



<b>Planning Committee Report LA01/2019/1388/F</b>	<b>26<sup>th</sup> February 2020</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>App No:</u></b>	<b>LA01/2019/1388/F</b>	<b><u>Ward:</u></b>	<b>Hopefield</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land adj to SW of existing Ballywillan Cemetery, Magheraboy Road, Portrush</b>		
<b><u>Proposal:</u></b>	<b>Proposed extension of existing cemetery</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>18.12.2019</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Gareth Doyle Causeway Coast &amp; Glens Borough Council</b>		
<b>Agent:</b>	<b>Tony Sloan, 10th Floor 2 Clarence Street West, Belfast, BT2 7GP</b>		
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 0</b>	<b>Petitions of Support: 0</b>		

## **Executive Summary**

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The proposal meets the requirements of Policy CTY 1 of PPS 21 in terms of a necessary community facility to serve the local rural population.
- The proposal will not have an adverse impact upon the water environment.
- The proposed cemetery extension is a continuation of the existing cemetery and is visually appropriate in this rural context.
- The proposal will not cause significant adverse harm to neighbouring residential amenity.
- There are no adverse impacts upon archaeology and natural heritage.
- Access and Parking arrangements are acceptable.
- No letters of objection has been received in relation to this application.
- No statutory consultee have raised any concerns with this proposal.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 21, PPS 6, PPS 3 and PPS 2.

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **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 **APPROVE** planning permission subject to the conditions set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located at Land adjacent to SW of the existing Ballywillan Cemetery on Magheraboy Road, Portrush. The site is rectangular in shape and comprises part of an agricultural field. The existing cemetery has a pedestrian access from the Magheraboy Road and a vehicle access from the Ballywillan Road leading into a 51 space car park. The northern and western site boundaries are undefined. The eastern site boundary is formed by hedging. The southern site boundary comprises post and wire fencing, hedging and a field gate.
- 2.2 The site is located within the countryside south of Portrush settlement. The wider area is characterised by pastoral agricultural land with farming clusters and dwellings scattered throughout.

## **3.0 RELEVANT HISTORY**

- 3.1 LA01/2019/0901/PAD: Extension to Ballywillan Cemetery and associated site works: PAD concluded 01.11.2019
- 3.2 C/1982/0161: Extension to Ballywillan Cemetery: Approval 04.06.1982

## **4.0 THE APPLICATION**

4.1 Full planning for proposed extension of existing cemetery.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

No letters of objection have been received in relation to this application.

### **5.2 Internal:**

DAERA: Land, Soil and Air: No objections

DAERA: Natural Environment Division: No objections

Historic Environment Division: Historic Monuments: No objections

Geological Survey of Northern Ireland: No objections

DFI Roads: No objections

Environmental Health: No objections

## **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 21 – Sustainable Development in the Countryside

PPS 6 – Planning, Archaeology & the Built Heritage

PPS 3 - Access, Movement and Parking

PPS 2 – Natural Heritage

### **Supplementary Planning Guidance**

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The proposal is located within the rural area outside any settlement limit.

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, impact upon water environment, noise and air quality/dust, visual impact and rural character, impact on residential amenity, archaeology, access and parking and natural heritage.

### **Principle of Development**

- 8.3 Policy CTY 1 of PPS 21 relates to development within the countryside. Policy CTY 1 states that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and meet other planning and environmental considerations including those for drainage, access and road safety.
- 8.4 In relation to non-residential development, Policy CTY 1 states planning permission will be granted in the countryside for a necessary community facility to serve the local rural population. The existing use of the cemetery is well established and it is now nearing capacity and new burial plots are required. The use of the adjacent agricultural field to provide this extension is considered to be a necessary community facility to serve the rural population.

### **Impact upon Water Environment**

- 8.5 Under the PAD application it was determined following consultation with Geological Survey NI and DAERA that the cemetery extension has the potential to contaminate underground groundwater resources from the proposed use. Development has the potential to impact on water quality, especially groundwater. Additional information was required to assess this risk, including a site investigation, the annual anticipated burial rate and total number of burials.
- 8.6 Under this full planning application a Tier 2 Risk Assessment Report was provided for assessment. The Tier 2 Report is informed by site investigations and environmental monitoring data to assess the potential risks from the proposed development to

environmental receptors. The risk assessment establishes that burials up-to a limit of 65 per year and 3 per plot are appropriate for the low and middle portions of the site and 2 per plot for the upper portion of the site.

- 8.7 DAERA: Regulation Unit Land and Groundwater Team was consulted and support the findings of the risk assessment and the limitations stipulated on burials in the upper part of the site. It is also noted that groundwater monitoring is proposed as part of the operation of the site. DAERA have no objections to this development subject to conditions and informatives.
- 8.8 Geological Survey NI following consultation refer comment to DAERA as they have the regulatory responsibility for the protection of groundwater resources. However, this consultee having viewed the Tier 2 Report, states it is clear that good consideration has been given to issues relating to the suitability of the ground conditions to accommodate a development of this type.

