

<b>Title of Report:</b>	<b>Planning Committee Report – B/2012/0218/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>24th March 2022</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

**App No: B/2012/0218/F      Ward: Feeny**

**App Type: Full Planning**

**Address: 300m South East Of 76 Altagarron Road, Dungiven.**

**Proposal: Tourist retreat facilities to include Open farm with 'Noah's Ark' theme visitor building to house animals, café, kids play area and meditation / multi-function rooms.**

**Con Area: N/A**

**Valid Date: 08/08/2012**

**Listed Building Grade: N/A**

**Target Date:**

**Applicant: JPE Planning, 1 Inverary Valley, Larne, BT40 3BJ**

**Agent: Mr & Mrs Thomas & Marion Farrell, 76 Altagarron Road, Dungiven**

**Objections: 0**

**Petitions of Objection: 0**

**Support: 3**

**Petitions of Support: 0**

## **Executive Summary**

- This proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The site is located within the open countryside. The site is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016.
- The proposal does not comply with the types of development permitted in the countryside by PPS 21 Policy CTY 1.
- It has not been demonstrated that the proposal, as a tourism amenity or as a potential major tourism development, requires a countryside location. In addition, it has not been demonstrated how the proposal would result in a substantial benefit to regional tourism or sustainable benefits to the locality.
- As a potential major tourism development, it has not been demonstrated that there would be exceptional benefit to the tourism industry.
- The site cannot be accessed using the existing public road network without prejudicing the safety and convenience of road users.
- It has not been demonstrated how the proposal would not unacceptably adversely affect the amenity of nearby dwellings.
- It has not been demonstrated how the proposal would not result in harm to built and natural heritage.
- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS, PPS 21, PPS 16, PPS 6, PPS 3, and PPS 2.
- The application is recommended for refusal.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess>

## 1.0 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on farm land to the south of the applicant's dwelling and is approx 350m from the public road. Access to the site is currently obtained from existing farm access lanes. The southern boundary of the site is defined by an existing stream. The site itself has a north south gradient. Topography dictates that there are no views of the site from the Altagarron Road but from the junction with Ballyhanedin Road distant views are possible.
- 2.2 The site is currently an upland agricultural holding with existing natural field boundaries cutting across and within the site.
- 2.3 The surrounding area is rural and is characterised by rural dwellings and farmland. The local area retains much of its rural character. The application site, as amended, lies wholly within the Causeway Coast and Glens Borough Council Area.
- 2.4 The site is located in the countryside, outside any defined settlement development limit. The site lies within the Sperrin Area of Outstanding Natural Beauty.

## 3.0 RELEVANT HISTORY

B/1996/0426 - Land adjacent to no.73 Altagarron Road, Altagarron, Limavady - Site for farm dwelling – Application Withdrawn (Date Not Available)

A/2012/0076/F - 285m South of 76 Altagarron Road,  
BT474QQ – 2 no. Tourist Accommodation Units – Application  
Withdrawn (Date Not Available)

LA01/2019/1053/O - 80m SE of 72 Altagarron Road, Claudy –  
Site for Dwelling and Garage – Application Withdrawn  
15/11/2019

## **4.0 THE APPLICATION**

- 4.1 Full Planning Permission is sought for Tourist Retreat Facilities to include an Open Farm with a 'Noah's Ark' themed visitor building to house animals, a café, a kids play area and meditation / multi-function rooms.
- 4.2 The application was first recommended for refusal in November 2013 and subsequently deferred by Limavady Borough Council for further consideration. Further to the receipt of additional information the application has been considered by the Planning Department of the Council.
- 4.3 The proposal falls within the 'Major' category of development. As the application was submitted in July 2012 it is subject to the transitional arrangements of The Planning (Development Management) Regulations (Northern Ireland) 2015. Regulation 12 of said regulations states that Section 27 (pre-application community consultation) applies only to applications for planning permission made on or after the 1<sup>st</sup> July 2015 and that the requirement in Article 3 (3)(e) of the GDPO shall not apply before that date.
- 4.4 The application has been revised since its initial submission. Part of the site lay within the Derry City and Strabane District Council area. However, the red line was reduced and the self-catering element removed. The entire site now falls within the Causeway Coast and Glens Borough Council area. The Ark building itself was relocated within the application site to position it outside of the floodplain.
- 4.5 Retreat is taken to mean 'private and safe' place, i.e. a 'countryside retreat', an area for individuals to gather in an

environment. It is not taken to mean an area of overnight accommodation that has not been assessed as this.

