.

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

RECESS

The meeting went into recess at 9.00pm and resumed at 9.14pm)

(Councillor Adair left the meeting at this stage – 9.00pm)

(Councillor Cathcart withdrew from the meeting having declared an interest in the next item – 9.14pm)

4.5 LA06/2021/1364/F – Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating) to front of 2-4 Seacliff Road, Bangor (Appendix V)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Bangor Central

Committee Interest: An application made by Council

Proposal: Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)

Site Location: To front of 2-4 Seacliff Road, Bangor

Recommendation: Refusal

The Principal Planning and Technical Officer advised the application was for a change of use of three parking spaces to a parklet (for a temporary period of three years) consisting of planters and an area of public seating to the front of 2-4 Seacliff Road in Bangor.

The application was before Planning Committee as it was a Council application. The recommendation was to refuse planning permission

10 letters of objection from nine addresses had been received. The main areas of concern were the potential for the parklet to create a gathering point for outdoor socialising and consequential impact on residential amenity, as well as impact on parking and roads safety.

A slide showed the site was in Bangor town centre and in Bangor Central ATC. The site occupied a corner location between Seacliff Road and Victoria Road. There were commercial and residential properties adjacent to the site. Residential apartments could be seen to the left along Seacliff Road and terraced dwellings to the right along Victoria Road.

A further slide showed a view from Seacliff Road towards the site and the terraced dwellings along Victoria Road. The Tower House and Boathouse were visible to the right. The slide also showed the site layout and elevations. The proposal was 7.3m long and 3.3m wide.

The SPPS made good neighbourliness a yardstick with which to judge proposed developments and it was important that residential amenity was protected from 'unneighbourly' developments.

Environmental Health had confirmed that there was a history of noise complaints in this area, and it objected to this application due to the adverse impact to local residents in terms of noise and disturbance. The parklets would be available to use by the public 24 hours a day. The parklets were not enclosed and there was little that could be done to mitigate potential noise levels. Furthermore, it was not possible to control the potential noise impact by a restriction on the hours of use.

Environmental Health suggested consideration be given to alternative sites in order to increase the separation distance between the parklet and dwellings. The parklet would be a short walking distance from High Street, and given the very close proximity to commercial eateries, it was clear the proposal had the potential to exacerbate noise and nuisance late at night. The Planning Department was in agreement with EH that the proposal had the potential to adversely affect the living conditions of local residents.

HED Historic Buildings considered that the proposal would detract from the setting of the listed buildings. However, given it was for a temporary period it offered no objection to the application. Similarly, it was considered that the parklet would not detract from the character of the wider area or the appearance of the Bangor Central ATC due to its scale and temporary nature.

The impact on road safety and parking had been fully considered in the case officer report. The proposal would result in the loss of 3 existing parking spaces. Given the temporary nature of the development and the proximity of the site to alternative parking provision (both on-street and across the road at the marina), on balance, it was considered that the loss 3 parking spaces was not of such significance to warrant refusal of the application. DFI Roads had been consulted and did not consider the proposal to prejudice the safety of road users and pedestrians (subject to a number of conditions).

To conclude, having considered all material planning matters it was recommended that planning permission was refused on the basis that the application was contrary to The SPPS (para. 2.3) as it had not been demonstrated that the proposal would not result in a detrimental impact on the residential amenity of properties on Seacliff Road and Victoria Road.

Proposed by Councillor McRandal, seconded by Councillor P Smith, that the recommendation be adopted and that planning permission be refused.

Councillor McRandal conveyed to the Committee that he had reluctantly proposed the recommendation, recognising that it was difficult to get past the evidence from Environment Health in terms of the noise impacts on local residents.

In a similar vein, Councillor P Smith sympathised with those residents living in close proximity and understood why they would have concerns. He recognised that the challenge was that the parklets were proposed during the heart of the pandemic and

certain elements were now redundant, although he appreciated that they would be beneficial for some areas.

RESOLVED, on the proposal of Councillor McRandal, seconded by Councillor P Smith that the recommendation be adopted and planning permission be refused.

(Councillor McClean left the meeting at this stage – 9.19pm)

(Councillor Cathcart returned to the meeting – 9.19pm)

4.6 LA06/2021/1372/F – Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating) 15m east of Donaghadee Sailing Club, 20 Shore Street, Donaghadee
(Appendix VI)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Bangor East and Donaghadee

Committee Interest: An application made by the Council

Proposal: Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)

Site Location: 15m east of Donaghadee Sailing Club, 20 Shore Street, Donaghadee

Recommendation: Approval

The Planning Officer advised that the above was an application for a change of use of land to a parklet for a temporary period of 3 years (consisting of planters and an area for public seating). The site was 15m east of Donaghadee Sailing Club – 20 Shore Street, Donaghadee.

The application was before Planning Committee as it was a Council application. The recommendation was to approve planning permission.

A slide showed the site location. The site consisted of a small area of informal open space along the shore front in Donaghadee.

A further slide showed a photograph of the site as well as the site layout and elevations.

The Parklet was 7.3m long and 3.3m wide and would complement the existing use of the land as open space.

The proposal would supplement existing seating provision in the area and the overall scale was such that the proposal would not cause harm to the character of the surrounding area.

The closest housing was on the opposite side of Shore Street (approximately 20m to the south-west). Given the separation distance, and existing use of site it was not considered that the proposal had the potential to adversely impact the amenity of

residents. As matter of good practice, Environmental Health was consulted, and no objections were raised.

The proposal would have no impact on parking or roads safety. DFI Roads provided no objection to the application. No objections were received from members of the public.

The parklet was proposed for a temporary period and a condition could be added to ensure the parklet was removed and land restored to its former condition within three years.

Having considered all material planning matters it was recommended that the application was approved.

The Chairman sought questions from Members.

Councillor Brooks was of the understanding that the Council was not going to go ahead with this particular parklet and asked for clarity.

The Director of Regeneration, Development and Planning notified the Member that the application had been submitted some time ago, when the Town Advisory Group had wanted it to be positioned at this location. However, she was cognisant of the fact that the Town Advisory Group had since changed their decision on this, however this was out-with the Planning Application decision.

Proposed by Councillor McRandal, seconded by Councillor McKee, that the recommendation be adopted and planning permission be granted.

Councillor Brooks and Councillor Walker indicated that they wished to be recorded against the recommendation.

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

4.7 LA06/2021/1371/F – Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating) to front of St Mary's Parochial Hall, 24 The Square, Comber
(Appendix VII)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Comber

Committee Interest: An application made by the Council

Proposal: Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)

Site Location: To front of St Mary's Parochial Hall, 24 The Square, Comber

Recommendation: Approval

The Principal Planning and Technical Officer detailed that this was a change of use of land to a parklet for a temporary period of three years (consisting of planters and an area for public seating) located to the front of St Mary's Parochial Hall, 24 The Square, Comber.

The application was before Planning Committee as it was a Council application. A slide showed the site location. The site was within the town centre and 'The Square' Area of Townscape Character.

A further slide showed a photograph of the site as well as the elevations and site plan. The parklet was the same scale as those previously presented.

There were a number of public benches and planting in the immediate vicinity and the area was a natural hub for locals and visitors to sit out (the proposal would actually involve the re-siting of an existing bench). Given the scale and temporary nature of the proposal, it was not considered that the proposal would have a detrimental impact on the character of the wider area or the ATC.

The closest residential properties were approximately 30m from the site. Given the separation distance and the existing public seating around the square, it was considered that the proposal would not have any significant additional impact on residential amenity. As a matter of good practice, the Council's Environmental Health Department had been consulted and no objections were raised.

Only one letter of representation was received from the adjacent Church which offered broad support for the proposal.

The parklet was proposed for a temporary period and a condition can be added to ensure parklet is removed and land restored to its former condition within three years.

Having considered all material planning matters it was recommended that the application was approved.

Proposed by Councillor P Smith, seconded by Councillor McKee, that the recommendation be adopted and planning permission approved.

Councillor P Smith articulated that the parklet application had been discussed at length by the Comber Town Advisory Group and there was much support for it. It would be sited in an area that would be beneficial with numerous coffee shops nearby and it was also adjacent to the Comber Farmer's Market.

In concurrence, Councillor McKee welcomed the parklet noting that its concept had been embraced by the community and it would undoubtedly be an asset for that location.

The Chair added his support.

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

5. UPDATE ON PLANNING APPEALS

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing that the following appeal was withdrawn on 07 April 2022.

Appeal reference: 2021/E0077
 Application Reference: LA06/2020/0019/C
 Appeal by: D Graham
 Subject of Appeal: Alleged unauthorised removal of two trees protected by a Tree Preservation Order (TPO)
 Location: Lands adjacent to 5 Bennett House and to the rear of 2b Fort Road, Helens Bay

New Appeals Lodged

The following appeal was submitted on 28 April 2022.

Appeal reference: 2022/A0023
 Application Reference: LA06/2021/0698/LBC
 Appeal by: Mr James Woods (Castlereagh Ltd)
 Subject of Appeal: Demolition of structurally unsound and dangerous listed building HB24/01/139
 Location: 2-4 Church Street, Portaferry

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

RECOMMENDED that the Council notes this report.

AGREED TO RECOMMEND, on the proposal of Councillor P Smith, seconded by Councillor Walker, that the recommendation be adopted.

6. RETENTION AND DISPOSAL SCHEDULE (Appendices VIII, IX)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing the undernoted:

Retention and Disposal Schedule for Planning Service

1. Following transfer of the majority of planning powers to local Councils on 1 April 2015, the Council's Retention and Disposal Schedule (RADS) for planning files remained in line with the previous DOE Planning schedule, pending review.
2. All 11 Councils, through the Planning Senior Administrative Officer Group, and in liaison with representatives from PRONI, reviewed the position and a revised

RADS schedule (copy enclosed) consistent across all Councils was presented and agreed in February 2021. The RADS schedule allowed the Council to comply with both the current Data Protection Act 1988 and the General Data Protection Regulations which came into operation in May 2018. The revised RADS was also envisaged to be taken into account in the specification for the new Planning Portal system to enable Councils to apply the retention and disposal requirements to both hard copy and electronic files.

3. The revised RADS remained broadly in line with the previous DOE Planning schedule. The main changes were noted as:
 - Preliminary Enquiries and PADs had been called out as non-statutory and for destruction after six years from the date of the last paper/action on the file once it was closed/concluded.
 - Invalid cases had been noted for destruction six years from the date of the last paper/action on the file once it was closed/returned.
 - Third party representations on planning application files had been noted for destruction three years from the date of the last paper/action on the file once it was closed/concluded.
 - The retention period for Enforcement files had been increased from one year to two years (from date of last paper/action on the file once case was closed/concluded). This increase was because the annual statistical reports were usually not pulled from the system until June at the earliest i.e. month 15, and may have needed to be pulled again later in the year should a fault be noticed during the analysis of the data. Therefore, if the 1-year rule was applied, enforcement cases that had been closed with no action having been taken during the first three months of the reporting period would be destroyed and consequently missing from the statistical data. (Note - Cases that proceeded to Notice stage would be unaffected as they would be retained for the Enforcement Notice Register).
4. Members were asked to note that Section 242 of the Planning Act (NI) 2011 required the permanent retention of a Public Register and, therefore, the main documents from planning application files such as the application form, decision notice and stamped drawings, and any other documents relevant to Section 242 of the 2011 Act, were to be permanently retained.
5. Once approved, this Schedule would be sent to PRONI for notification.

RECOMMENDED that Council agrees the revision to the RADS schedule for planning files.

AGREED TO RECOMMEND, on the proposal of Councillor P Smith, seconded by Councillor McRandal, that the recommendation be adopted

**7. NEIGHBOURING COUNCIL'S (BELFAST CITY COUNCIL)
CONSULTATION IN RELATION TO MODIFICATION TO DRAFT
PLAN STRATEGY AND SUITE OF SUPPLEMENTARY
PLANNING GUIDANCE**
(Appendices X, XI)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing that following Independent Examination and subsequent direction from Department for Infrastructure, Belfast City Council had prepared an additional policy for inclusion in a final adopted plan in relation to phasing of development in line with infrastructure provision. Public consultation was now taking place and closed on Thursday 7 July 2022. (Item 8a – letter received by Chief Executive's office on 18 May 2022 referred).

Planning officers would be reviewing the PAC report along with the report from DfI and the wording of the new policy. It may have been that there were no issues to raise, and to simply acknowledge the modifications to the plan or, following review, a response may have been required.

In addition, in advance of the adoption of a final version of a Plan Strategy, Belfast City Council had issued for consultation, a suite of Supplementary Planning Guidance (SPG) to accompany the policies as set out in the Strategy. (Item 8b letter refers). The 17 SPG were available to view online from the Belfast City Council website and consultation closed on 4 August 2022. Topics included Retail and Main Town Centre uses, Sustainable Urban Drainage Systems, Affordable Housing and Housing Mix, Loss of Zoned Employment Land, Sensitive uses (full list was set out on letter).

Planning officers would be reviewing the 17 SPG documents to ascertain if any response was required. However, Members were asked to note that it was out with any further scrutiny as SPG was not subject to IE scrutiny so it was unclear how any comments would lead to effectual change and it may not have been beneficial to comment, unless being challenged.

RECOMMENDED that Council:

1. notes the consultation, and
2. Members provide any comments to Planning that they wish to address, and that delegated authority is given to Planning Officers to respond or not, as appropriate, with an update report provided to Council in due course.

The Planning Officer outlined the report and the attached appendices.

AGREED TO RECOMMEND, on the proposal of Councillor P Smith, seconded by Councillor Walker that the recommendation be adopted

EXCLUSION OF PUBLIC/PRESS

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

8. UPDATE ON ENFORCEMENT MATTERS

(Appendix XII)

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

NOT FOR PUBLICATION

SCHEDULE 6 – INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE COUNCIL HOLDING THAT INFORMATION)

RE-ADMITTANCE OF PUBLIC/PRESS

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

TERMINATION OF MEETING

The meeting terminated at 9.40pm.

Unclassified

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ITEM 4.1a**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	05 July 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	21 June 2022
File Reference	
Legislation	Planning Act (Northern Ireland) 2011
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Addendum to Case Officer Report for LA06/2029/1007/F - further to deferral from Planning Committee meeting of 5 April 2022
Attachments	Item 4.1b - Original Case Officer Report

Ref: LA06/2019/1007/F - Retention of a fence and gate surrounding an existing pumping station(Retrospective)

Seacourt WWPS, Lands 20m North of 1 Seacourt Lane, Bangor

1. This planning application relates to the unauthorised erection of a fence and gate surrounding the existing pumping station in Bangor. The application was submitted seeking retrospective approval in order to regularise the structure as erected.
2. The application was originally presented to Planning Committee on 03 August 2021 at which point it was deferred with a 'minded to refuse' proposal and a request for NIW to attend a future meeting bringing forward plans for a more aesthetically pleasing fence.

Unclassified

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3. Officials from NIW attended the Committee meeting of 07 September 2021 and set out for Members the rationale behind the need for the proposal. It was resolved at this meeting to again defer the application to allow NIW to consider other options and to enable engagement with third party land owners.
4. Officers returned the application, with proposed modifications to the structure as so erected, to the Planning Committee meeting of 05 April, again with a recommendation to approve. During consideration of the application a number of concerns were tabled by Members, and the application again deferred in order to seek legal advice on the following particularised points, which are discussed in more detail below:
 - a) What, if any liability, would the Council have if planning permission is refused for the fence in relation to health and safety at the structure/site;
 - b) Is health and safety a material consideration when reviewing this planning application; and
 - c) If minded to refuse planning approval due to the adverse effects the fence and gate could cause to the visual amenity, quality and character of the area, particularly due to its sensitive location, what planning grounds would be appropriate?

a) What, if any liability, would the Council have if planning permission is refused for the fence in relation to health and safety at the structure/site?
5. Legally privileged advice was received, which requested Officers to draw Members' attention to the fact that the Planning Committee is simply determining an application for both retrospective planning permission and with prospective amendments. It is not a case where the Council is creating a source of the danger, but rather determining the planning application before it. While the consequence of a refusal decision may be that at some point the structure is removed by NIW, NIW has a right of appeal (to the Planning Appeals Commission) and the only positive act which the Council could make is to use its discretionary planning enforcement powers to seek the removal of the structure. NIW has the right to appeal the service of an Enforcement Notice and seek deemed approval for what has been erected. Members rightly previously voiced that the danger in the present matter existed long prior to the erection of what is unauthorised development by the applicant, NIW.

b) Is Health & Safety a material consideration when reviewing this planning application?
6. When considering the principles emerging from case law, it is clear that health and safety is material to the application given the purpose of the fencing as so erected around the plant in question. In this regard, the fencing for health and safety purposes is a planning purpose and fairly relates to the development as proposed.