### **Noise and Air Quality/Dust**

- 8.9 Environmental Health was consulted and reviewed the Outline Construction Environmental Management Plan. In order to ensure suitable mitigation measures in relation to dust, noise and air quality are implemented a condition is proposed. This will ensure any impact from the proposal to surrounding residential properties is minimised.

### **Visual Impact and Rural Character**

- 8.10 The SPPS advises in paragraph 6.70 that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.
- 8.11 The proposal includes a cemetery extension on a rectangular area measuring 242m long by 40m wide. Proposed works include laying of bitmac footpaths to match the existing layout; removal of sections of existing boundary hedgerow to create internal access; and new hedgerow planting along other site boundaries. The original access to the cemetery remains the same with no other accesses proposed. No buildings are proposed on the site. The size of the site and the design is in line with the existing cemetery. The location of the proposed extension will help the proposed

development read as a continuation of the existing cemetery's curtilage. It is considered that the size and design of this development is appropriate for this rural context and will visually integrate with the existing cemetery when viewed from the neighbouring road network.

### **Impact on Residential Amenity**

- 8.12 Given the nature of this proposal, being a cemetery extension, there are no anticipated concerns in relation to residential amenity. The site is enclosed by existing and proposed hedging and is adjacent to the existing cemetery. There are good separation distances from residential properties and no objections have been received. In addition, Environmental Health have no objections in relation to noise or air quality subject to a condition.

### **Archaeology**

- 8.13 The application site is located close to Ballywillan ecclesiastical site which potentially dates to the medieval period. The proposed development site was archaeologically evaluated in 2012 and 8 deposits of archaeological potential were identified. HED: HM has reviewed the archaeological programme of works and agree with the archaeological mitigation strategy proposed and are content for this to proceed to archaeological licensing.
- 8.14 HED: HM are content that the proposal satisfies PPS 6 Policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.

### **Access and Parking**

- 8.15 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.
- 8.16 Ballywillan Cemetery is served by an existing 51 space car park accessed off the Ballywillan Road. Pedestrians can access Ballywillan Cemetery through the car park or via the dedicated



pedestrian entrance on the Magheraboy Road. The existing access and parking arrangement will remain unaltered by this development. DFI Roads was consulted in relation to this application and have no objections. The proposal complies with Policy AMP 3 of PPS 3.

### **Natural Heritage**

- 8.17 DAERA: NED was consulted and advised a species poor hedgerow runs along the length of the site (approx. 242m) and along the northern boundary (approx. 40m). The site contains habitat suitable for nesting birds, and potential foraging for badgers and bats.
- 8.18 A Biodiversity Checklist and Technical Note was submitted for assessment. NED recommends the majority of the existing length of hedgerows are retained because the existing hedging provides a potential commuting and/or foraging corridor for a range of species. Eight proposed track width access points will be made through the existing hedgerow. As a priority habitat will be lost to facilitate development, NED requires a new hedgerow to be planted as a compensatory measure. The proposed landscape plan shows new hedging will form the western boundary. The southern boundary adjacent to the Magheraboy Road will consist of existing hedging that is being retained and the field gate will be removed and replaced with new hedging. NED are content this will constitute appropriate compensation and enhancement for the proposal and recommend native species planting.
- 8.19 The Technical note highlights the vulnerability of bats to disruption caused by artificial lighting but no lighting is proposed with this development. NED advises if any lighting is proposed a wildlife friendly lighting plan must be submitted and approved in writing by Council before works commence.
- 8.20 The proposal complies with Policies NH 2 and NH 5 of PPS 2 as habitats and species are protected.

### **Habitats Regulations Assessment**

- 8.21 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.

## **9.0 CONCLUSION**

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal meets the requirements of Policy CTY 1 of PPS 21 in terms of a necessary community facility to serve the local rural population. The cemetery extension will not have an adverse impact upon the water environment. The archaeological impact of this proposal has been considered and the archaeological mitigation strategy is acceptable. The proposal will not harm neighbouring residential amenity. The proposed cemetery extension is a continuation of the existing cemetery and is visually appropriate in this rural context. The proposal is acceptable in terms of access and parking and meets road safety requirements. The proposal will not harm features of natural heritage and new planting is proposed. Approval is recommended.

## **10.0 CONDITIONS**

1. As required by Section 61 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. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation
- recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 2.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

4. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 2. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

5. Not more than 2 burials per plot are to be placed in the upper part of the site as defined in the AECOM Ltd Tier 2 report, Ballywillan Cemetery, dated May 2019 (DOC 02 date received 16<sup>th</sup> December 2019) unless agreed in writing by the Planning Authority following the provision of additional on-site groundwater monitoring and risk assessment(s) justifying the additional burials. Any additional risk assessment(s) shall include all supporting information, up-to-date groundwater monitoring data on contaminants and groundwater

levels and be produced in accordance with the Environment Agency's guidance 'Assessing the groundwater Pollution Potential of Cemetery Development' 2004 and NIEA's 'Cemeteries, Burial and The Water Environment guidance notes'.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. No tree or hedgerow clearance, shall take place between the 1st of March and 31st of August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests in the hedgerows, trees, or bramble scrub, immediately before works commence and provided written confirmation that no nests are present/birds will be harmed and there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