The last correspondence received from the agent was the letter date received 4<sup>th</sup> May 2018

### **Environmental Impact Assessment**

4.6 Consultations were initiated for this application under The Planning (Environmental Impact Assessment) Regulations 2015. A determination was therefore carried out in respect of these Regulations. The proposal falls within Schedule 2: Category 12 (d) of these Regulations – Tourism and Leisure: Theme Parks, where the area of the development exceeds 0.5 hectare. The area of the application site extends to 11.535 ha.

4.7 Having considered the Regulations it was determined that the development proposal would not have any likely impacts of such a significance to warrant an environmental statement. The EIA Determination was completed 09.02.2022.

### **Habitats Regulations Assessment**

4.8 The application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal is hydrologically linked to the River Faughan Special area of Conservation (SAC). Shared Environmental Service advises that an HRA will be required to assess potential impacts on this site. The applicant should demonstrate best environmental practice when working adjacent to, or within watercourses. A suitable method detailing the disposal of foul and surface water should be provided by the applicant during both the construction and operational phases of the development. If minded to approve planning permission, a Habitats Regulation Assessment will be required.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

Six letters of support have been received in respect of this

application from the following:

Gregory Campbell MP  
Alderman George Robinson  
Councillor Alan Robinson  
Councillor James McCorkell  
Drummond Hotel  
Roe Park Resort

## 5.2 Internal:

NI Water (No objections)

Environmental Health (No objections)

DFI Rivers (No objections)

DFI Roads (Additional information required)

NITB (No Objections)

DARD (No Objections)

Historic Environment Division: Archaeology and Built Heritage  
(Archaeological Impact Assessment required)

Shared Environmental Services (A Habitats Regulation  
Assessment will be required)

DAERA: Water Management Unit (Further Information required  
as to how foul water from all the toilet blocks, ark and  
bus sanitation area will be dealt with)

DAERA: Natural Environment Division (Preliminary Ecological  
Appraisal required)

## 6.0 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material

considerations. Section 6(4) states that in making any determination where 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.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 15 – Planning and Flood Risk

PPS 16 - Tourism

PPS 21 – Sustainable Development in the Countryside



## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The main considerations in the determination of this application relate to: principle of development; criteria for tourism development; access; noise & amenity, flood risk; archaeology; and natural heritage.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS and PPS policy documents specified above. The main consideration in the determination of this application relates to the principle of this type of development in the countryside.

### **Principle of Development**

- 8.3 The proposal: Tourist retreat facilities to include Open farm with 'Noah's Ark' theme visitor building to house animals, cafe, kids play area and meditation / multi-function rooms.
- 8.4 The proposal is located in the countryside. Policy CTY 1 of PPS 21 details a range of types of development which in principle are considered to be acceptable in the countryside. Planning permission for non-residential development in the countryside will be granted for tourism development in accordance with PPS 16 (policies TSM 2 to TSM 7). As set out below, the development proposal does not comply with Policies TSM 2 or TSM 4 of PPS 16 therefore is contrary to Policy CTY 1 of PPS 21.

### **Policy TSM 2**

- 8.5 Policy TSM 2 contains policy provisions for tourist amenities in the countryside. Planning Permission will be granted for a tourist amenity in the countryside where it is demonstrated that:
- a) it is in association with and requires a site at or close to a particular tourism attraction located in the countryside, or
  - b) the type of tourist activity in itself requires a countryside location. In addition, where a proposed tourist amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations it

must demonstrate substantial benefit to regional tourism as well as sustainable benefits to the locality. Such applications must be supported by a tourism benefit statement and a sustainable benefit statement.

8.6 At the office meeting held on the 29<sup>th</sup> November 2013 it was stated that the application complies with criteria (b) above and an economic package was to be submitted to support the regional aspect of the proposal. In January 2015 a Business Plan was submitted. A further meeting was held on the 14<sup>th</sup> December 2015 following the transfer of planning powers to the Council and consideration of the application by the Planning Department of the Council. At this meeting it was agreed that the agent would submit a report on how the proposal complies with Policy TSM 4 of PPS 16 – Major Tourism Development in the Countryside – Exceptional Circumstances. For completeness, both are discussed within this report.