Unclassified

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This approach is consistent with case law and also the text authorities use relating to whether it can be a material consideration. The weight to be afforded to that consideration is a matter for the Planning Committee.

c) If minded to refuse planning approval due to the adverse effects the fence and gate could cause to the visual amenity, quality and character of the area, particularly due to its sensitive location, what planning grounds would be appropriate?

7. Further to an indication by Members that they are 'minded to refuse' the planning application contrary to the recommendation expressed by the professional planning officer, it was evident that Members considered a refusal should centre around the basis of visual amenity and, more particularly, the negative visual impacts of the fencing.

8. The starting point for the Planning Committee in seeking to formulate its proposed reason for refusal to be voted upon is Section 6 (4) of the 2011 Act which states:

"(4) Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

9. The SPSS at paragraph 5.72 expands upon this and states:

"Planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the planning authority has power to refuse planning permission. Grounds for refusal will be clear, precise and give a full explanation of why the proposal is unacceptable." (Emphasis added)

10. As such the reason for the Planning Committee being minded to refuse falls into the "*unless material considerations indicate otherwise*" wording in Section 6(4) of the 2011 Act. This is because the issues raised stem from the draft designations and policies contained with the draft BMAP which, while not yet adopted, remain material considerations in the determination of planning applications.

11. As detailed within the original Case Officer Report, the designations of most relevance to the proposal are:

- i. The BMA Coastal Policy Area - Designation COU 3; and
- ii. Wilson's Point Local Landscape Policy Area – Designation BR 31.

Unclassified

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12. Policy COU 4 of dBMAP – The BMA Coastal Area, which accompanies the designation, is set out below:

Policy COU 4	BMA Coastal Area
<p>Within the BMA Coastal Area planning permission will only be granted to development proposals which meet all of the following criteria:</p> <ul style="list-style-type: none"> • the proposed development is of such national or regional importance as to outweigh any potential detrimental impact on the coastal environment; • it can be demonstrated that any proposal will improve the quality of the coastal landscape, or improve accessibility for recreation, while still protecting nature conservation value; and • it will not adversely affect the special interests of natural heritage significance, particularly those identified by national or international designations. 	

13. Policy ENV 3 of dBMAP on Local Landscape Policy Areas is set below:

Policy ENV 3	Local Landscape Policy Areas
<p>In designated Local Landscape Policy Areas (LLPAs), planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, integrity or character.</p> <p>Where riverbanks are included within LLPAs, planning permission will only be granted where access is provided to the river corridor as part of the development proposals.</p> <p>Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.</p>	

14. Those features or combination of features that contribute to the environmental quality, integrity or character of Wilson's Point LLPA (Designation BR 31), specifically include the following:

Unclassified

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Area of local amenity importance with nature conservation interest– the North Down Coastal Path as far as Strickland’s Glen to the west and the Marina car park and associated structure planting to the east and which includes the bandstand within the Marine Gardens, Bangor Promenade that runs adjacent to the playground, pools and miniature railway in Pickie Family Fun Park.

15. Taking account of the above, Members, in proposing reasons for refusal, should reflect the SPPS and outline that it is considered that the adverse visual impact caused by the proposal (the subject of the planning application) causes demonstrable harm to interests of acknowledged importance, namely the designations contained within draft BMAP- i.e. BMA Coastal Area and Wilson’s Point Local Landscape Policy Area. It is to these material considerations that Members can afford determining weight given the harm Members feel is caused in visual and amenity terms to the area.

RECOMMENDATION

That the Committee considers the report and makes a proposal on the application accordingly.

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2019/1007/F
Proposal	Retention of a fence and gate surrounding an existing pumping station (Retrospective)
Location	Seacourt WWPS, Lands 20m North of 1 Seacourt Lane, Bangor DEA: Bangor Central
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	10/10/2019
Summary	<ul style="list-style-type: none"> • Application deferred from 05 April 2022 Planning Committee Meeting to seek legal advice • Queries related to liability if planning permission is refused, if health and safety is a material consideration and, appropriate planning grounds if minded to refuse due to the adverse effects fence and gate could cause to visual amenity, quality and character of the area, particularly due to its sensitive location • 51 objections originally received with a further 6 objections received since amended drawings were submitted (5 of the 6 previously objecting to original proposal)
Recommendation	Approval
Attachment	Item 4.1a –addendum to case officer report 4.1b – Original case officer report

Development Management Case Officer Report

Application Ref: LA06/2019/1007/F		DEA: Holywood & Clandeboye			
Proposal: Retention of a fence and gate to surround an existing pumping station (Retrospective).					
Location: Seacourt WWPS, Lands 20m North of No.1 Seacourt Lane, Bangor.					
Applicant: NI Water			Agent: N/A		
Date Valid: 02/10/2019			Env Statement Requested: No		
Date last Advertised: 16/10/2019					
Date last Neighbour Notified: 24/10/2019					
Consultations: Yes					
Representations: Yes					
Letters of Support		0	Letters of Objection		51
			Petitions		0
Summary of Main Issues:					
<ul style="list-style-type: none"> Principle of development on North Down Coastal Path Design and Appearance Impact on the character and appearance of the area Impact on landscape features and environmental quality Impact on biodiversity 					
Case Officer:		Michael Creighton			
Recommendation: Grant Planning Permission					
Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/					

1. Description of Site and Surrounding Area

Characteristics of Site and Area

The site is located at lands 20m North of no.1 Seacourt Lane. The site consists of a pumping station on the north-side of the existing coastal path. A small stone wall surrounds the southern part of the equipment located within the site and there is a metal wire mesh fence enclosing the site. The site is open to views to the public using the path and dwellings close to the site may have an oblique view of the pumping station.

The site is located inside the settlement limit of Bangor, within an area designated as recreation and open space, near to the Outer Ards Ramsar site, Special Protection Area, Coastal Policy Area and Area of Special Scientific Interest.

2. Site Location Plan



3. Relevant Planning History

There is no planning history on this site, nor within the immediate area which would need consideration in the assessment of this application.

4. Planning Policy Framework

The relevant planning policy framework for this application is as follows:

- North Down & Ards Area Plan 1984-1995
- Belfast Metropolitan Area Plan 2015 (DRAFT)
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

5. Supplementary Planning Guidance

Relevant supplementary planning guidance for this application is as follows: **N/A**

6. Consultations

Consultation was carried out with the following statutory and non-statutory consultees and a synopsis of responses is listed

Consultee	Response
SES	No objection
NIEA	No objection

7. Consideration and Assessment

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Area Plan Considerations:

Draft Belfast Metropolitan Area Plan 2015 (dBMAP)

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgment in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the North Down and Ards Area Plan 1984-1995 (NDAAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.



The site described is located within the development limit of Bangor as defined in the extant Plan and Draft BMAP.

As detailed within the draft Belfast Metropolitan Area Plan (Part 4 Volume 7), the site is located within/or in close proximity to the following designations:

- within an area of recreation and open space,
- near to the Outer Ards Ramsar site,
- Outer Ards Special Protection Area,
- Coastal Policy Area,
- Outer Ards Area of Special Scientific Interest,
- Wilson's Point Local Landscape Policy Area, and
- Area of Constraint on Mineral development

Those designations of relevance to the development proposal are those associated with Outer Ards, the Coastal Policy Area and LLPA.

Policy ENV 3 BMAP Draft – Local Landscape Policy Areas

Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage states that development plans will, where appropriate, designate local landscape policy areas (LLPAs), and include local policies and guidance to maintain the intrinsic environmental value and character of these areas.

LLPAs contain those features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and which are therefore worthy of protection from undesirable or damaging development. Specific to consideration of this proposal is Wilson's Point LLPA, which is noted as an area of local amenity importance with nature conservation interest – incorporating the North Down Coastal Path as far as Strickland's Glen to the west and the Marina car park and associated structure planting to the east.

Policy ENV 3 states that planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, character or integrity of the LLPA.

I am satisfied that the proposed development takes these features into account. The impacts on natural heritage and built heritage features have been considered through the consultation process, and the proposed development is not considered to adversely affect the features of the LLPA.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS document sets out the guiding principle relating to the grant/refusal of development which is contained within Paragraph 3.8.

This states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Paragraph 4.12 of the SPPS states that:

'Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above-mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.'

With regard to the area of open space the site is located within, the SPPS states within Paragraphs 6.199 – 6.213, it is acknowledged that open space, sport and outdoor recreation has an important societal role to play, supporting many cultural, economic, health and environmental benefits.

The planning system has a contributing role to play in securing high quality and sustainable development schemes which do not damage the environmental features and qualities which are of acknowledged public importance and local amenity. It is noted that the fencing is more visually prominent than the existing low-level wall, however it is my planning judgement that the requirement of the fencing for health and safety and anti-social behaviour reasons outweighs the minimal visual impact the fencing has.

The site is located on a bend at the top of a small hill along the coastal path and visitors enjoying the path will pass within a few metres of the site. The fencing is translucent and as the photographs below show, within close proximity the landscape beyond the site is seen through the structure, so creating minimal visual prominence. It is estimated that there is approximately 180m of the path where the fencing will be seen by the public. The applicant has outlined that sites of this nature owned by NIW throughout Northern Ireland now require secure fencing. There is a high wall on the south side of the coastal path and it is my planning judgement that the dwellings beyond the wall are screened from any direct views from their properties of the structure because of the well-established high stone wall and the topography of the land. It is therefore only a close proximity view along the path which will have any impact on visual amenity. As detailed above I consider there is minimal visual impact and that the fence is required for health and safety reasons.



View from mouth of Bangor Harbour

The fencing only surrounds the area required and there will only be short passing views when in close proximity to the site, and it is my planning judgment that the fencing is not detrimental visually from adjacent dwellings, nor is the visual impact so significant that it is detrimental to the public when enjoying the existing open space area when walking along the path. Distant views are not disrupted towards the site and the translucent structure blends into the landscape when viewed from a distance at an angle without a backdrop and then with the backdrop of the wall when viewed from the harbour in Bangor Marina.

Coastal Development (SPPS)

6.31 Northern Ireland is valued for its beautiful and relatively unspoilt coast including well known features such as the Giant's Causeway and Causeway Coast, Benone Strand, Antrim Coast Road, Strangford Lough and the Mourne Coast. The coastline – which is some 650 kilometres in length – is a unique part of our natural heritage. It includes a wide variety of landscapes many of which are of high scenic quality. It is also of great importance in terms of its scientific interest, nature conservation value and its wildlife habitats. Much of the coast is designated within Areas of Outstanding Natural Beauty, Areas of Special Scientific Interest, or as Marine Conservation Zones.

The proposal is required in order to secure the site and the minimum amount of fencing has been constructed while being cognisant of its visual impact upon the coastal area it is set within. The minimal visual impact caused by the fencing is outweighed by the health and safety issues outlined by the applicant.

Planning Policy Statement (PPS) 2 Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected Habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species and to biodiversity and geological interests with the wider environment.

Policy NH 1 relates to European and Ramsar Sites and states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on European and Ramsar sites.

In safeguarding Biodiversity and protected Habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species and to biodiversity and geological interests with the wider environment.

The Shared Environmental Service (SES) concluded that, having considered the nature, scale and location of the project, it could be eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Policy NH 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. It is deemed that the proposal will not be detrimental to the species protected by law.

Policy NH 5 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

As discussed above I have carried out a site inspection after which I was not convinced of any potential roosting areas or foraging areas, and as such I consider that there are no adverse impacts or damage to the features above. All relevant consultees have been consulted and have no objections to the proposal.

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

PPS 8 contains policies relating to the protection of open space. Whilst the area in which the proposal is situated is designated as existing amenity open space, it is occupied by the pumping station, and the proposal relates to fencing which has been erected around the station within the ownership of NIW. As such I do not consider that PPS 8 is engaged.



Looking east towards site



Looking west towards site

8. Consideration of Representations

The proposal has been advertised in the local press and the neighbours have been notified as per Section 8 of The Planning (General Development Procedure) Order (Northern Ireland) 2015. 51 letters of objection have been received.

Issues Raised – in bold

Visually intrusive / Eyesore / ruins the appearance of one of the prime portions of coastal path / inappropriate in the location and requires a bespoke design solution / hideous structure

The main content of the objections received are in relation to the visual impact the fencing has on the immediate and wider area. In terms of the visual impact the retention of the fencing will have has been considered within this report.

No evidence of risk to which the fence is required

Objections have been received which relate to the requirement of the fence. The applicant advised that further to contact from third parties, including elected members, complaints regarding antisocial behaviour were raised, including those concerning public drinking at the site whilst sitting on the low stone wall. Given the drop in levels between the coastal path and concrete area directly below the wall, and associated public liability claims arising from incidents such as this across NIW properties, it was considered a necessary response to fence off the area in the interests of health and safety,

The site has been secured in response to health and safety issues and concerns of local residents, and elected members. Consideration of the design and impact is detailed earlier in this report.

Contrary to Area Plan designations including within the outer Ards Ramsar site, LLPA, Special Protection Area, Coastal Policy Area and Area of Special Scientific Interest

All the sites referred to have been considered within the report.

Telementor Column reposition

The telementor column referred to is not a part of this planning application. It is my planning judgment that all the issues raised within letters of objection have been considered. I have also considered the fact that the fencing is a requirement to secure the site to prevent any risk to the public in terms of anti-social behaviour and health and safety, also the fact that issues were raised by a local councillor after receiving complaints by local residents. The issues raised have been discussed and considered and it is my planning judgment that, in terms of the planning balance, the retention of the fencing for the reasons outlined outweighs any of the arguments against the fencing.

9. Conclusion

The development has been considered with regards to the relevant Area Plan, Planning Policy, supplementary planning guidance and any other planning material considerations. The fencing is required to restrict public access to a well-established pumping station along the coastal path in the Bangor Area. The site is located within an area open to public views and while its design has been objected to by the local community, its requirement to restrict public access in the context of the location and arrangement of the site out-weighs the minimal visual impact it will have within the local area.