7. During the first available planting season after commencement of development, or as otherwise agreed in writing with the Council, landscaping shall be carried out in accordance with Drawing No. 03 date stamped 6<sup>th</sup> February 2020.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

8. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

9. All dust, noise and air quality mitigation measures specified in the document entitled, 'Outline Construction Environment Management Plan' (Doc 03) prepared by AECOM and dated 16<sup>th</sup> December 2019, shall be instigated to minimise the impact from

the proposal to surrounding residential dwellings. Deviances from the 'Outline Construction Environmental Management Plan' should be notified in writing to Causeway Coast and Glens Borough Council Planning Department in consultation with Environmental Health and agreed prior to implementation.

Reason: To Protect Public Health and the Environment

## 11 INFORMATIVES

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.
6. Please refer to the HED guidance document Development and Archaeology: Guidance on Archaeological Works in the Planning Process which contains advice on how to fulfil the requirements of the archaeological conditions attached to your planning approval.

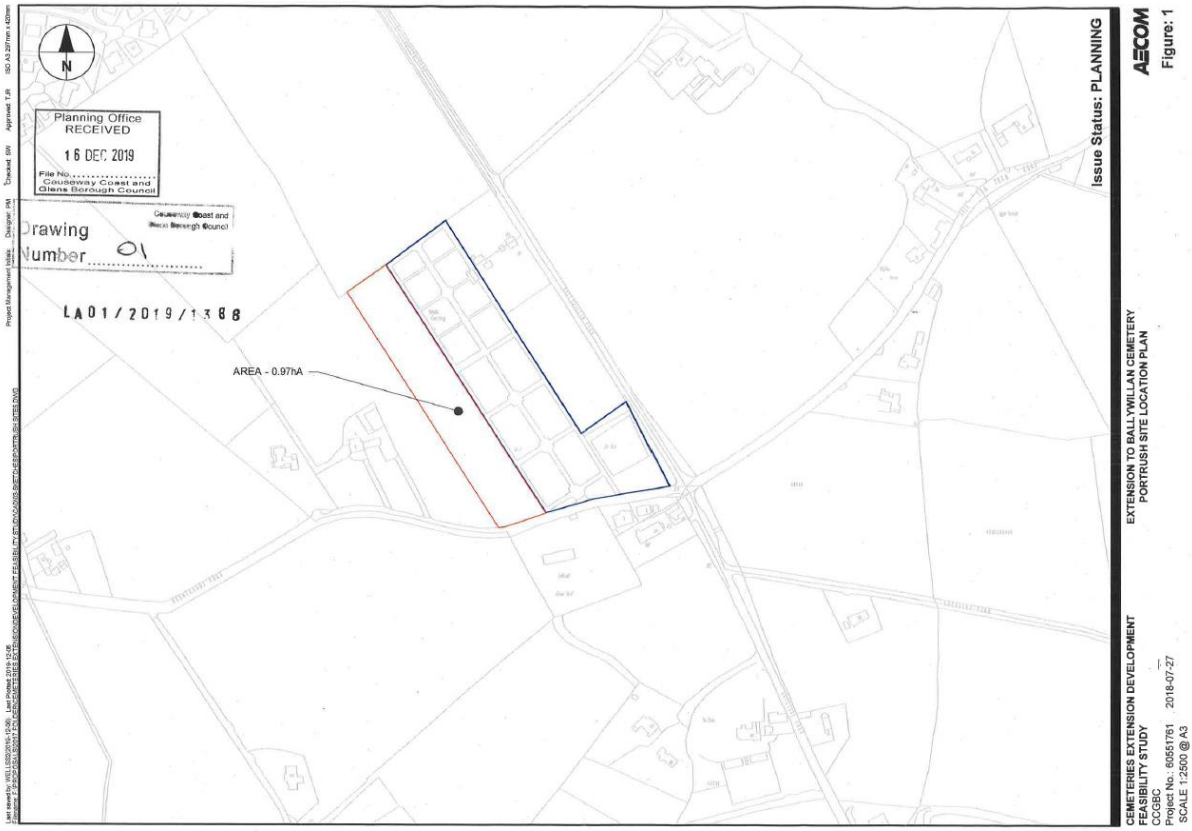
Please allow sufficient time in advance of the commencement of site works for the agreement of the programme of archaeological work document with the planning authority and for your archaeological consultant to obtain an archaeological excavation

licence. For guidance on the preparation of the programme of archaeological work please contact:

Historic Environment Division – Heritage Development & Change  
Branch  
Ground Floor  
9 Lanyon Place  
Belfast  
BT1 3LP  
Tel: 02890 823100  
Email: HEDPlanning.General@communities-ni.gov.uk  
Quote reference: SM11/1 LDY003:013 and LA01/2019/1388/F

7. The purpose of Condition 5 is to ensure that all burials are supported by risk assessment to a standard that enables safe development and end-use of the site.
8. The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999.

# Site Location Map



# Block Plan