8.7 Criteria (a) of Policy TSM 2 does not apply to this proposal. Criteria (b) requires the proposal to demonstrate that the type of tourist activity in itself requires a countryside location. The 2014 Economic Appraisal and Section 3, paragraph 3, of the Agent's letter received 4<sup>th</sup> May 2018, state that the application site is within the applicant's ownership and is therefore available at a nil cost which is critical to the economic viability of the scheme. While the supporting information makes a case for this specific countryside location on the grounds of the rural mountainous location, it is clearly indicated that the ownership of the land is a critical component of the proposal. The ownership of the land at this location would appear to be the determining factor in this choice of location. This, in itself, does not justify the specific need for the proposal to be located in this countryside location. It has not been demonstrated that the type of tourist activity in itself requires a countryside location. The proposal is also required to demonstrate substantial benefit to regional tourism as well as sustainable benefits to the locality. Further detail and consideration is given to these matters under the assessment of Policy TSM 4.

## **Policy TSM 4**

- 8.8 Policy TSM 4 states that a proposal for major tourism development in the countryside will be permitted if it meets all of the following exceptional circumstances:
- (a) demonstration of exceptional benefit to the tourism industry;
  - (b) demonstration that the proposal requires a countryside location by reason of its size or site specific or functional requirements;
  - (c) demonstration of sustainable benefit to the locality.

All proposals brought forward under exceptional circumstances must be accompanied by a statement demonstrating how the proposal meets the three criteria.

- 8.9 This application has been in the system for a substantial period of time and was initially processed under the previous authority for planning, the Department of the Environment. A statement was submitted by the agent on the 23<sup>rd</sup> May 2016. On page 3 it states that 'it has been agreed that it falls to be considered under Policy TSM 4'. As the thrust of documents since this time attempt to argue those matters in TSM 4, TSM 4 is considered the most appropriate policy to assess this application, having regard to the nature of the proposal. This position is supported in a letter from the agent dated 4<sup>th</sup> May 2018. This information is considered in addition to the Planning Statement first submitted with the application in July 2012 and the Business Plan submitted in January 2015.

- 8.10 In respect of criteria (a) it is argued that the proposal will provide an idyllic park setting with open farm attractions, with the unique element being the integral biblical theme of Noah's Ark and the proposed landmark Noah's Ark Visitor Centre. It is proposed that this will open the attraction up to the Faith Tourism market, in addition to the well-being, cultural and recreational tourist market. The statement of tourism benefit refers to research carried out by the applicant, including the development of a promotional leaflet that was emailed to 800 Christian Churches throughout the world, but mainly in North America. The statement concludes that this demonstrates an interest from 'Faith Tourists', particularly from North America in visiting the attraction. At the time of submission of the report

there were two other Noah's Ark attractions in the world, one in Hong Kong, and one in Holland. The third has since been constructed in Kentucky in the USA. These existing attractions provide an indication of the level of interest in this type of faith tourism attraction.

8.11 The scheme is estimated to cost in the region of £10million to develop and aims to attract a combination of visitors including local, RoI, UK and International. The business case suggests the following visitor numbers will be achieved over the first three years of the project opening:

Year 1	60,000 visitors
Year 2	160,000 visitors
Year 3	250,000 visitors

While part of the unique attraction of the scheme will be the faith element, it is argued that it will also be an attractive destination for non-faith tourists who will tap into the organic tourist already in the area, from the cultural and recreational tourism sector. All the information pertained to the original iteration of the proposal, which included an element of self-catering accommodation. This element has since been removed from the proposal. There is no updated Economic Appraisal factoring in the amendments made. Therefore, on that basis, it has not been demonstrated that the current scheme would result in an exceptional benefit to the tourism industry. The proposal does not comply with criteria (a).

8.12 Criteria (b) requires the applicant to demonstrate that the proposal requires the specific countryside location. The planning supporting statement of May 2016 did not advance any additional information in respect of this criteria and therefore further information was requested from the agent in December 2016. A detailed letter from the agent was received on the 4<sup>th</sup> May 2018 addressing this request. This specific location has been selected for a number of reasons which are considered below.