10. Recommendation

Grant Planning Permission

11. Planning Conditions

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

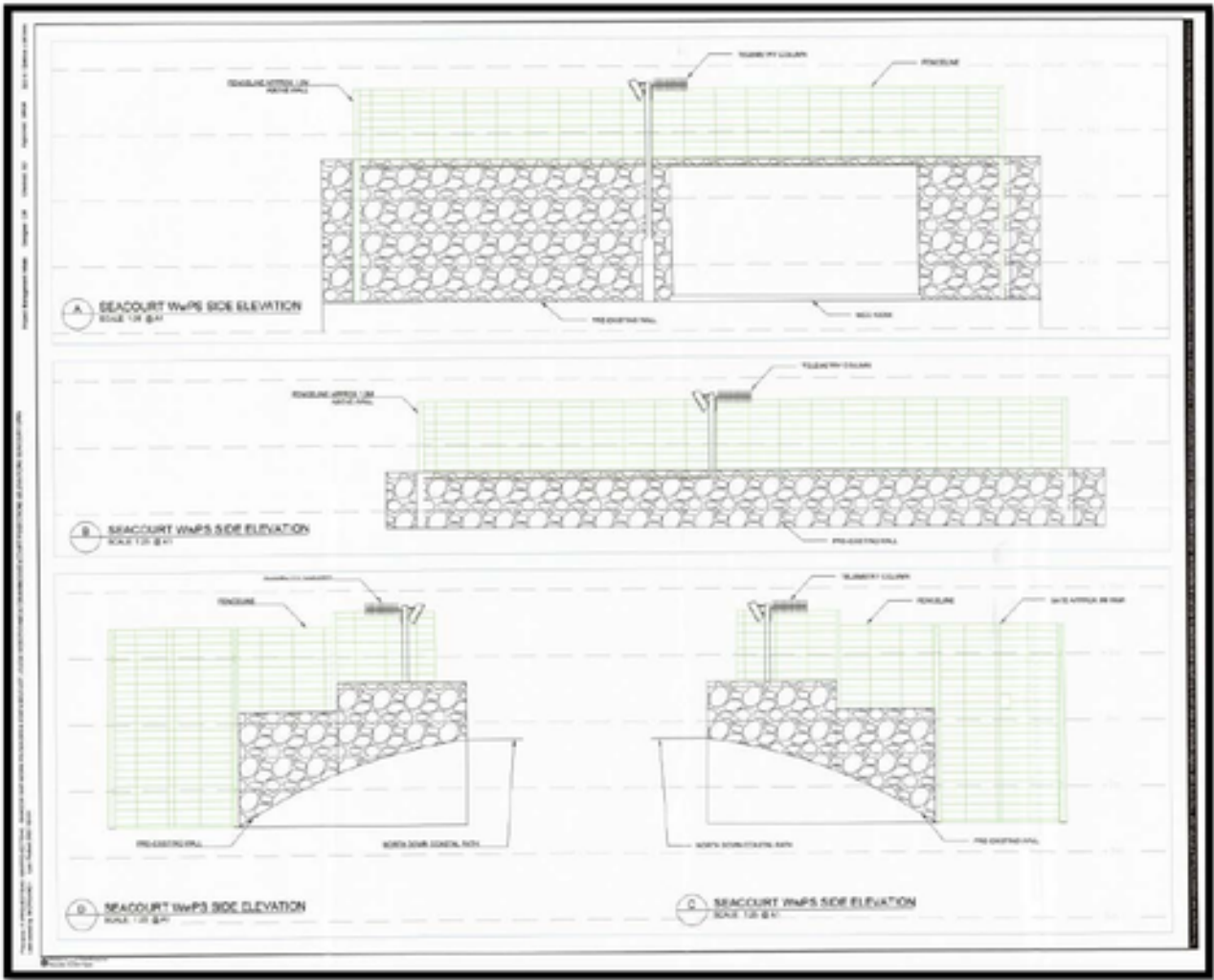
Reason: This is a retrospective application.

Informative

1. This notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose.












ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2019/0371/F
Proposal	Replacement of wind turbine approved under LA06/2020/0384/F with a Vestas V52 model with 50m hub height and 26m blade span
Location	Land approximately 150m SE of 32a Lisbarnet Road, Lisbane DEA: Comber
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Valid	05/04/2019
Summary	<ul style="list-style-type: none"> • Original permission for turbine granted 11/03/2013 under X/2011/0617/F with hub height of 37m • Subsequent application submitted LA06/2020/0384/F - Retention of wind turbine with a 30m hub and 26m rotor diameter with an output of 250KW (changed from 37m hub and 27m rotor diameter - previously approved under application X/2011/0617/F) approved 15/09/21. Constructed on site. • Current proposal seeks to replace the existing turbine on site granted 15 September 2021 • Presumption in favour of renewable energy development provided the proposal does not cause demonstrable harm to interests of acknowledged importance • SPPS states-wider environmental, economic and social benefits of all renewable energy proposals are material considerations that will be given appropriate weight in determining whether planning permission should be granted • 19 objections from 10 separate addresses, 1 letter of support • All material issues raised addressed in case officer report
Recommendation	Approval
Attachment	Item 4.2a – Case Officer Report

Development Management Case Officer Report			 Ards and North Down Borough Council		
Reference:	LA06/2019/0371/F	DEA: Comber			
Proposal:	Replacement of wind turbine approved under LA06/2020/0384/F with a Vestas V52 model with 50m hub height and 26m blade span	Location:	Land approximately 150m SE of 32a Lisbarnet Road Lisbane		
Applicant:	Fiord Wind Ltd				
Date valid:	05/04/2019	EIA Screening Required:	Yes		
Date last advertised:	03/03/2022	Date last neighbour notified:	22/02/2022		
Consultations – synopsis of responses:					
DFI Roads	No objection in terms of roads safety in relation to the proposed access				
NI Water	No objection regarding fixed radio links				
Environmental Health	No objection to the application subject to a number of conditions to protect the noise amenity of nearby residential properties				
DAERA Natural Environment Division	No objection				
DAERA Regulation Unit	No objection, referred to standing advice				
Historic Environment Division	No objection				
Belfast International Airport	No objection				
Ulster Flying Club	No objection				
George Best Belfast City Airport	No objection to the proposal in terms of aircraft safety				
NATS Safeguarding	No objection to the proposal in terms of aircraft safety				
Defence Infrastructure Organisation: Safeguarding Department	No objection to the proposal but requested that it is notified with the precise details prior to commencement of development				
Ofcom	No objection, no links identified				
The Joint Radio Company	No objection				
Arqiva	No objection				
Westica (on behalf of PSNI Information & Communication Services)	No objection				
Letters of Support	1	Letters of Objection	19 from 10 addresses	Petitions	0

Summary of main issues considered:

- Principle of development
- Visual amenity and landscape character
- Cumulative impact
- Residential amenity
- Telecommunication interference and aviation
- Local natural resources, such as air quality or water quality
- Natural heritage
- Impact on listed buildings
- Road safety

Recommendation: Grant Planning Permission**Report Agreed by Authorised Officer**

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <https://epicpublic.planningni.gov.uk/publicaccess/>

1. Site and Surrounding Area

The site is located in an agricultural field adjacent to the outbuildings/dwellings associated with 32 Lisbarnet Road. The proposal is approximately 366m from the roadside. There are a number of electricity pylons in the adjacent fields but no other wind turbines are visible. The land rises in a south-easterly direction, with the turbine located on the side of the drumlin peak. There are utility boxes located along the hedgeline west of the turbine.



The site is located within the countryside within the Ards and Down Area Plan 2015. The local landscape involves rolling drumlins and roads bounded with mature hedgerows.

2. Site Location Plan



3. Relevant Planning History

X/2011/0617/F - 150m SEE of 32a Lisbarnet Road, Newtownards - Wind turbine with a hub height of 37m – Permission granted 11 March 2013.

LA06/2020/0384/F - Approximately 150M East of No. 32A Lisbarnet Road, Lisbane - Retention of wind turbine with a 30m hub and 26m rotor diameter with an output of 250KW (changed from 37m hub and 27m rotor diameter - previously approved under application X/2011/0617/F - resulting in a reduction in previously approved tip height from 50.5m to 43m) – Permission granted 15 September 2021.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards & Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 18: Renewable Energy
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

- PPS 18 Best Practice Guidance
- Wind Energy Development in Northern Ireland's Landscapes (SPG)
- Northern Ireland Regional Landscape Character Assessment (NIRLCA)

Principle of Development

ADAP currently acts as the LDP for this area. Under ADAP, the site lies within the greenbelt; however, this designation was superseded upon the publication of PPS 21 in June 2010. As there are no material provisions in the Plan that are pertinent to the proposal, the determination will be based on other material considerations.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 21.

Policy CTY1 of PPS 21 identifies a range of types of development which in principle are considered to be acceptable in the countryside and which will contribute to the aims of sustainable development. One of these is renewable energy projects in accordance with Planning Policy Statement 18: Renewable Energy (PPS 18). PPS 18 is supported by a Best Practice Guide (BPG) and by Supplementary Planning Guidance entitled "The Northern Ireland Regional Landscape Character Assessment" (SPG).

The aim of PPS 18, set out in Paragraph 3.1, is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's (NI) renewable energy targets of 40% of electricity being provided by renewable sources by 2020.

The objectives set out in paragraph 3.2, strive to ensure that the environmental, landscape, visual and amenity impacts of renewable energy developments are adequately addressed and ensure that adequate protection is given to the Region's built, natural and cultural heritage features. The overall thrust of the document, is supportive of renewable energy developments with the headnote of RE 1 making it clear that development that generates energy from renewable resources will be permitted provided the proposal will not result in an unacceptable adverse impact on a number of specific criteria. Therefore, there is a presumption in favour of renewable energy development provided the proposal does not cause demonstrable harm to interests of acknowledged importance. Moreover, the Strategic Planning Policy Statement 2015 states that the wider environmental, economic and social benefits of all renewable energy proposals are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

The supporting statement highlights that the proposal to amend the turbine dimensions and model is to facilitate a more efficient generation of renewable energy on the site. The statement explains that the surrounding a drumlin landscape and natural obstacles, including mature dense wood to the north and north-east of the site, impinges on the efficiency of the existing wind turbine in harnessing renewable energy from wind. The supporting document further outlines that the proposed V52 model will enable the efficient harnessing of wind, and a greater windswept area will generate a higher yield of renewable energy in the interests of wider socio-economic and environmental benefits.

The applicant asserts that the wider environmental, economic and social benefits associated with the replacement turbine include a 300% increase in energy production, the provision of power to an additional 203 homes and the potential reduction in CO2 emissions (approx. 330 grams of CO2 equivalent per kWh). It is accepted that upgrading the existing renewable wind energy infrastructure incorporating higher potential output, more efficient design and a larger structure will inevitably serve to increase potential energy production and further assist in meeting renewable energy targets. As such the proposal does involve inherent wider environmental, economic, and social benefits to be weighted against any potential harm as outlined in policy.

Visual Amenity and Landscape Character

The impact on visual amenity and landscape character is assessed under Policy RE 1 taking the number, scale, size and siting into consideration. Paragraph 1.3.25 of the BPG addresses the matter of visual impact and acknowledges that wind turbines introduce a new and distinctive feature into any landscape, will often be highly visible and that it will normally be unrealistic to seek to conceal them. The last paragraph of Policy RE 1 states that the SPG is also taken into account and provides broad guidance in assessing all wind turbine proposals.

The site falls within Landscape Character Area (LCA) 95 Ballygowan Drumlins which is defined as an area mid to high sensitivity to wind energy development. This LCA extends from north of Crossgar to Dundonald. The guidance states that this area has a smooth rolling drumlin landform consisting of farmland and the settlements of Comber, Ballygowan and Saintfield. The scale, openness and settled character of this landscape are the key constraints to energy development. Most turbines, unless of appropriate scale and very carefully sited, could be out of scale with the drumlin landform and very few sites would offer adequate separation distances to dwellings, although there might be a few isolated areas of lower sensitivity on larger drumlins and away from dwellings. The overall sensitivity of the area is classed as high to medium.

The SPG does recognise that a high sensitivity level does not necessarily mean that there is likely to be no capacity for wind energy development within the LCA.

The NIRLCA states that the site falls within Northern Ireland Regional Landscape Character Area 26 – Strangford, Ards and Lecale. This RLCA covers the most easterly part of Northern Ireland including both sides of Strangford Lough and Ards Peninsula. This guidance states that the area is a scenic lowland landscape of smooth, undulating drumlins. The often steep sided drumlins are separated by marshy hollows, through which watercourses meander. The enclosed and intimate character of this area is a result of the complex topography, overlaid with the small scale field pattern of hedges and walls, with woodlands adding to the sense of enclosure.

The site of the proposed replacement turbine is on agricultural lands. The wind turbine comprises of a tubular tower with three rotor blades, finished white/grey in colour and has an overall height of 76m to blade tip. The utility boxes located on the south-western boundary of the field are not to be amended as part of this planning proposal. The site is located in excess of 2.5km from the western shores of the Peninsula and is not within an Area of Outstanding Natural Beauty (AONB).

The proposed turbine has a hub height 50m which is 20m higher than the hub height of the existing turbine. The blades will double in length from 26m to 52m rotor diameter. The overall height to tip will be 76m.

The immediate area is characterised by a rolling drumlin landscape. The main critical viewpoints of the proposal will be from the Manor Road, Lisbarnet Road and Killinchy Road. There are glimpses of the existing turbine from the Ballybundan Road at a distance however views are limited due to the distance of the turbine from this road, the topography of the land and intervening vegetation.



Photo taken from Killinchy Road, bottom X on map below



Photo taken from Killinchy Road, top X on map below



Ortho-photography image of site outlined in red and x annotating photo locations along Killinchy Road

When travelling north along the Killinchy Road, the existing turbine is visible from a distance of 700m. Continuing north towards Lisbane, the blades remain visible with the tubular tower largely screened by the mature trees which are planted between the site and the Killinchy Road. These trees will also help to restrict

views of the replacement turbine. Given the separation distance and intervening vegetation, I consider that the landscape has the capacity to absorb the replacement turbine when viewed from vantage points along the Killinchy Road.



Photo from Ballybundan Road

From the Ballybundan Road, there are limited views of the existing turbine due to the intervening drumlins and vegetation. A larger turbine would become more visible however this vantage point is a considerable distance from the site. From this vantage point the electricity poles will remain a feature of the landscape occupying drumlin tops as seen in the photograph above. The SPG recognises that proximity to existing

man-made structures can be beneficial in the siting of turbines as the landscape often has a greater ability to accommodate such development.



Photo in close proximity to 44 Lisbarnet Road

When travelling along the Lisbarnet Road from Kilmood, medium to longer range views of the existing turbine are visible from around 44 Lisbarnet Road. A larger turbine will be visible from further afield however the views will be at a distance which will reduce the overall visual impact.

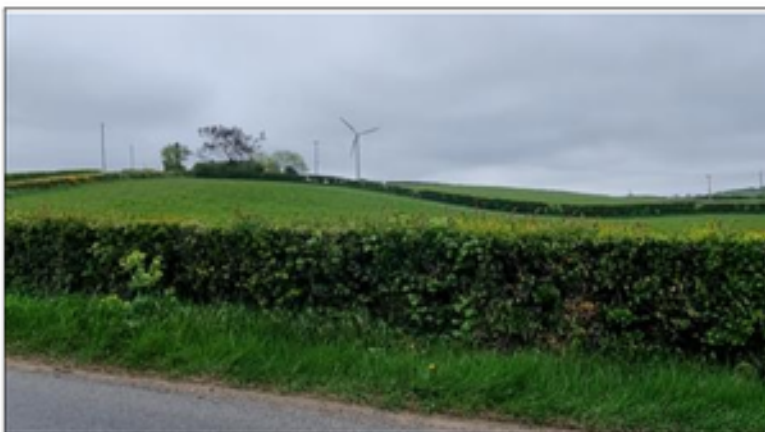
From the junction of the Lisbarnet Road and Manor Road driving towards Lisbane, the existing turbine whilst visible does not appear out of scale with the existing

landform due to the distance from the road and its position off the peak of the drumlin. I consider that the replacement turbine, whilst taller, will be a similar feature to the existing turbine and will not be overly obtrusive or dominant in the landscape.



Viewpoint 2 - This viewpoint was taken at the junction of the Manor and Lisbarnet roads. The undulating landscape to the north of the site will help to break up the silhouette of the whole of the structure and lessening the visual impact of the proposed turbine.

Proposed turbine from junction of Manor Road and Lisbarnet Road



The replacement turbine, from this viewpoint on the Lisbarnet Road, is likely to increase above the height of the adjacent vegetation in this photo however given its location off the peak of the drumlin it will not dominate the landscape.

Photo on right from laneway at Nos. 33, 33A and 35 Lisbarnet Road



Viewpoint 5 - Travelling north along the minor Manor Road the majority of the proposed tower of the turbine will be screened by the undulating

Proposed turbine from the laneway of 7 Manor Road

The tubular tower and blades are visible from the stretch of road near 7 Manor Road to the junction of Manor Road and Lisbarnet Road. Whilst only the upper portion of the turbine is visible above the drumlin at 10 Manor Road, the turbine becomes more visible when continuing north on the Manor Road.