8.13 As the application site is within the applicant's ownership it is available at a nil cost which is critical to the economic viability of the scheme. This is stated in Section 3, paragraph 3, of the Agent's letter received 4<sup>th</sup> May 2018, and confirmed in the

earlier Economic Appraisal. While the supporting information makes a case for this specific countryside location on the grounds of the rural mountainous location, it is clearly indicated that the ownership of the land is a critical component of the proposal. The ownership of the land at this location would appear to be the determining factor in this choice of location.

8.14 The letter of the 4<sup>th</sup> May 2018 refers to the supporting statement of the 23<sup>rd</sup> May 2016. This details how the telling of the bible story is linked to a rural mountainous location. Noah was a farmer and it is said that many of the animals said to have been loaded onto the Ark came from his farm. It assists to interconnect the story to the farm and then to the Ark. The Ark came to rest within a mountainous area and the mountainous location is critical to the story as it illustrates the biblical flood levels told through the bible story. The location will assist in illustrating how much water it would have taken to flood the earth to the level of the highest mountains.

8.15 The supporting statement contends that it is necessary to locate the attraction in a rural mountainous location for the reasons outlined above, on an existing farm holding, with sufficient land to accommodate the proposal. The letter of the 4<sup>th</sup> May 2018 reiterates these earlier arguments but beyond further highlighting that the applicant's ownership of the land within the site and beyond which can accommodate the proposal and the intertwined agricultural element there is no other supporting evidence provided.

8.16 The ownership of the land in itself does not justify the specific need for the proposal to be located in this countryside location. This particular location is not a mountainous area. As much of the rural countryside is undulating and typically utilitarian farmland there are not exceptional circumstances that necessitate this particular location.

8.17 Criteria (c) requires the proposal to demonstrate sustainable benefit to the locality. This covers both the economic sustainability of the proposal, along with community, environmental and locational sustainability. This is covered in section 6.0 of the supporting planning statement (May 2016).

8.18 The proposed development will result in the generation of significant employment opportunities with 18 staff in year one,

growing to 50 staff in year three, comprised of 30 permanent staff and 20 additional staff at peak season. Additional jobs will be created during the construction and development of the scheme. It is stated that the creation of these jobs will in turn have a trickle-down effect of much needed wealth into the local area. Additional spend will be generated by attracting tourists into the Foreglen area and other areas of the surrounding towns. An agreed budget is in place for marketing to promote the business in year 1.

8.19 Section 6.2 outlines how the proposal will, in addition to meeting tourist needs, provide facilities that can be accessed by the local community through a programme of schools education, access to the allotments, seasonal events, and access to facilities for cultural / educational / personal use (e.g. meditations/contemplation). Employment opportunities during construction and once operational will also contribute to local community regeneration.

8.20 Environmentally, the proposal has been sited in this location due to its utilitarian farmland and the existing natural environment in this location. Section 6.3 states that the protection of the environment is a key part of the proposal. In addition to retaining the agricultural land, there is an existing wild orchard on the site, with a wildlife and butterfly garden proposed, along with the protection of the river corridor. Additional planting is also proposed, with invasive species removed. The project also proposes the use of green technology and aims to promote a zero carbon usage across the site.

8.21 In relation to the locational sustainability of the site, this is discussed within section 6.4 of the 2016 statement. This states that owing to the sites rural location it is not proximate to many public transport networks, although is accessible by bus during peak times. The site is located approx. 2.6km from the main A6 via Ballyhanedin Road and approx. 1.3km from the main A6 via Crocknabrock Road. Neither of these routes benefit from a public footpath and both are considered to be minor rural roads. It is considered that the site is not readily accessible by bus and there are limited opportunities for access via public transport, particularly given the dualling of the A6.

8.22 The application also proposes to include a sanitation unit for buses and coaches, this is intended to encourage this location as a coach and bus stop. There is no consideration given to the status of the road as a minor road, or the narrow road conditions at this location. In order to access Altagarron Road, the principal route being discussed is via Ballyhanedin Road. Access is also possible from the east via Crocknabrock Road or Altagarron Road at Foreglen. A Transport Assessment has also been submitted for this application. The access issues are considered in more detail later in this report, under the heading 'Access'.