I am satisfied that the proposed larger turbine will not be overly prominent in the landscape. See adjacent photograph which is taken further north on Manor Road over a distance of approx. 450m and on the following page, a view from the junction of Manor Road and Lisbarnet Road which is a similar distance from the turbine site. Whilst the tower and blades of the larger replacement turbine will be visible, I am satisfied that the impact on visual amenity and



Photo taken from road between No. 7 Manor Road and junction with Lisbarnet Road

landscape character will not be unacceptably adverse due to the separation distance from this vantage point.



Photo taken at junction of Manor Road and Lisbarnet Road



View from Lisbarnet Road, just as one leaves Lisbane

On leaving Lisbane, on the Lisbarnet Road, the blades of the existing turbine are firstly visible for a short distance behind the trees to the rear of Lisbane Surgery. Due to the intervening roadside vegetation, buildings and drumlin topography it is considered that views of replacement turbine from Lisbane will be limited to the upper portion of turbine hub and blade tips extending beyond this point.

turbine from Lisbane will be limited to the upper portion of turbine hub and blade tips extending beyond this point.



From this vantage point, the crossroads at Kilmoor Church and Lisbarnet Roads, the proposed turbine is not highly conspicuous in the

Proposed turbine view from crossroads at Kilmoor Church Road and Lisbarnet Road

From Kilmoor Church Road the replacement turbine will be set back in the landscape and will not dominate the views. HED was consulted on the proposal, and it offered no objections with regards to the potential impact of the turbine on the listed buildings, one of which is located on Kilmoor Church Road.



Viewpoint 5 – The views along the minor Tullynagee Road will only be infrequent and fleeting through gaps in roadside boundaries and mainly while

Proposed view of turbine from Tullynagee Road

There will only be glimpses of the turbine from the Tullynagee Road due to the separation distance and the intervening vegetation.

Although the increase in scale will be apparent, the turbine is located a considerable distance from the surrounding road network (the closest main vantage point is on the Lisbarnet Road approximately 380m distance from the site). Undoubtedly the replacement turbine will be visually evident in the landscape, however the Best Practice Guide (BPG) to PPS18 acknowledges that it will normally be unrealistic to conceal a wind turbine. Rather it is an assessment of the capacity of the landscape to absorb the development with appropriate weight applied to the wider benefits of the renewable energy development.

The BPG to PPS18 also outlines that wind turbines will provide a distinctive feature in the landscape and that whilst this is a recognition of the visual impact associated with such development it does not indicate that all turbines will be acceptable in all locations, nor does it follow that the replacement of an existing wind turbine with another is place would always be acceptable.

The site is not located in a designated landscape and will not have an unacceptable adverse impact on historic or built heritage sites. The replacement turbine is a larger structure to the existing turbine on this site; however, the new turbine will be similar in appearance to the established physical feature in this landscape. Whilst the scale of the turbine is large, it is not so excessive as to be comparable to modern wind farm developments in either tower height, blade length or overall height. The undulating nature of the surrounding landscape, meandering nature of the road network and intervening vegetation will reduce the impact of the replacement turbine on visual amenity and landscape character. Moreover, the replacement turbine will occupy a sensitive position off the peak of the drumlin top. On balance, I am satisfied that the

landscape has the capacity to absorb the proposed replacement turbine. Nevertheless, I consider that the current proposal likely represents the maximum scale that could be accommodated by the landscape in this location.

I do not consider cumulation of wind turbines to be a concern in this particular area. The proposal involves the replacement of the existing structure and will not result in an increased number of turbines in the locality. All other approved and current application sites for single turbines are located in excess of 1km from the current site. It is considered that the proposed site is positioned a sufficient distance from and is visually separate to these other sites for wind energy development. Therefore, it is judged that approval of the proposed turbine will not result in an unacceptable visual build-up of wind energy development in the area.

Residential Amenity

The BPG recommends in paragraph 1.3.46 that the report known as ETSU-R-97 should be used in the assessment and rating of noise from wind turbines. It is stated on page 23 of the BPG that the current practice of controlling wind energy development noise by the application of noise limits at the nearest noise-sensitive properties is the most appropriate approach. Absolute noise limits and margins above background should relate to the cumulative effect of all wind turbines in the area contributing to the noise received at the properties in question.

The Environmental Health Department considered an Acoustic Report prepared by Grainger Acoustics. The noise predictions indicate that the predicted noise levels at any receptor do not exceed either day or night-time limits when assessed as per the ETSU-R-97 guidance. There are no other turbines in close proximity to the site which will result in a cumulative impact in relation to sound. Noise conditions will be attached to any potential approval of this application to protect the noise amenity of nearby noise sensitive receptors. Environmental Health offered no objection in regards the potential noise impact on the neighbouring dwellings.



Turbine position in relation to 32A Lisbarnet Road

With regards to safety, for smaller individual wind turbines on farm enterprises, the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. The turbine is 76m to tip height so a separation distance of 83.6m is required. The nearest dwelling is 32A Lisbarnet Road and it is in excess of

83.6m is required. The nearest dwelling is 32A Lisbarnet Road and it is in excess of

150m from the turbine therefore comfortably satisfying safety requirements in accordance with guidance provided in PPS18 BPG.

The BPG advises that shadow flicker generally only occurs in close proximity to sites and only properties within 130 degrees either side of north relative to the turbine can be affected within this region. The BPG goes on to state that problems caused by shadow flicker are rare and at distances greater than 10 times rotor diameter the potential for shadow flicker is very low. In this case 10 times rotor diameter equates to 520m and there are several dwellings including the foundations of a dwelling (LA06/2018/0289/F) located within this area. It is recommended that shadow flicker at neighbouring dwellings within 500m should not exceed 30 hours per year or 30 minutes per day. The BPG states that where shadow flicker could be a problem, the developer should provide calculations to quantify the effect and where appropriate take measures to prevent or ameliorate the potential effect, such as by switching off the turbine at certain times.

The results of the shadow flicker assessment are indicated in the table below. The assessment found that, for the given geometry and location of the turbine, five properties within ten rotor diameters of the turbine will experience more than thirty hours per year or thirty minutes per day of shadow flicker effects. The greatest impacts are predicted to be at two dwellings which are identified as financially involved in the proposal. The report states that results have been assessed as a '**worst-case**' scenario which assumes that:

- The sun is always shining and is not obscured during daylight hours.
- Terrain variation is included along with vegetation cover or other obstacles which are likely to obscure the shadow flicker cast by the turbine.
- The turbine is always operating.
- The turbine is always orientated between the sun and the receptors.

Receptor	Shadow hours per year	Max shadow hours per day
13 Wallace Park	03:21	00:13
20 Lisbarnet Rd	15:11	00:29
24 Lisbarnet Rd	00:00	00:00
24a Lisbarnet Rd	00:00	00:00
25 Lisbarnet Rd	00:00	00:00
26 Lisbarnet Rd	31:00	00:37
27 Lisbarnet Rd	06:11	00:18
29 Lisbarnet Rd	34:42	00:31
31 Lisbarnet Rd	17:01	00:32
LA06/2018/0289/F (involved)	40:17	00:49
32 Lisbarnet Rd (involved)	52:04	00:57
32a Lisbarnet Rd (involved)	103:51	01:20
35a Lisbarnet Rd	14:49	00:30
37 Lisbarnet Rd	14:34	00:30
39 Lisbarnet Rd	13:12	00:29
41 Lisbarnet Rd	12:27	00:27
3 Manor Rd	27:22	00:29
10 Manor Rd	00:00	00:00



Ortho-photography screenshot of 26 Lisbarnet Road

No. 26 Lisbarnet Road has tall intervening boundary vegetation which will provide an element of mitigation against shadow flicker.



Google Maps streetview of No. 29 Lisbarnet Road

A double band of roadside trees may also help to lessen the impacts of shadow flicker at No. 29 Lisbarnet Road.

The closest dwelling, No. 32A Lisbarnet Road is the applicant's address and is identified in the report as being financially involved in the proposed replacement turbine. The siting of No. 32 Lisbarnet Road (also identifies as being financially involved in the proposed replacement turbine) and the foundations of the previously approved dwelling

further north-west means that there are intervening buildings which may help lessen the impacts of potential shadow flicker.



Google Streetview of 31 Lisbarnet Road

No. 31 Lisbarnet Road is located on the opposite side of the road to the applicant's laneway. The above table shows that a marginal breach in the recommended shadow flicker limits by 2

minutes per day for this property. No. 31 sits at a lower elevation than the public road and benefits from a substantial roadside hedgerow which may provide an element of mitigation against shadow flicker.

The Shadow Flicker Assessment states that the turbine will be fitted with appropriate sensors which will automatically stop the turbine should the conditions for shadow flicker be detected. The report concludes that once suitable mitigation is in place, there will be no residual effects at the properties with no financial involvement. The effects of the application of such a curtailment plan are shown in the table below.

Shadow flicker experienced by third party dwellings are all shown to be within the recommended limits of 30 hours per year and 30 minutes per day.

It is proposed that a condition is included as part of any potential approval of the application requiring the submission of a scheme providing for the avoidance of shadow flicker. Such a condition would ensure that the proposal will not cause any unacceptable impacts to nearby residential properties (without financial involvement) in terms of shadow flicker.

Receptor	Shadow hours per year	Max shadow hours per day	Avoided Shadow hours per year
13 Wallace Park	03:21	0:13	-
20 Lisbarnet Rd	15:11	00:29	-
24 Lisbarnet Rd	00:00	00:00	-
24a Lisbarnet Rd	00:00	00:00	-
25 Lisbarnet Rd	00:00	00:00	-
26 Lisbarnet Rd	24:30	00:30	06:30
27 Lisbarnet Rd	06:11	00:18	-
29 Lisbarnet Rd	25:47	00:30	08:55
31 Lisbarnet Rd	16:45	00:30	00:16
LA06/2018/0289/F (involved)	40:17	00:49	-
32 Lisbarnet Rd (involved)	51:50	00:57	00:14
32a Lisbarnet Rd (involved)	103:51	01:20	-
35a Lisbarnet Rd	14:49	00:30	-
37 Lisbarnet Rd	14:34	00:30	-
39 Lisbarnet Rd	13:12	00:29	-
41 Lisbarnet Rd	12:27	00:27	-
3 Manor Rd	27:22	00:29	-
10 Manor Rd	00:00	00:00	-

According to the Best Practice Guide, the possibility of ice throw is unlikely to occur in Northern Ireland.

Local natural resources, such as air quality or water quality

Water and air quality should not be adversely affected by this proposal. The site is not located within very close proximity to any water channels such as rivers or lakes.

The proposal is not sited in a bog land location and the topography of the site is relatively flat therefore it is considered that this application does not present a risk of landslide.

Natural Heritage

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify potential adverse impacts on designated sites. No such scenario was identified.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.)

Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

In terms of protected and priority species, recent published research by DEFRA and the University of Exeter (Matthews et al, 2016)¹ has highlighted the risk to bats from onshore wind turbines in the UK and the necessity for more robust survey data to adequately quantify the risk to bats from proposed wind turbine developments.

In light of this research NED has adopted a more precautionary approach when assessing the potential impact of wind turbines on bats and NIEA's revised Standing Advice on bats states that all wind turbine applications require an assessment of bat activity.

A Bat Survey was submitted and NIEA Natural Environment Division (NED) was consulted and is content that the replacement turbine is unlikely to significantly impact the local bat population.

Impact on Listed Buildings

The nearest listed buildings are as follows:

HB24 17 060 191 Killinchy Rd Comber B2

HB24 17 037 St Mary's c of I Kilmoody B+

HB24 17 039 Sextons Lodge Kilmoody B1

HB24 17 036 Old Court Hse Kilmoody B2

HB24 17 032 Florida Manor B+

These are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the buildings and on the basis of the information provided, considers the development satisfies Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Public Access

The access to the turbine is in situ and it does not have an adverse impact on the visual amenity of the area. DfI Roads was consulted and offered no objections to the proposal.

Telecommunication interference and Aviation

Consultations were carried out with a wide range of telecommunication and aviation bodies to ensure that radio waves, communications and airport radars would not be affected. It was confirmed that the development will not cause unacceptable electromagnetic interference to communications, radar, air traffic, emergency or other telecommunications systems.

Other Considerations

The foundations for the wind turbine could potentially impact on groundwater flow paths, groundwater receptors (aquifers) or secondary receptors. A desktop Groundwater Report has been submitted to the Council. The report does not identify any potential impacts to receptors and therefore a more detailed risk assessment is not required.

5. Representations

18 letters of representation have been received from 10 addresses. 1 letter of support has been received.

The concerns detailed are listed below:

Visual Impact

The visual impact of the larger replacement turbine has been considered in the main body of the report. Wider views from the other side of the Peninsula have been referred to in an objection letter. The replacement turbine is approx. 9km from the western side of the Peninsula. It is often unrealistic to screen turbines from view and there are many focal points within the Council area from which turbines are highly visible. I do not consider that the increased height of the replacement turbine would result in an adverse impact on the landscape over a 9km distance.

Noise of existing turbine

Environmental Health has been consulted on the proposal and following consideration of the submitted noise assessment, offered no objections to the proposal. The Environmental Health Department has received no noise complaints as a result of the existing turbine. The proposal will be subject to conditions to ensure that noise does not exceed the recommended levels.

Shadow flicker lasting up to 20 minutes at a time

A shadow flicker assessment has been submitted and as discussed in the body of the report, the turbine can be fitted with an appropriate sensor which will automatically stop the turbine should the conditions for shadow flicker be detected.

Impact on wildlife (Bats and Birds)

A Bat Survey has been submitted in support of the application. The proposal has been subject to consultation with the Natural Environment Division, and it offered no objections to the proposal

Risk to health and wellbeing and reference to a report in the Telegraph by Ian Johnston.

The Public Health Agency's (PHA) view is that provided established guidance and best practice in relation to placement of wind turbines and mitigation measures is undertaken, there is minimal to no risk to the health of the population associated with such facilities. This view is supported by the best current scientific evidence. No specific clinical evidence has been submitted by any third party to support an objection based on potential health impacts. The report referred to is not planning policy and therefore little weight can be attached to it.

Interference with mobile phones

Consultation has been carried out with telecommunication providers and no objections have been raised.

Neighbour notification associated with the 2011 approval

The 2011 application was processed by the Department of the Environment at a time when neighbour notification was not a statutory requirement but a goodwill gesture. Neighbour notification at that time would have been to properties within 90m of the application site. A greater distance of '10 times the rotor diameter' for neighbour notification was subsequently adopted by the Council.

Impact on St. Marys Church Kilmoor

Consultation has been carried out with the Historic Environment Division with regards to the potential impact of the replacement turbine on the listed church and it offered no objections.

Impact on children's day nursery at Kilmoor

It is not considered that the proposed replacement turbine will have any adverse impact on the nursery, which is located adjacent to St. Marys Church.

Wind Turbines (Minimum Distances from Residential Premises) Bill 17

This does not relate to Northern Ireland and therefore is not material. The Bill made no further progress after its second reading in the House of Lords.

6. Recommendation**Grant Planning Permission****7. Conditions**

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The existing turbine on the site shall be removed prior to the erection of the turbine hereby approved.

Reason: To prevent the accumulation of wind turbines.

3. All above ground structures shall be dismantled and removed from the site 25 years from the date when the wind turbine is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted).

Reason: To restore the habitat and maintain the landscape quality of the area.

4. The turbine shall be fitted with a Medium Intensity, Omni-directional, Night Vision Compatible, Steady Red Obstacle light at the highest point of the hub prior to operation. The light shall be lit 24 hours a day, seven days a week.

Reason In the interests of air safety.

5. The level of noise immissions from the wind turbine (including the application of any tonal penalty when calculated in accordance with the procedures described in Pages 104 - 109 of ETSU-R-97) shall not exceed the values set out in the table below. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent and are not listed in the table shall be considered the same as the closest physical location listed, unless otherwise agreed by the Council.