8.23 Notwithstanding this, the proposal fails to demonstrate that it would provide sustainable benefit to the locality. A significant factor in this is that it is not accessible by public transport, walking or cycling. As a proposal for major tourism development, the proposal is not conveniently accessible from the regional strategic transport network. (A6 Key Transport Corridor)

### **Criteria for Tourism Development**

8.24 A proposal for tourism use will be subject to the following design criteria contained within Policy TSM 7:

#### Design Criteria

- (a) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- (b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
- (c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
- (d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
- (e) is designed to deter crime and promote personal safety;





(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

#### General Criteria

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;

(h) it does not harm the amenities of nearby residents;

(i) it does not adversely affect features of the natural or built heritage;

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

(k) access arrangements must be in accordance with the Department's published guidance;

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;

(n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.

(o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided;

8.25 The proposed site plan indicates a large area of car parking and 5no. spaces for bus parking. The site access point is annotated to show a route for both vehicles and pedestrians. The site is accessed from the Altagarron Road which due to its rural location does not benefit from a pedestrian footpath. Given the distance from the main A6 it is unlikely that large numbers of visitors would be able to access the attraction on foot and the road is not served by a public transport service.

The proposal does not provide adequate and convenient access to public transport.

- 8.26 The site layout proposes the main Ark building to the rear, southern part of the site, beside the existing stream. Bus & car parking is situated in the northern part of the site, close to the access. A large amount of new planting is proposed to screen the parking areas and assist with integration. A reception building, public toilet & services bay are also proposed adjacent to the parking areas. The topography of the site rises away from Altagarron Road, significant new landscaping is therefore proposed in the northern part of the site.
- 8.27 The site boundaries are largely defined by the existing boundary treatments in the form of post & wire fencing and the existing hedgerows. Large sections of additional, new planting area are also proposed to some of the site boundaries and to provide areas of enclosure within the site. As noted above, additional planting is also proposed to help screen the parking areas.
- 8.28 Infiltration methods through SuDS will be used where possible and appropriate.
- 8.29 There are no particular issues in relation to crime or personal safety. The proposal does not include public art.
- 8.30 When assessed in respect of the general criteria, the proposal is at odds with the surrounding land uses. There are existing residential dwellings both opposite and adjacent to the proposal. The existing land use is agricultural. While the proposal has an agricultural element, its primary function is as a tourist attraction designed to draw large numbers of visitors to the site. The level of activity on the site will dramatically increase with buses and cars parked within the proposed parking areas. These are out of character with the existing and surrounding land uses. Given the existing and surrounding land uses the proposal would have an impact on the amenity of nearby residents due to the numbers attracted to the site, the associated vehicles for visits, and the accompanying noise and disruption that would occur as a result of these increased movements.

8.31 Criteria (i) refers to features of the natural and built heritage. It has not been adequately demonstrated that the proposal will not have an adverse impact on these features. Insufficient detail has been provided in respect of how it is proposed to handle emission or effluent from the site. The proposal requires further detail and clarification in relation to the proposed service bay for buses / coaches. As the site is not served by mains foul sewage, additional information is required both in terms of the main visitor building and the proposed service bay. Issues in respect of access to the site, criterion (k) to (n), are considered in detail below.

### **Access**

8.32 In accordance with Policy AMP 2 – Access to Public Roads, planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban/village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

8.33 The DfI Roads response from October 2012 noted that the proposed development is accessed from a narrow rural road, with road width ranging from 3.6 – 4.2m. At the time of this response it was indicated that the majority of the traffic attracted to the site would be individual cars. The Transport

Assessment submitted in 2012 had stated that “only an occasional bus may arrive at the site”.