Property	Wind speed at 10m height (m/s)								
	4	5	6	7	8	9	10	11	12
Noise Limits, dB, LA90, 10min									
32 Lisbarnet Road Financially involved	41.4	41.8	42.1	42.5	42.9	43.3	43.6	43.6	43.6
32A Lisbarnet Road Financially involved	43.5	43.9	44.2	44.6	45.0	45.4	45.7	45.7	45.7
31 Lisbarnet Road	36.7	37.0	37.4	37.8	38.1	38.5	38.9	38.9	38.9
35A Lisbarnet Road	36.2	36.5	36.9	37.3	37.7	38.0	38.4	38.4	38.4
26 Lisbarnet Road	37.2	37.6	37.9	38.3	38.7	39.1	39.4	39.4	39.4
3 Manor Road	35.1	35.4	35.8	36.2	36.6	36.9	37.3	37.3	37.3
Foundations LA06/2018/0298/F Financially involved	40.8	41.2	41.6	41.9	42.3	42.7	43.0	43.0	43.0

Reason: To control the noise levels from the development at noise sensitive locations.

6. Within 6 months of the development first becoming fully operational (unless otherwise extended in writing by the Council), the turbine operator shall at his/her expense employ a suitably qualified and competent person to undertake a noise survey (as per Good Practice Guide Supplementary guidance Note 5) to assess the level of noise immisions from the wind turbine including the application of any tonal penalty and amplitude modulation (AM) penalty. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels of the turbine operating across the range of wind speeds referred to in Condition 5 and covering a range of wind directions. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.

Reason: To control the noise levels from the development at noise sensitive locations.

7. If the level of noise immisions from the wind turbine are found to exceed the values set out in the attached Table above, then works shall be undertaken to ensure compliance with the above levels within 3 months. Within 1 month of the completion of further works, a noise survey shall be carried out and submitted to the Council for written approval as per condition 6.

Reason: To control the noise levels from the development at noise sensitive locations.

8. Within 28 days of a written request by the Council, following a reasonable noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the wind turbine at the complainant's property following the procedures described in Pages 102-109 of ETSU-R-97. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any noise monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To control the noise levels from the development at noise sensitive locations.

9. The wind turbine operator shall provide to the Council, the results, assessment and conclusions regarding the noise monitoring required by the condition above, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Council unless otherwise extended in writing by the Council.

Reason: To control the noise levels from the development at noise sensitive locations.

10. Within 4 weeks from receipt of a written request from the Council, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent the turbine operator shall submit a scheme for the assessment and regulation of AM to the Council for its written approval.

The scheme shall be in general accordance with:

- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,
- Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology,
- The methodology published by Renewables UK on the 16th December 2013.

The scheme shall be implemented within 3 months of the date of a written request of the Council unless otherwise extended in writing by the Council. The scheme shall contain a specified threshold as well as a measurement methodology and metric for AM.

Reason: To control the levels of AM from the development at noise sensitive locations.

11. Prior to commencement of the development hereby approved a scheme providing for the avoidance of shadow flicker at any affected residential

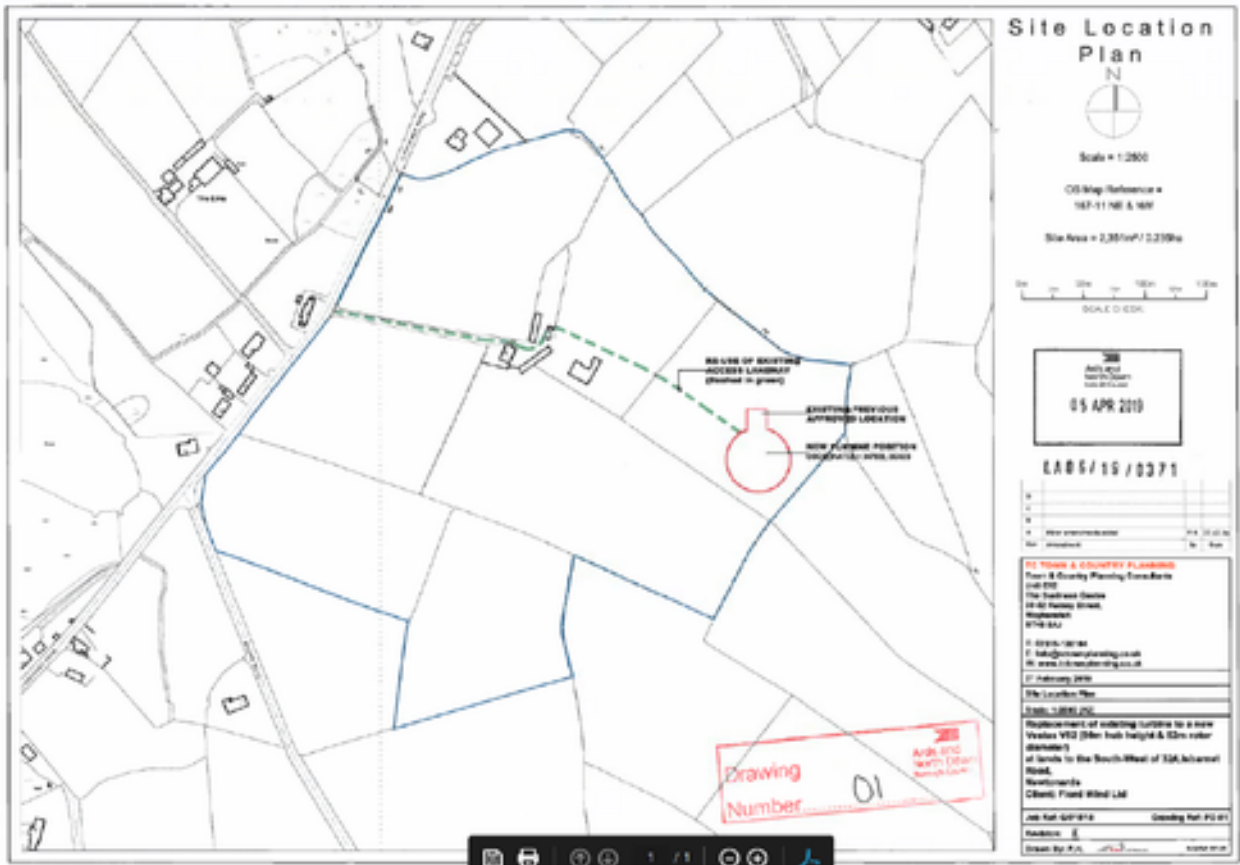
receptors that lawfully existing at the date of this permission shall be submitted to and approved in writing by the Council. The scheme shall be implemented as approved prior to the operation of the turbine and shall be carried out in perpetuity.

Reason: To ensure the amenity of residents is protected.

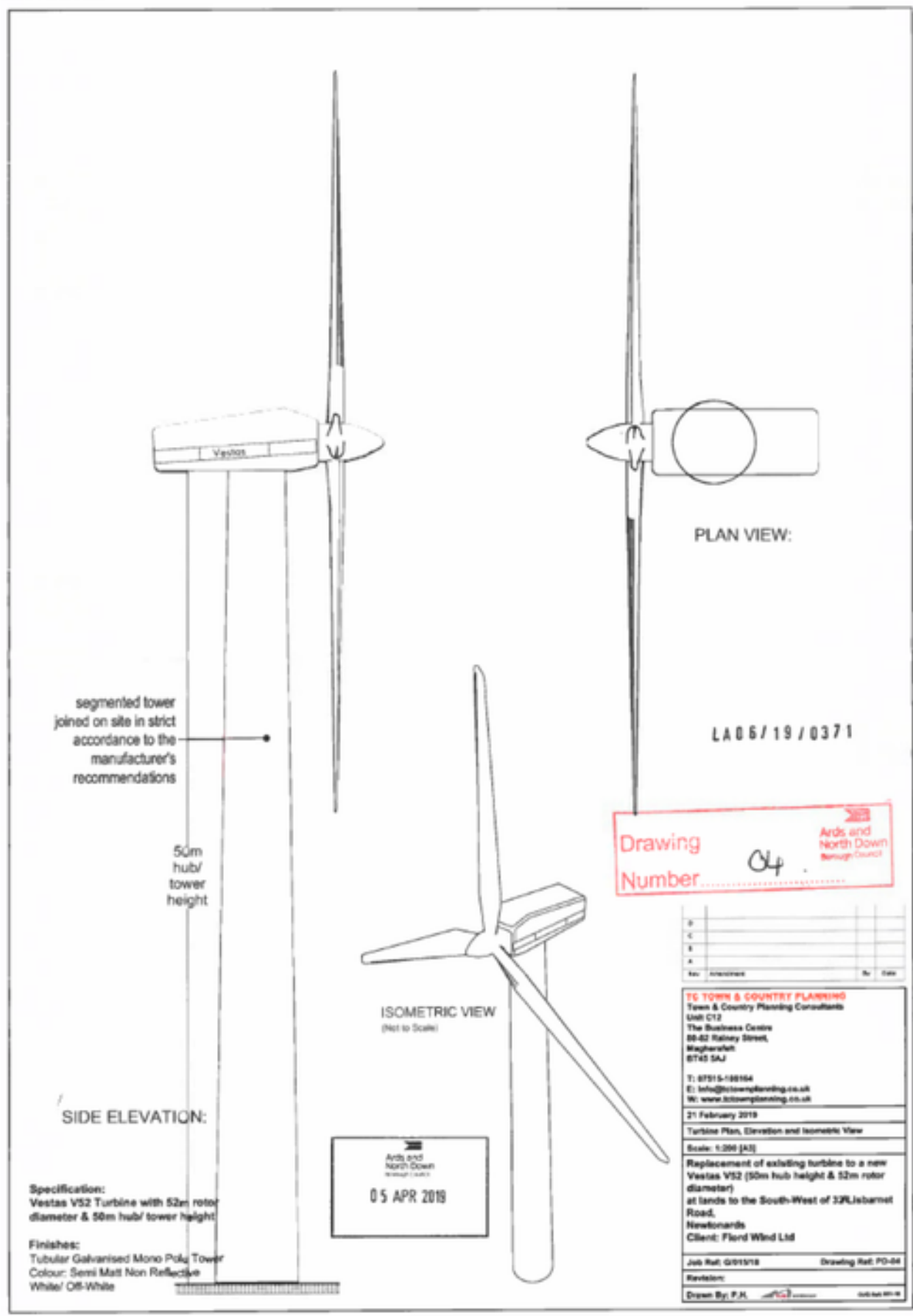
Informative

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

Site location



Elevations



Comparative visuals from Killinchy Road, Lisbane



Existing Photograph - (google street view)




Proposed Visual Representation

New Turbine (Vestas V52), 50m hub height, 26m blade tip (52m dia), Total Height = 76m, Distance to Turbine = 750m

ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2022/0021/F
Proposal	Change of use of car parking spaces to parklet (consisting of planters and area for public seating)
Location	To the front of 22 Frances Street, Newtownards
Committee Interest	An application made by the Council
Valid	12/01/22
Summary	<ul style="list-style-type: none"> • Parklet is 11m long and 2m wide. • DFI Roads provided no objection in terms of road and pedestrian safety. • One objection has been received. Matters raised relate to loss of car parking and impact on amenity. All material issues considered in COR. • Condition recommended to ensure parklet is removed and land restored to its former condition within 3 years.
Recommendation	Approval
Attachment	Item 4.3a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/0021/F	DEA: Newtownards	
Proposal:	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)		
Location:	To the front of 22 Frances Street, Newtownards		
Applicant:	Ards & North Down Borough Council		
Date valid:	12.01.2022	EIA Screening Required:	No
Date last advertised:	03.02.2022	Date last neighbour notified:	21.01.2022
Letters of Support: 0		Letters of Objection: 1	Petitions: 0
Consultations – synopsis of responses:			
Environmental Health Office		No objections	
Historic Environment Division		No objections (subject to conditions)	
DFI Roads		No objections (subject to conditions)	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of two on-street car parking spaces in the centre of Newtownards.

The site is located on Frances Street between the footpath on one side and the road to the other. The site occupies approximately the eastern half of the parking bay. The site is in front of the local Ulster Bank and close to other commercial properties. Conway square is to the south on the opposite side of the road.

The area is exclusively commercial with no residential properties nearby.

2. Site Location Plan



3. Relevant Planning History

No relevant planning history on the site.

The application is one of a number of applications for parklets made by the Council across the borough.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards & Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 6: Planning, Archaeology, and the Built Heritage

Principle of Development

The site described above is in the settlement of Newtownards as defined in the Ards and Down Area Plan 2015 which operates as the Local Development Plan for the area.

The site is in the town centre and within the Primary Retail Core. In terms of environmental areas, the site is outside the Strangford and Lecale Area of Outstanding Natural Beauty and any other special designations. The site also falls within an Area of Archaeological Potential and Archaeological Site and Monument, but as the works do not require works of heavy construction it is not considered expedient to consult Historical Monuments.

The Town Centre designation is to ensure the continuance of a compact and attractive shopping environment, offering both choice and convenience. Given the nature of the development, it is not considered the proposal will prejudice the objectives of the plan in relation to retail and town centres and it is considered the proposal is in general conformity with the plan, subject to the prevailing regional planning policies.

Impact on Town Centre

In relation to Town Centre and Retailing, the SPPS acknowledges it is important that planning supports the role of town centres and contributes to their success. The aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions.

This application relates to a small parklet and does not involve creation of additional retail space. Whilst a parklet would not ordinarily be considered a main town centre use, the proposal is in broad compliance with the SPPS given its location in the Town Centre. The proposal will not prejudice the objectives of the SPPS and will likely be supplementary to the role and function of the town centre.

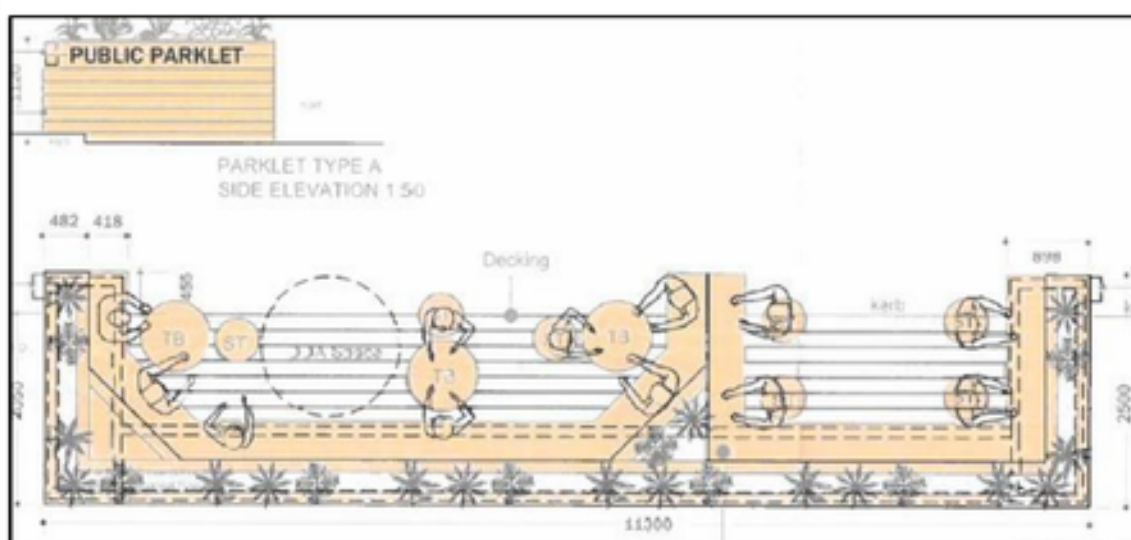
Impact on Character of the Area

The proposal is 11m long and 2m wide. The footprint of the parklet will be approximately the area of two car parking spaces.

The parklet is open on the footpath side and enclosed by timber cladding/planters on the two ends and roadside.



Location of parklet



Floorplan and elevation

The area is exclusively commercial and typical of a traditional high street. Whilst the parklet will undoubtedly introduce a new feature in the town, public seating and planters are a common feature across the town centre. Conway Square is a pedestrianised public space 100m to the west and features a significant amount of seating and landscaping. The parklet is innovative and will be complementary to the existing town centre offering. It is of a scale that will not detract from the adjacent buildings, and I do not consider it to be a dominant feature on the street. Overall, it is not considered the proposal will detract from the surrounding character of the area.