- 8.34 A detailed Transport Assessment was submitted in October 2017. This identified a designated route for access to the proposed development via Ballyhanedin Road. It states that this is the only practicable route as the surrounding roads are narrow. Consultation with DfI Roads was carried out. The application is reliant on passing bays on Ballyhanedin Road having been constructed for the wind farm application ref: A/2014/0630/F. No passing bays have been constructed to date (and are not present on November 2021 streetview images). The Transport Assessment also referred to the provision of passing bays on Altagarron Road between Ballyhanedin Road and the site access. No details of these passing bays have been submitted for consideration. The provision of passing bays on Altagarron Road may require the removal of trees and hedgerow and the piping of open drains on the verges and the control of additional 3<sup>rd</sup> party lands. Notwithstanding the above, the provision of any passing bays along Altagarron Road / Ballyhanedin Road would be out with the current application site, partly out with the Causeway Coast and Glens Council Area, and reliant on a third party application which is not associated or linked with the current application.
- 8.35 The 2017 Transport Assessment identifies that on a busy day there will be a maximum of 252 arrivals and 252 departure vehicles. This does not account for minibus or coach trips.
- 8.36 The site’s rural, countryside location means that the site is removed from the primary road network and relies on smaller unclassified roads to provide the immediate access to the site. While it is stated that all development trips would use the designated route from Ballyhanedin Road, access to the site remains possible from the other direction despite the narrow road and difficulty accessing the site from this direction. As this is a public road access cannot be prevented from this direction and it would not be possible to enforce access via the designated route.

## **Noise & Amenity**

- 8.37 The application site is located adjacent to existing residential properties. As discussed earlier in this report, by its very nature, this proposal is designed to draw large numbers of visitors to the site. Given the close proximity of this site to nearby residential properties it will result in a detrimental impact of the amenity of the residents of these properties. The level of activity on this site will dramatically increase, in addition to the additional vehicle movements along this narrow stretch of Altagarron Road. This could result in noise and general disturbance to adjacent residents as a result of visitors to the site, activity on the site and traffic movements to and from the site.
- 8.38 In their consultation response Environmental Health stated that all reasonable steps must be taken to minimise the occurrence of noise and malodour complaints as a result of activities on site. On assessment of this response and the nature and type of proposal, the planning department would seek a noise report.
- 8.39 The proposal includes toilet blocks, facilities and a bus sanitation area. No details are provided indicating how foul water will be dealt with. The location and type of waste water treatment or disposal infrastructure should be clearly annotated on the site plan. As this information has not been provided, it has not been demonstrated that the proposal would not result in odour and/or amenity issues related to the disposal of foul water from the site.

## **Flood Risk**

- 8.40 A flood risk and drainage assessment was submitted on 31<sup>st</sup> October 2017. All development is located outside the delineated floodplain and an adequate working strip will be maintained for future maintenance and repair to the watercourse. Consultation was carried out with Rivers Agency who responded with no objections.

## **Archaeology**

8.41 The application site is over 10 hectares in size and consultation with HED – Historic Monuments indicated that there are archaeological sites and monuments recorded within the environs of the application site with a particular focus of settlement activity dating to the prehistoric. It is stated that there is a potential for previously unrecorded below ground archaeological remains to be found during ground works for the proposal. An Archaeological Impact Assessment is required for this proposal. In the absence of further information the proposal is contrary to Policies BH 1 & BH 2 of PPS 6.

## **Natural Heritage**

8.42 The application site has a hydrological link to the River Faughan and Tributaries Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI). It lies within 7.5km of Banagher Glen SAC/ASSI, River Faughan and Tributaries SAC/ASSI, River Roe and Tributaries SAC/ASSI, Loughermore Mountain ASSI and Altmover Glen ASSI which are of national and international importance and protected by the Habitats Regulations and The Environment (NI) Order 2002. There appears to be priority habitat onsite and along the eastern and southern (and into the site) boundary, as well at other potential locations. The application site may contain peatland which may be priority habitat and there are trees and hedgerows on site which may house protected or priority species. Impacts on the watercourse on site and the designated site it is connected to will need to be considered. Impacts of emissions on priority habitat on site and within 2km of the site will also need to be considered as with the designated sites. A Phase 1 Habitat Survey was submitted in December 2017. Further consultation with DAERA - Natural Environment Division in March 2018 indicated that further information was required. NED advised that a Preliminary Ecological Appraisal is likely to be required which may identify the need for further survey work.

8.43 As it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on sites, species, habitats or features of international and/or national and/or local importance, the proposal is contrary to Policies NH 1, NH 2, NH 3, NH 4, and NH 5 of Planning Policy Statement 2.

## **9.0 CONCLUSION**

9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not comply with the types of development permitted in the countryside by Policy CTY 1 of PPS 21. The proposal fails to demonstrate the need for a countryside location or a substantial benefit to regional tourism and sustainable benefits to the locality under Policy TSM 2 of PPS 16 Tourism. The proposal fails to meet all of the criteria required under Policy TSM 4 of PPS16 to demonstrate exceptional circumstances for major tourism development in the countryside. In addition, the proposal fails to comply with all of the design criteria and general criteria contained within Policy TSM 7 of PPS16.

The proposed development is unable to provide safe access from the surrounding road network and is contrary to Policy AMP 2 of PPS 3. The applicant has failed to demonstrate that the proposal would not result in an unacceptable impact on habitats, species or features of International / National / Local Natural Heritage Importance and is contrary to Policies NH 1, NH 2, NH 3, NH 4, and NH 5 of PPS 2.

As it has not been demonstrated that the proposal would not have an adverse impact on archaeological sites of regional and or local importance, the proposal is contrary to Policies BH 1 and BH 2 of PPS 6.

Refusal is recommended.

## **10 Refusal Reasons**

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to paragraph 6.260 of the Strategic Planning Policy Statement for Northern Ireland and Policy

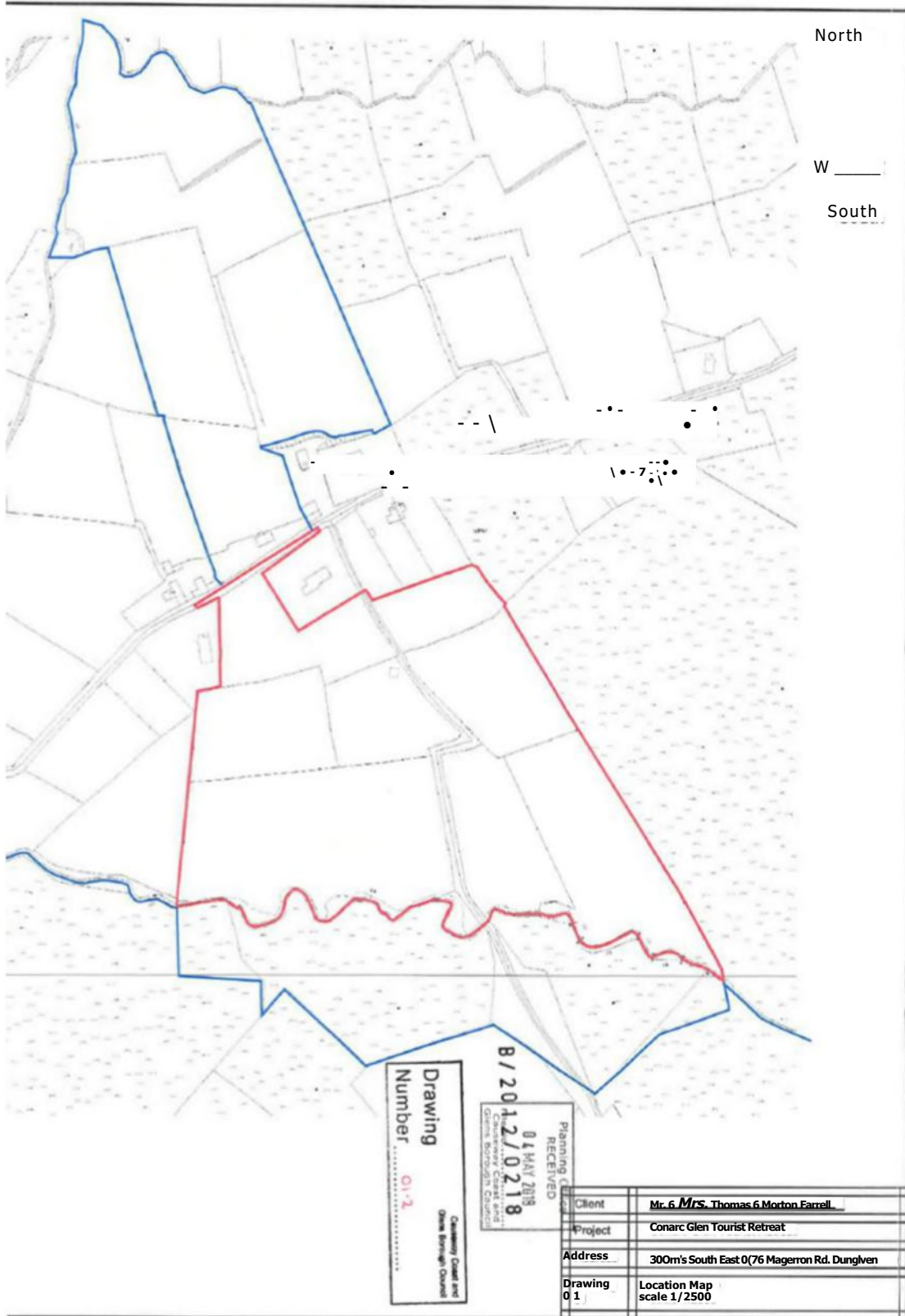
TSM 2 of Planning Policy Statement 16, Tourism, in that it has not been demonstrated that: the type of tourist activity in itself requires a countryside location; it has substantial benefit to regional tourism and; it has sustainable benefits to the locality.