Impact on Privacy and Amenity of Neighbouring Residents

The SPPS also makes good neighbourliness a yardstick with which to judge proposed developments and The Council considers it important that the amenity of all residents is protected from 'unneighbourly' developments.

As referred to earlier, the site has a busy town-centre location in an exclusively commercial area. I did not note any residential properties at the time of my inspection. As a matter of good practise, the Council's Environmental Health Department has been consulted and no objections were raised.

Built Heritage

The parklet is located outside the Ulster Bank. Historic Environment Division has confirmed that the Bank is 'record only' and not currently listed. The Town Hall – which is Listed - is on the opposite side of the road, but HED considered that the proposal would have no detrimental impact on same. HED requested that permission be granted on the basis the structure will be removed after 3 years and will have a maximum height of 1120mm as per the submitted elevation.

Road safety/Parking

Clearly the proposal will result in the loss of two spaces. More generally, proposals should not prejudice road safety or significantly inconvenience the flow of traffic. For new developments which creates additional parking pressures, the policy provides for a reduction in provision where the location is highly accessible one where the development is proposed close to existing public car parking. Reduced parking provision may also be acceptable in locations which are highly accessible and well served by public transport. This includes many town centres and locations close to public transport interchanges.

There are a number of public car parks in the area within 250metres (Ann Street, West Street and South Street), and the surrounding streets are characterised by on-street parking. The loss of spaces must be balanced against the need to support measures to improve the town-centre product and the wider availability of car parking spaces. Loss of parking was raised in an objection submitted on behalf of the adjacent Ulster Bank. The objection considered the loss of parking outside the bank to disadvantage customers with mobility issues. The objection considered the parklet to reduce opportunities for visiting customers and cash-in-transit deliveries. Availability of parking spaces for a particular business goes beyond the control of the Council – and beyond the remit of this application. The parking provision is there for all and the Council is tasked to act in the public interest. Furthermore, in terms of visibility, the parklet will have no significantly greater impact than stationary vehicles. In relation to visibility, I will attach a condition to ensure planting and vegetation does not exceed the height of the structure.

The transport authority has been consulted and - subject to a number of conditions - did not consider the proposal to prejudice safety of road users and pedestrians. One condition requested that existing street furniture be repositioned. However, this relates to items beyond the red-line boundary of the site and would be beyond the scope of this application. It was also requested the structure be reduced in width, but

on further discussion this requirement was removed as DfI Roads were content the scale and location of the parklet would be controlled. Control of the height and the position of the proposal was also suggested as conditions. However, any planning permission relates to the development as shown on the plans and any increase in height or location would be controlled through a separate application. The response also indicated that any vegetation should be carefully maintained to prevent the obstruction of visibility for road users. Given the general nature of these comments, I contacted the Officer, and it was agreed that no vegetation should project above the structure. This updated advice is now reflected in Condition 3 (see section 7 below). It was also agreed that any Decision Notice would inform the applicant/developer of the necessity to be in receipt of the appropriate License from DfI prior to commencement of works. It is considered that the Conditions below reflect concerns of DfI Roads and will serve to ensure the ongoing safety of road users and pedestrians.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 1.5km from nationally and internationally designated sites. There are no waterways close to the site and therefore no hydrological link to any designated area. No protected habitat on the site. Unlikely the proposal will require works of heavy construction. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information. There is considered to be negligible impact on any species protected under law.

5. Representations

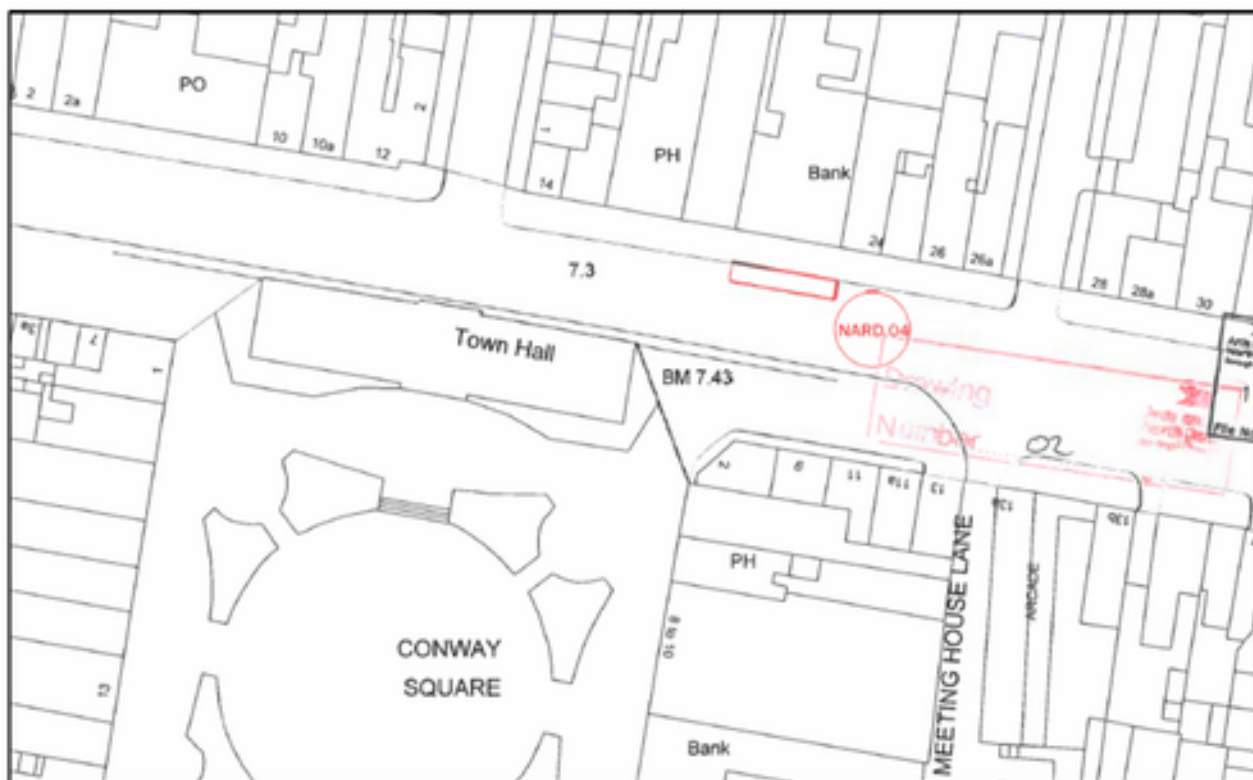
One representation has been received. The objection, referred to earlier, has been submitted on behalf of the Ulster Bank. The objection related to parking and amenity issues.

The objection raised concerns about the potential for anti-social behaviour outside the bank. The objection suggested customers may feel unsafe or uneasy using the ATM and night safe if there are groups of people loitering at night.

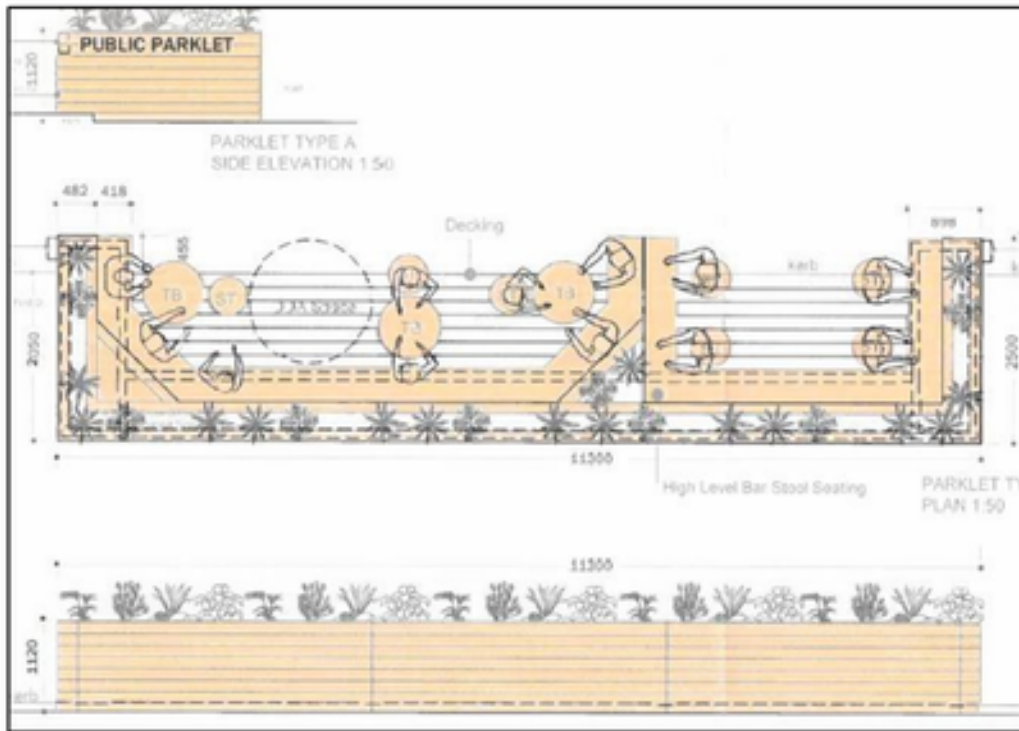
The ATM is in the centre of Newtownards with a continual flow of traffic and passers-by. The parklet is 1.05m in height (although planting is proposed atop) and it is doubtful the structure would be of a height that would completely screen use of the ATM to passing traffic. Whilst I am conscious there are specific concerns in relation to use of the ATM, the planning system must operate in the public interest and cannot exist to protect the interests of a particular business. Furthermore, any criminal activity would be a policing matter. Given the location, scale and temporary nature of the proposal, I do not consider the matters raised in this objection to be determining.

6. Recommendation
Grant Planning Permission
7. Conditions
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
<p>2. The parklet, hereby granted planning permission, shall be removed and the land restored to its former condition before the expiration of three years from the date of this permission.</p> <p>Reason: This type of temporary structure is such that its permanent retention would be detrimental to the character of the area.</p>
<p>3. No planting/vegetation within the site shall exceed the height of the parklet as shown on Drawing No.02 bearing the date stamp 12th January 2022.</p> <p>Reason: In the interests of convenience and safety of pedestrians and road users.</p>
Informative
<p>This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees. A Street Works License is required for the works and the applicant is advised to contact DfI Roads Southern Division to make an application.</p>

Annex



Site location plan




Elevations and floor plan

ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2022/0022/F
Proposal	Change of use of car parking spaces to parklet (consisting of planters and area for public seating)
Location	5-7 Regent Street, Newtownards
Committee Interest	An application made by the Council
Valid	12/01/22
Summary	<ul style="list-style-type: none"> • Parklet is 11m long and 2m wide. • DFI Roads provided no objection in terms of road and pedestrian safety. • No objections received from members of the public. • Condition recommended to ensure parklet is removed and land restored to its former condition within 3 years.
Recommendation	Approval
Attachment	Item 4.4 a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/0022/F	DEA: Newtownards	
Proposal:	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)		
Location:	5-7 Regent Street, Newtownards		
Applicant:	Ards & North Down Borough Council		
Date valid:	12/01/2022	EIA Screening Required:	No
Date last advertised:	23/12/2021	Date last neighbour notified:	03/02/2022
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Environmental Health Office	No objections		
DFI Roads	No objections – subject to conditions		
Historic Environment Division	No objections – subject to conditions		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of an area (approximately the length of 3 cars) of on-street car parking spaces in the centre of Newtownards. The site is part of a larger parking bay located adjacent to the public footpath and associated commercial properties.

The parking spaces are located on High Street which is lined on both sides by mainly independent shops, some offices, and on-street parking. The site is adjacent to the public footpath and outside a café and a small office building.

The area is exclusively commercial with no residential properties nearby.

2. Site Location Plan



3. Relevant Planning History

No relevant planning history on the site.

The application is one of a number of applications for parklets made by the Council across the borough.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards & Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 6: Planning, Archaeology, and the Built Heritage

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. The site described above is in the settlement of Newtownards. The site is in the town centre and within the Primary Retail Core. There are no environmental designations affecting the site. There is a Listed Building close to the site (No.1 Regent Street). The site falls within an Area of Archaeological Potential and Archaeological Site and Monument but given the proposal will not require any material excavation works, it has not been considered expedient to consult Historic Monuments.

The Town Centre designation is to ensure the continuance of a compact and attractive shopping environment, offering both choice and convenience. Given the nature of the development, it is not considered the proposal will prejudice the objectives of the plan in relation to retail and town centres and it is considered the proposal is in general conformity with the plan, subject to the prevailing regional planning policies.

Impact of Town Centre

In relation to Town Centre and Retailing, the SPPS acknowledges it is important that planning supports the role of town centres and contributes to their success. The aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions.

This application relates to a small parklet and does not involve creation of additional retail space. Whilst a parklet would not ordinarily be considered a main town centre use, the proposal is in broad compliance with the SPPS given its location in the Primary Retail Core and Town Centre. The proposal will not prejudice the objectives of the SPPS and will likely be supplementary to the role and function of the town centre.

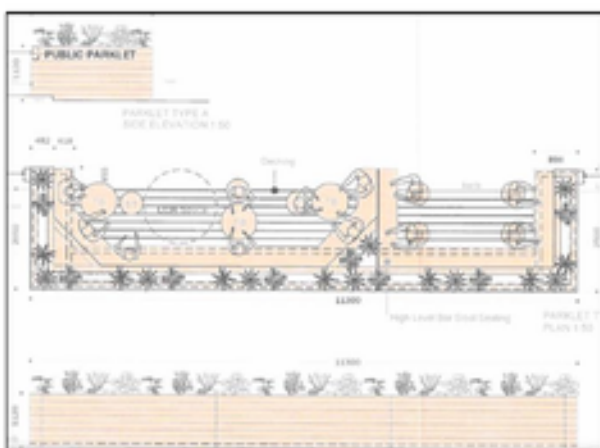
Impact on Character of Area

The proposal is 11m long and 2m wide. The footprint of the parklet will be approximately the area of three car parking spaces. The structure is open towards

the footpath and enclosed by timber-effect cladding/planters on the two ends and roadside.



Location of proposed parklet



Floorplan and elevation

The area is exclusively commercial and typical of a traditional high Street. Whilst the parklet will undoubtedly introduce a new feature in the town, public seating and planters are a common feature across the town centre. Conway Square is a pedestrianised public space 70m to the east and features a significant amount of seating and landscaping. The parklet is innovative and will be complementary to the existing town centre offering. It is of a scale that will not detract from the adjacent buildings and I do not consider it to be a dominant feature on the street. Overall, it is not considered the proposal will detract from the surrounding character of the area.

Impact on Residential Amenity

The SPPS also makes good neighbourliness a yardstick with which to judge proposed developments and The Council considers it important that the amenity of all residents is protected from 'unneighbourly' developments.

As referred to earlier, the site has a busy town-centre location in an exclusively commercial area. I did not note any residential properties at the time of my inspection. As a matter of good practise, the Council's Environmental Health Department has been consulted and no objections were raised.

Built Heritage

The site is close to a Listed office building on the corner of Regent Street and Mary Street. Unlike other businesses, the office building is set back from the street frontage. The parklet will not be directly in front of said building. I have consulted with Historic Environment Division and no objections have been raised. HED did request that the lands be returned to its current state after 3 years as the parklet would not be appropriate over the longer term.

Road safety/Parking

Clearly the proposal will result in the loss of three spaces. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. For new developments which create additional parking pressures, the planning policy provides for a reduction in provision where the location is highly accessible and one where the development is proposed close to existing public car parking.