3. The proposal is contrary to paragraph 6.261 of the Strategic Planning Policy Statement for Northern Ireland and Policy TSM 4 of Planning Policy Statement 16, Tourism, in that it has not been demonstrated that the proposal would bring exceptional benefit to the tourism industry; that the proposal requires a countryside location by reason of its size of site specific of functional requirements; of that it would deliver sustainable benefit to the locality.
4. The proposal is contrary to paragraph 6.260 of the Strategic Planning Policy Statement for Northern Ireland and Policy TSM 7 of Planning Policy Statement 16, Tourism, in that it fails to comply with criteria (a), (b), (c), (g), (h), (i), (j), (k), (l), and (m).
5. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3 - Access, Movement and Parking, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to the unacceptable use of Altagarron Road and Ballyhanedin Road by large vehicles.
6. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3 - Access, Movement and Parking, in that it would, if permitted, prejudice the safety and convenience of road users since the public roads (Altagarron Road and Ballyhanedin Road) serving the site have inadequate width.
7. The proposal is contrary to paragraph 6.176, 6.180, 6.183 of the Strategic Planning Policy Statement for Northern Ireland and Policies NH 1, NH 2, NH 3, NH 4 and NH 5 of Planning Policy Statement 2 – Natural Heritage, in that it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on habitats, species or features of International / National / Local Natural Heritage Importance.



8. The proposal is contrary to paragraph 6.9 of the Strategic Planning Policy Statement for Northern Ireland and Policies BH 1 and BH 2 of Planning Policy Statement 6 – Archaeology and the Built Heritage, in that it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on archaeological sites of regional and or local importance.

# Site Location



# Block Plan



# **Addendum**

## **B/2012/0218/F**

### **1.0 Update**

- 1.1 Paragraph 5.1 states that six representations of support were received in respect of this application. These were received in 2013 and 2015 during the early stages in the processing of the application. The issues raised in these representations were: the project is of “regional importance”; increased tourism spend in the area with associated benefits; increased occupancy of tourist accommodation and; employment benefits.
- 1.2 Paragraph 8.11 of the Planning Committee Report sets out how on the basis of the economic appraisal provided, it has not been demonstrated how the proposal would result in an exceptional benefit to the tourism industry in Northern Ireland. While it is recognised that the proposal could result in increased tourism spend, use of tourist accommodation and employment benefits, the principle of development is unacceptable for the reasons set out in the Planning Committee Report.

### **2.0 Recommendation**

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reason outlined in Part 10.

# **Addendum**

## **B/2012/0218/F**

### **1.0 Update**

- 1.1 Further to the application being deferred for a site visit on 23 February 2022, the Planning Department contacted the agent to clarify information held on the application file. The agent was advised that in relation to the passing bays, there are no details of any passing bays to be provided along Altagarron Road. Previously submitted plans were in relation to the passing bays on Ballyhanedin Road (in association with a proposal for a wind farm application) which form part of an Appendix to the Transport Assessment. To date these have not been constructed. In relation to the Economic Appraisal, this does not take account of the amended scheme, i.e. the removal of the self-catering element. Having regard to the other refusal reasons on the Planning Committee Report, the agent was asked to advise if they intend to address these.
- 1.2 On 24 February 2022 the agent responded to advise that they are seeking instructions from their client and will respond shortly. To date no further correspondence or information has been received.

### **2.0 Recommendation**

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reasons outlined in Part 10.