There are a number of car parks in the area within two hundred metres (e.g., Ann Street, West Street and Mill Street) and the majority of surrounding streets are accompanied with on-street parking provision. The loss of spaces must be balanced against the need to support measures to improve the town-centre product and the wider availability of car parking spaces. The transport authority has been consulted and - subject to a number of conditions - did not consider the proposal to prejudice the safety of road users and pedestrians. One condition requested that existing street furniture be repositioned. However, this relates to items beyond the red-line boundary of the site and would be beyond the scope of this application. DfI Roads also requested the maximum height be controlled and that the position of the structure does not encroach beyond the site; however, planning permission relates to the development as shown on the plans and any increase in height or location would require a separate planning application. The response also indicated that any vegetation should be carefully maintained to prevent the obstruction of visibility for road users. Given the general nature of these comments, I contacted the Officer, and it was agreed that no vegetation should project above the structure. This updated advice is now reflected in Condition 3 (see section 7 below). It was also agreed that any Decision Notice would inform the applicant/developer of the necessity to be in receipt of the appropriate License from DfI prior to commencement of works. It is considered that the Conditions below reflect concerns of DfI Roads and will serve to ensure the ongoing safety of road users and pedestrians.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario

having any potential adverse impacts on designated sites was identified. The site will be 1.5km from nationally and internationally designated sites. There are no waterways close to the site and therefore no hydrological link to any designated area. No protected habitat on the site. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information. There is considered to be negligible impact on any species protected under law.

5. Representations

No representations were received.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The parklet, hereby granted planning permission, shall be removed and the land restored to its former condition on or before three years from the date of this permission.

Reason: This type of temporary structure is such that its permanent retention would be detrimental to the character of the area

3. No planting/vegetation within the site shall exceed the height of the parklet as shown on Drawing No.03A bearing the date stamp 26th January 2022.

Reason: In the interests of convenience and safety of pedestrians and road users.

Informative

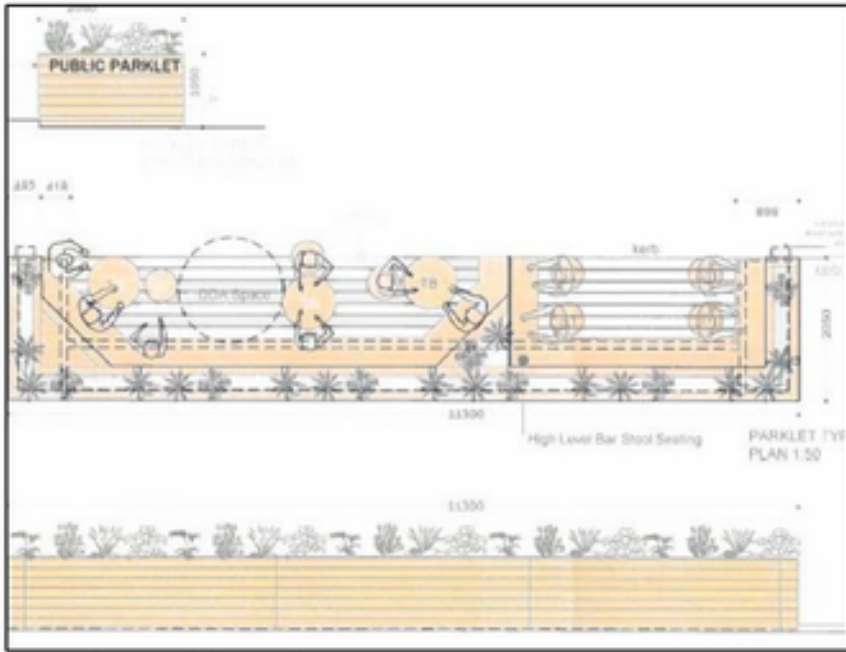
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees. A Street Works License is required for

the works and the applicant is advised to contact DfI Roads Southern Division to make an application.

Annex



Site location plan




Elevation and floor plan

ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2021/1367/F
Proposal	Change of use of car parking spaces to parklet (consisting of planters and area for public seating)
Location	To front of 44a-46 High Street, Newtownards
Committee Interest	An application made by the Council
Valid	23/11/21
Summary	<ul style="list-style-type: none"> • Parklet is 11m long and 2m wide. • DFI Roads provided no objection in terms of road and pedestrian safety. • No objections received from members of the public. • Condition recommended to ensure parklet is removed and land restored to its former condition within 3 years.
Recommendation	Approval
Attachment	Item 4.5a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2021/1367/F	DEA: Newtownards	
Proposal:	Change of use of car parking spaces to parklet (consisting of planters and area for public seating)		
Location:	To front of 44a-46 High Street, Newtownards		
Applicant:	Ards & North Down Borough Council		
Date valid:	23/11/2021	EIA Screening Required:	No
Date last advertised:	23/12/2021	Date last neighbour notified:	02/12/2021
Letters of Support: 0		Letters of Objection: 0	
Petitions: 0			
Consultations – synopsis of responses:			
Environmental Health Office	No objections		
DFI Roads	No objections (subject to conditions)		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of a couple of on-street car parking spaces in the centre of Newtownards.

The parking spaces are located in the High Street which is lined on both sides by mainly independent commercial premises and on-street parking. The site is adjacent to the public footpath and outside a café and estate agents.

The area is exclusively commercial with no residential properties nearby.

2. Site Location Plan



3. Relevant Planning History

No relevant planning history on the site.

The application is one of a number of applications for parklets made by the Council across the borough.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards & Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. The site described above is in the settlement of Newtownards. The site is in the town centre and within the Primary Retail Core. There are no environmental or architectural designations affecting the site. The site falls within an Area of Archaeological Potential and Archaeological Site and Monument but given the proposal will not require any material excavation works, it has not been considered expedient to consult Historical Environment Division.

The Town Centre designation is to ensure the continuance of a compact and attractive shopping environment, offering both choice and convenience. Given the nature of the development, it is not considered the proposal will prejudice the objectives of the plan in relation to retail and town centres and it is considered the proposal is in general conformity with the plan, subject to the prevailing regional planning policies.

Impact of Town Centre

In relation to Town Centre and Retailing, the SPPS acknowledges it is important that planning supports the role of town centres and contributes to their success. The aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions.

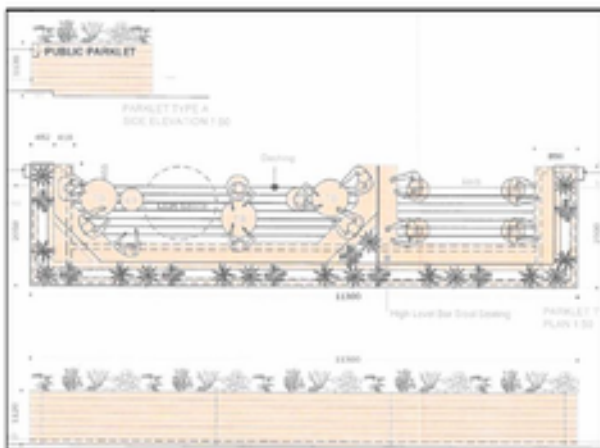
This application relates to a small parklet and does not involve creation of additional retail space. Whilst a parklet would not ordinarily be considered a main town centre use, the proposal is in broad compliance with the SPPS given its location in the Primary Retail Core and Town Centre. The proposal will not prejudice the objectives of the SPPS and will likely be supplementary to the role and function of the town centre.

Impact on Character of Area

The proposal is 11m long and 2m wide. The footprint of the parklet will be approximately the area of three car parking spaces. The structure is open toward the footpath and enclosed by timber-effect cladding/planters on the two ends and roadside.



Location of proposed parklet



Floorplan and elevation

The area is exclusively commercial and typical of a traditional high street. Whilst the parklet will undoubtedly introduce a new feature in the town, public seating and planters are a common feature across the town centre. Conway Square is a pedestrianised public space 100m to the west and features a significant amount of seating and landscaping. The parklet is innovative and will be complementary to the existing town centre offering. It is of a scale that will not detract from the adjacent buildings and I do not consider it to be a dominant feature on the street. Overall, given the permission is time-limited to 3 years, it is not considered the proposal will detract from the surrounding character of the area.

Impact on Residential Amenity

The SPPS also makes good neighbourliness a yardstick with which to judge proposed developments and The Council considers it important that the amenity of all residents is protected from 'unneighbourly' developments.

As referred to earlier, the site has a busy town-centre location in an exclusively commercial area. I did not note any residential properties at the time of my inspection. As a matter of good practise, the Council's Environmental Health Department has been consulted and no objections were raised.

Impact on car parking and access

Clearly the proposal will result in the loss of three spaces. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. For new developments which create additional parking pressures, the planning policy provides for a reduction in provision where the location is highly accessible and one where the development is proposed close to existing public car parking.

There a number of car parks in the area within two hundred metres (e.g., Ann Street and West Street) and the majority of surrounding streets are accompanied with on-street parking provision. The loss of spaces must be balanced against the need to support measures to improve the town-centre product and the wider availability of car parking spaces. The transport authority has been consulted and - subject to a number of conditions - did not consider the proposal to prejudice the safety of road users and pedestrians. It was requested that existing street furniture be repositioned. However, this relates to items beyond the red-line boundary of the site and would be beyond the scope of this application. DfI Roads also requested the maximum height be controlled and that the position of the structure does not encroach beyond the site; however, planning permission relates to the development as shown on the plans and any increase in height or location would be controlled through a separate planning application. The response also indicated that any vegetation should be carefully maintained to prevent the obstruction of visibility for road users. Given the general nature of these comments, I contacted the Officer and it was agreed that no vegetation should project above the structure. This updated advice is now reflected in Condition 3 (see section 7 below). It was also agreed that any Decision Notice would inform the applicant/developer of the necessity to be in receipt of the appropriate License from DfI prior to commencement of works.

It is considered that the Conditions below reflect concerns of DfI Roads and will serve to ensure the ongoing safety of road users and pedestrians.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 1.3km from nationally and internationally designated sites. There are no waterways close to the site and therefore no hydrological link to any designated area. No protected habitat on the site. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

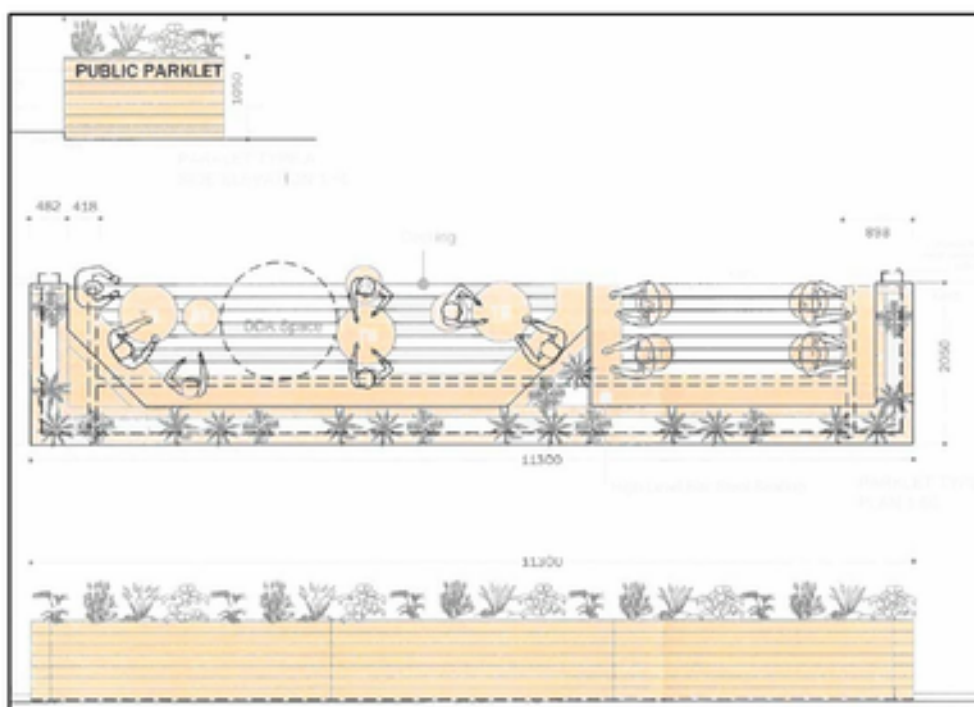
In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information. There is considered to be negligible impact on any species protected under law.

5. Representations
No representations were received.
6. Recommendation
Grant Planning Permission
7. Conditions
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The parklet, hereby granted planning permission, shall be removed and the land restored to its former condition on or before three years from the date of this permission.</p> <p>Reason: This type of temporary structure is such that its permanent retention would be detrimental to the character of the area</p> <p>3. No planting/vegetation within the site shall exceed the height of the parklet as shown on Drawing No.02 bearing the date stamp 23rd November 2021.</p> <p>Reason: In the interests of convenience and safety of pedestrians and road users.</p>
Informative
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees. A Street Works License is required for the works and the applicant is advised to contact DfI Roads Southern Division to make an application.

Annex



Site location plan



Elevations and floor plans

Unclassified

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ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Planning
Date of Meeting	05 July 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	13 June 2022
File Reference	
Legislation	The Planning Act (Northern Ireland) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Planning Appeals
Attachments	Item 5a - 2021/A0040 Report

Appeal Decisions

1. The following appeal was dismissed on 24 May 2022.

Appeal reference:	2021/A0040
Application Reference:	LA06/2015/0490/F
Appeal by:	Mr David Bryce
Subject of Appeal:	Installation of a 150kw wind turbine on a tubular tower with a hub height of 24m and blades with a rotor diameter of 24m and associated site works and equipment.
Location:	Lands 151m North of 24 Lisbane Road, Comber

The Council refused this application on the 13 April 2021 for the following reasons:

- The proposal would, if permitted, be contrary to the Strategic Planning Policy Statement (6.224) and Policy RE1 of PPS 18: Renewable Energy in that it has not been demonstrated that the development will not have an

Unclassified

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unacceptable impact on visual amenity and landscape character through the scale, size and siting of the turbine.

- The proposal would, if permitted, be contrary to Policy NH6 of Planning Policy Statement 2 in that its siting and scale fail to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general, and of the particular locality, and would not respect or conserve features of importance to the character, appearance or heritage of the landscape.

The main issues raised by this appeal related to the impact of the proposal on tourism, residential amenity, visual amenity, and landscape character, including the special landscape character of the Strangford and Lecale Area of Outstanding Natural Beauty (AONB).

The Commissioner concluded that the turbine would appear as an unduly prominent and discordant element within the surrounding landscape and would have an unacceptable adverse impact on visual amenity and the landscape character of this part of the AONB.

It was accepted that Strangford Lough is a feature of intrinsic interest to tourists. However, the evidence presented did not persuade the Commissioner that the proposed turbine would have an impact so great as to significantly compromise the tourism value of an asset the size of Strangford Lough. Objection on tourism grounds were not sustained.

The wider environmental, economic, and social benefits of all proposals for renewable energy projects were acknowledged, but in this case the appropriate weight they attracted was outweighed by the unacceptable adverse impact the proposal would have on visual amenity, landscape character and the AONB and would fail to comply with criterion (b) of Policy RE1 of PPS 18 and criterion (a) of Policy NH 6 of PPS 2.

Both the Council's reasons for refusal and the related upheld objections of third parties were sustained.

The decision is attached to this report.

New Appeals Lodged

2. No new appeals have been lodged since the date of the previous report.

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

RECOMMENDATION

It is recommended that Council notes this report.



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2021/A0040.
Appeal by:	Mr David Bryce.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Installation of a 150kw wind turbine on a tubular tower with a height of 24m and blades with a rotor diameter of 24m and associated works and equipment.
Location:	Lands 151m north of 24 Lisbane Road, Comber.
Planning Authority:	Ards and North Down Borough Council.
Application Reference:	LA06/2015/0490/F.
Procedure:	Written representations and Commissioner's site visit on 4 th May 2022.
Decision by:	Commissioner Damien Hannon, dated 24 th May 2022.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues raised by this appeal relate to the impact of the proposal on tourism, residential amenity, visual amenity, and landscape character, including the special landscape character of the Strangford and Lecale Area of Outstanding Natural Beauty (AONB).
3. The Ards and Down Area Plan 2015 operates as the relevant statutory Local Development Plan (LDP). It designates the appeal site as falling within the countryside and indicates that it lies within the AONB. The LDP however, contains no policies specific to proposals for renewable energy development. The relevant policy context is therefore provided by the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development (SPPS), Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21), Planning Policy Statement 18 - Renewable Energy (PPS 18), Planning Policy Statement 16 – Tourism (PPS 16) and Planning Policy Statement 2 – Natural Heritage (PPS 2). The SPPS also confirms that the 'Best Practice Guidance to PPS18 Renewable Energy' (BPG) and 'Wind Energy Development in Northern Ireland Landscapes' (SPG) will continue to apply. Consequently, these documents, published by the Northern Ireland Environment Agency, are material to consideration of this appeal.
4. Policy CTY1 of PPS 21 states that renewable energy projects, in compliance with PPS 18, are considered acceptable in principle in the countryside. Policy RE1 of PPS 18 states that development that generates energy from renewable sources

- will be permitted, provided the proposal will not result in an unacceptable adverse impact on five criteria. In respect of proposals for wind energy development, Policy RE1 also requires that compliance with seven additional criteria is demonstrated. Policy NH 6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and the siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the locality.
5. Policy RE 1 of PPS 18 requires that it be demonstrated that renewable energy proposals will not result in an unacceptable adverse impact on residential amenity. Objection was raised on the grounds that the proposal would, because of its scale and proximity, have a detrimental impact on the residential amenity of neighbouring occupiers through overdominance. I consider that sufficient separation distance exists between the proposed turbine and residential property to ensure that occupants of those properties would not suffer unacceptable loss of residential amenity. Objection on these grounds is not sustained.
 6. The Council and objectors stated that the proposal, by reason of its siting, size and scale, would have an unacceptable impact on visual amenity and landscape character contrary to criterion (b) of Policy RE1. Additionally, objection was raised on the grounds that the turbine, because of its size and scale, would not be sympathetic to the special character of the AONB or respect or conserve features of importance to the character, appearance, or heritage of its landscape, contrary to criterion (a) of Policy NH 6 of PPS 2.
 7. The appeal site is part of an open, agricultural field forming part of a drumlin hill located approximately 1km east of the village of Lisbane and, at its closest point, 1km west of Strangford Lough. This field lies adjacent to a farm complex at 24 Lisbane Road comprising a dwelling and a substantial group of agricultural outbuildings. The turbine base would be sited some 300m from Lisbane Road at a point close to the hilltop but below its summit. The proposal would be located some 100m from the nearest farm building and would be accessed via an extension to the existing farm lane.
 8. The appeal site and this part of the AONB, lies within the eastern portion of the Landscape Character Area 94 – Strangford Drumlins and Islands, as set out in the SPG. This is a landscape of low relief and its gently undulating, drumlin topography affords both longer views from drumlin tops as well as shorter and mid-range views from lower ground and hollows. The wooded land cover that is prevalent can provide screening and enclosure. The complexity of the landscape is accentuated by the interaction of drumlin landform, lough water, islands and inlets. These features combine to create a landscape of intimate, tranquil character with a high sensitivity to wind turbines.
 9. The Council and objectors have provided me with viewpoints they consider most relevant to assessment of the proposal. Some of these vantage points such as from outside Killinchy, Nendrum and the A22 between Comber and Lisbane are approximately 3-4 km away. Although evident, I do not consider that the visual impact of the proposal on landscape character, when viewed from such distance, would be unacceptable. Views from the east along Tullynakill Road are rendered fleeting by roadside vegetation and buildings and would not only present against a partial skyline backdrop but would also avail of the enclosure afforded by landform

and vegetated land cover. Again, I do not consider the impact, when assessed from these vantage points, to be so unacceptable as to be critical to the proposal.

10. I accept that the proposal is sited off the highest point on the hill and that roadside vegetation and buildings render views of the turbine from large parts of Lisbane Road filtered or screened. However, sustained views are available from a considerable stretch of Lisbane Road either side of the farm complex as well as from the Straits close to its junction with Lisbane Road. I consider views from this vantage point to be critical as they present sweeping, sustained views of the turbine against the backdrop of, not only the open, elevated drumlin landscape, but also of the Lough and skyline beyond. Having considered the submitted photographic and other evidence and surveyed the surroundings, I conclude that the turbine would appear as an unduly prominent and discordant element within the surrounding landscape and would have an unacceptable adverse impact on visual amenity and the landscape character of this part of the AONB. While the wider area is host to other existing and approved turbines, these are few in number and their circumstances were different to those of the appeal proposal.
11. Policy TSM 8 of PPS 16 states that planning permission will not be granted for development that would, in itself or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset such as to significantly compromise its tourism value. Objection was raised on the grounds that the proposal, because of its harmful impact on visual amenity and landscape character, would significantly compromise the tourism value of a tourism asset namely the 'scenic beauty of Strangford Lough'. I accept that Strangford Lough is a feature of intrinsic interest to tourists. However, the evidence presented does not persuade me that the proposed turbine would have an impact so great as to significantly compromise the tourism value of an asset the size of Strangford Lough. Objection on tourism grounds is not sustained.
12. Paragraph 6.225 of the SPPS provides clarification of Policy RE1 of PPS18 in respect of the wider environmental, economic, and social benefits of all proposals for renewable energy projects. Consequently, these factors are material considerations to be given appropriate weight in determining whether planning permission should be granted. In summary, the proposed turbine would provide 300,000 – 350,000 kwh of clean energy annually which will assist in achievement of Northern Ireland renewable energy goals, whilst reducing dependence on fossil fuels with an annual CO₂ reduction of some 200,000kg. It would also contribute financially to the upkeep and future viability of the appellant's farm through meeting its energy needs including grain drying. Other benefits that would accrue from the proposal would be the consequent economic spin-offs for the wider economy and the diversion of excess energy to the grid.
13. Whilst the stated benefits associated with the proposed turbine are considerable, the appropriate weight they attract is outweighed by the unacceptable adverse impact the proposal would have on visual amenity and landscape character. I conclude that the proposal would have an unacceptable adverse impact on visual amenity, landscape character and the AONB and would fail to comply with criterion (b) of Policy RE1 of PPS 18 and criterion (a) of Policy NH 6 of PPS 2. Both the Council's reasons for refusal and the related upheld objections of third parties are sustained and are determining.

This decision relates to the following drawings:

1:2500 scale Location Map numbered 01b received by the Council on 26th June 2020.

1:500 scale Block Plan numbered 02b received by the Council on 26th June 2020.

1:100 and 1:200 scale Elevations numbered 04a received by the Council on 26th May 2017.

1:50 scale Floor Plans 7 Elevations of Proposed Cabinet 2 numbered 06 received by the Council on 21 April 2020.

1:50 scale Floor Plans 7 Elevations of Proposed Cabinet 1 numbered 07 received by the Council on 21 April 2020.

COMMISSIONER DAMIEN HANNON

List of Documents

Planning Authority: -

COU 1 Statement of Case

Third Party Objectors: -

OBJ 1 Statement of case of Les Ross Planning

Unclassified

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ITEM 6**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	05 July 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	21 June 2022
File Reference	
Legislation	The Local Government Act (Northern Ireland) 2014
Section 75 Compliant	Yes
Subject	Quarter 4 Performance Report
Attachments	N/A

Context

Members will be aware that Council is required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil this requirement Council approved the Performance Management Policy and Handbook in October 2015. The Performance Management Handbook outlines the approach to Performance Planning and Management process as:

- Community Plan – published every 10-15 years
- Corporate Plan – published every 4 years (Corporate Plan Towards 2024 in operation)
- Performance Improvement Plan (PIP) – published annually (for publication 30 September 2021)
- Service Plan – developed annually (approved April/May 2021)

The Council's Service Plans outline how each respective Service will contribute to the achievement of the Corporate objectives including, but not limited to, any relevant actions identified in the PIP. The report for Quarter 4 2021-22 is attached.

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Key points to note: See table below for cumulative year.

Year	Quarter	Majors			Locals				Enforcement		
		Applications received	Decided	Average Processing Time (wks)	Applications received	Decided	Average Processing Time (wks)	% cases processed <= 15 wks	Cases Opened	Cases Concluded	Target 70% in 39 wks
2021/22	1	1	3	158.8	314	289	19.1	39.9%	105	118	33.1%
	2	1	1	110.8	263	218	20.2	28.9%	87	84	42.9%
	3	2	1	98.4	251	279	24.4	31.7%	84	82	42.7%
	4	2	1	30.2	250	228	25.9	24.8%	98	131	45.8%
TOTAL		6	6	104.6	1078	1014	22.4	31.9%	374	415	41.0%

A number of factors have affected performance over the past year, as follows:

- Unavailability of the Planning Portal for a number of weeks pre-Christmas 2021 and into the new year.
- Dealing with number of older cases in parallel with new cases.
- Ineffectiveness and resourcing of statutory consultees.
- NIW infrastructure issues.
- Continued and repeated objections to proposals.
- Ensuring robustness of EIA screening.
- Social distancing measures affecting numbers of staff in office; and
- Delegated list issuing on a Tuesday (reverting to Mondays from July).

Whilst cognisant of the above, and of ongoing performance improvement measures being considered in the light of the NI Audit Report and Public Accounts Committee Report, further staff training is taking place to ensure that consultations on applications are necessary, review of whether the Good Practice Guide with its Application Checklists is effective in trying to encourage appropriate frontloading, and continued review of proportionality of case officer reports. Additionally, in the light of recent revised government guidance, officers will be physically present in the office on a more regular basis which will assist the administrative team in relation to relevant processing associated with cases. Ongoing recruitment is underway to address vacancies and associated knock-on impacts from resignations and other absences.














RECOMMENDATION

It is recommended that Council notes this report.

Unclassified

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Last Update Q4 2021/22

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Undertake health and condition surveys of all existing historical Tree Preservation Order (TPO) sites	100%	100%
	Number of weeks to process local applications from date valid to decision or withdrawal	25.9	15
	Number of weeks to process major applications from date valid to decision or withdrawal	30.2	30
	% of householder applications processed to recommendation with 8 weeks	8.6%	75%
	Appeals against refusal of planning permission dismissed by PAC	50%	60%
	% spend against budget	78.75%	100%
	% audit reports satisfactory or above	100%	100%
	% progress of all enforcement cases to target conclusion within 39 weeks of receipt of complaint (i.e. case closure, date on which Enforcement Notice or Breach of Condition Notice issued, summons to court (date solicitor instructed)	45.8%	70%
	AND, alongside 9 other Councils and the Department for Infrastructure, has agreed to award a contract to replace the NI Planning Portal system; the project is well underway and in its design and configuration stage	75%	75%
	Continue to work alongside Department for Infrastructure to identify improvements to the planning system through review of the implementation of the Planning Act, and contribution of consultees to the planning system (meetings/workshops)	3	3
	% staff attendance	96.34%	95%
	% staff reporting regular/monthly receipt of team briefings	100%	100%
	% staff reporting regular annual Pride and Performance conversations	100%	100%

Unclassified

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ITEM 7

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	05 July 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	27 June 2022
File Reference	
Legislation	Section 7 of the Planning Act (NI) 2011 The Planning (Local Development Plan) Regulations (NI 2015)
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Subject	Metropolitan Working Group for Local Development Plan (LDP) - Replacement Member required
Attachments	Item 7a - Terms of Reference

Background

Department for Infrastructure (DfI) guidance suggests that collaboration between councils in plan-making is important to the soundness of each LDP, which is assessed through the independent examination procedure. The soundness assessment methodology includes a 'consistency test' that explores whether the LDP has given due regard to other relevant plans, policies and strategies relating to any adjoining council's district.

Metropolitan Spatial Working Group (MASWG)

A working group across councils in the Metropolitan area to support the ongoing LDP process (Belfast City Council, Antrim and Newtownabbey Borough Council, Lisburn and Castlereagh City Council, and Ards and North Down Borough Council) was established in 2017 by Belfast City Council (BCC). It was envisaged to provide a mechanism to include the sharing of information and seek, as far as possible, to agree a common approach to LDP policies, objectives and proposals in an effort to minimise the potential for conflicts between individual LDPs. The Working Group includes Members and officers, and meets quarterly.

Unclassified

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The Council nominated Aldermen Gibson and McDowell to represent ANDBC on this working group. With the resignation of Alderman McDowell from the Planning Committee it is necessary to nominate another Member to attend.

The existing Terms of Reference for the Group are appended for the information of Members.

RECOMMENDATION

It is recommended that Council:

- a) Notes the content of the report and the attached Terms of Reference; and
- b) nominate a replacement Member to serve on the Working Group.

METROPOLITAN AREA SPATIAL WORKING GROUP

Terms of Reference

Aim and Objectives

- To provide a liaison forum on spatial planning including cross boundary aspects of economic development, housing, transport, and general infrastructure issues arising at regional and sub regional level.
- To lead and co-ordinate the activity to support the 2011 Planning Act and SPPS suggestions that the LDP process should include a joined up approach to addressing issues that consider to cross administrative boundaries
- To advise strategic consultees and partners on matters of collective interest in the fields of activity listed above.
- To seek agreement on local cross boundary priorities in the fields of activity set out above.
- To ensure that regional policy development, local transport plans and joint working is appropriately linked to the decision making role of the Local Planning Authorities on Local Development Plan documents and related Community Planning.
- To assist in the establishment of detailed arrangements for integration between spatial, infrastructure and public service planning activity in appropriately defined localities, where appropriate linked to the Programme for Government.

Purpose

Specifically the Partnership will:

- share information and analysis on spatial planning, economic development, housing, transport, and general infrastructure issues at regional and sub regional level;
- share information and analysis on cross administrative boundary spatial planning, economic development, housing, transport, and general infrastructure issues;
- review progress against any Timetables, Implementation Plans or monitoring agreements— including relevant national and local targets;
- develop and communicate consensus views that seek to inform, assist and influence Government, Government agency and Regional institutions / bodies in their policy formulation and decision making roles;
- inform consideration of economic development, housing, transport, general infrastructure funding requirements by providing partners with advice and support to ensure they have the capacity to engage in the LDP process;
- make links with the DfC /NIHE and inform the commissioning of delivery work that assists partnership working on housing and a shared evidence base;
- make links with the other sub-regional structures that inform the plan development and other process relevant to the spatial development of the region.

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Accountability and Working Methods

The Metropolitan Area Spatial Working Group can only operate by consensus or reference to the parent organisations of the participants. Through consensus it is accountable to the constituent District Councils and any other organisations that are agreed to form part of the working group.

The Working Group will report to the respective Councils on its progress in delivery of any agreed objectives.

The Working Group will should be assisted in achieving agreed objectives by the existing delivery bodies / agencies or structures including:

- Economic and broader development issues
District Councils and through the other sub-regional partnerships, including where appropriate existing Community Planning structures.
- Spatial and Infrastructure Planning
District Councils and District Community Planning Partnerships, supported by the Heads of Planning and Strategic Planning groups to pick up common and cross boundary issues.
- Housing
Northern Ireland Housing Executive
Housing Organisations
- Transport/ Accessibility
DfI through its officer level joint working arrangements on transport. The Working Group should receive reports on and provide input to the Local Transport Plans. There will need to be a strong reporting and delivery link to transport planning studies and projects developed for specific localities to feed into District led work on LDPs.

Working Group Principles

The Working Group is formed as a thematic partnership and committed to working to the general principles and procedures established for Community Planning and other structures:

- Visible commitment and 'ownership' by the various member organisations and individual representatives
- Mutual trust and respect
- Openness and transparency
- Effective communication and accountability
- Removal of barriers to equality of access and opportunity
- Effective decision making
- The working group is a forum for liaison and information sharing and the development of consensus views on matters of mutual interest.
- Consensus views will be used to advise and influence the relevant decision making bodies including:
 - Government and its agencies (including specific Departments)

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- Regional agencies particularly Northern Ireland Housing Executive and NIEA
- The Department for Infrastructure as the Transport Authority
- The District CPPs (as the broader locality based co-ordinating partnership)

Other infrastructure and service providing bodies and partnerships that are affected by, and can influence, local economic development, housing, transport, general infrastructure and spatial planning activity

The working group should work closely with other partnerships where there are cross over issues. It will work with CPPs and other locality based partnerships where it is appropriate that a more detailed level of partnership working is undertaken on areas covered by the terms of reference.

Membership/ Chairman and Deputy Chairman

An elected member, or officer if there is no elected member present, from the host authority will chair the meetings to reflect the cyclic nature of the Working Group.