

**PLANNING COMMITTEE MEETING HELD
WEDNESDAY 22 FEBRUARY 2023**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Alderman Baird, Alderman Boyle</i>
2.	Declarations of Interest	<i>None</i>
3.	Minutes of Planning Committee meeting held Wednesday 25 January 2022	<i>Confirmed as a correct record</i>
4.	Order of Items and Confirmation of Registered Speakers	<i>Received</i>
5.	Schedule of Applications	
5.1	LA01/2022/0471/F - Lands located immediately west of Letterloan Road Coleraine. At their northern point along the road lands are located opposite No 30 and 32 Letterloan Road extending north and west. At their southern boundary lands extend immediately north and west of No 41 Letterloan Road, Coleraine	<i>Approved</i>
5.2	LA01/2022/0649/F - 1 Causeway Street, Portrush	<i>Approved</i>
5.3	LA01/2022/0864/F - Whiterocks Beach Car Park, Strand Avenue, Portrush	<i>Approved</i>
5.4	LA01/2021/0143/O - Lands Adjacent to no. 1-12 Erinvale Park, Magherahoney	<i>Approved</i>
5.5	LA01/2020/0744/F - Lands between 24 & 26 Fivey Road, Armoy, Ballymoney	<i>Disagree and Approved; Delegate conditions and Informatives</i>
5.6	LA01/2022/0233/O - 50m East of 51 Ballykelly Road, Rascahan, Limavady	<i>Disagree and Approved; Delegate Conditions and Informatives</i>
5.7	LA01/2022/0323/O - Lands north of 99 Carnbore Road, Liscolman, Ballymoney	<i>Disagree and Approved;</i>

		<i>Delegate Conditions and Informatives</i>
5.8	LA01/2022/0130/F Lands to the rear of and adjacent to No. 45 Referral Middlepark Road, Cushendall	<i>Approved</i>
6.	Local Development Plan	
6.1	6 month LDP Work Programme	<i>Noted</i>
7.	Correspondence	
7.1	Fermanagh and Omagh District Council LDP DpS Consultation	<i>Noted</i>
7.2	Correspondence to DfI – New Regional IT System	
8.	Reports	
8.1	Regional Property Certificate Unit – SLA	<i>Agree to the SLA and for the Head of Planning to sign</i>
	<i>'In Committee' (Item 9, 9.1, 9.2)</i>	
9	Confidential Items:	
9.1	Update on Legal Issues	
	(i) Judicial Review - East Road Drumsumn	<i>Noted</i>
	(ii) Judicial Review - Craighall Quarry	
	(iii) Judicial Review - Rigged Hill Windfarm	
9.2	Finance Period 1 – 9 - Update 2022/23	<i>Noted</i>
9.3	New Regional IT System Update	<i>Noted</i>
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i>Nil</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS
AND VIA VIDEO CONFERENCE
ON WEDNESDAY 22 FEBRUARY 2023 AT 10.30AM**

Chair: Councillor McMullan (C)

Committee Members Present: Alderman Duddy (C), McKeown (R/C), S McKillop (C)
Councillors Anderson (C), Dallat O'Driscoll (R), Hunter (R), McGurk (R), MA McKillop (C), Nicholl (R), Peacock (R), Scott (C), Storey (C)

Officers Present: D Dickson, Head of Planning (C)
S Mathers, Development Management and Enforcement Manager (R)
S Mulhern, Development Plan Manager (R)
R Beringer, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
E Hudson, Senior Planning Officer (R)
J McMath, Senior Planning Officer (R)
S O'Neill, Senior Planning Officer (R)
S Duggan, Civic Support & Committee & Member Services Officer (C)
I Owens, Committee & Member Services Officer (C/R)

In Attendance: A McGarry, Business Support and Administration Manager (R)
J Winfield, ICT Operations Manager (R)
A Lennox, ICT Officer (C)

Press 1 no. (R)
Public 4 no. (R)

Key: R = Remote C = Chamber

Registered Speakers

Application No	Name
LA01/2022/0471/F	P McKernan J Vaughan
LA01/2022/0233/0	C Cochrane N Armstrong
LA01/2022/0323/0	N Lamb
LA01/2022/0130/F	C Bryson

The Head of Planning undertook a roll call of Committee Members in attendance.

The Chair read extracts in relation to the Remote Meetings Protocol and reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

1. APOLOGIES

Apologies were received for Alderman Baird and Alderman Boyle.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 25 JANUARY 2023

Copy, previously circulated.

Proposed by Alderman Duddy
Seconded by Councillor Scott

- that the Minutes of the Planning Committee meeting held Wednesday 25 January 2023 are signed as a correct record.

The Chair put the motion to the Committee to vote.
10 Members voted For, 0 Members voted Against, 0 Member Abstained.
The Chair declared the motion carried.

RESOLVED - that the Minutes of the Planning Committee meeting held Wednesday 25 January 2023 are signed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair invited proposals for site visits. No proposals were put.

5. SCHEDULE OF APPLICATIONS

* **Councillor Anderson arrived at the meeting at 10.39am.**

5.1 LA01/2022/0471/F – Lands Located Immediately West Of Letterloan Road Coleraine. At Their Northern Point Along The Road Lands Are Located Opposite No 30 And 32 Letterloan Road Extending North And West. At Their Southern Lands Extend Immediately North And West Of No 41 Letterloan Road, Coleraine

Report, previously circulated, was presented by Development Management and Enforcement Manager.

Reason for Referral: Major**App Type:** Full Planning**Proposal:** Installation and operation of a 29.9MW solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substation, fencing, pole mounted security cameras and associated site access.**Recommendation**

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.

Development Management and Enforcement Manager presented via powerpoint as follows:

- Proposal comprises development of rows of solar panel units, up to 3m high across a site of 38.3 hectares. In addition, the proposal includes a primary substation and 12 smaller inverter substations, security fencing, an access track and landscaping.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside. The Northern Area Plan does not contain specific policies on renewable energy development. Therefore, regional policies apply.
- This is a major planning application so it was preceded by a PAN accompanied by a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.
- Principle Of Development- Policy RE 1 of PPS 18 Renewable Energy makes provision for this development proposal.
- Public Health/ Residential Amenity- The site is to be fenced with 2.45m high deer fencing with site access restricted. There are some dwellings close to the application site at Letterloan Road. A Glint and Glare Assessment has demonstrated impacts are acceptable subject to mitigation by means of additional planting. Conditions limit operational noise.
- Visual Amenity- While the site is extensive, it is low lying and has limited critical views. The most critical view is from Letterloan Road along the site frontage. To reduce the impact of the development, a 25 metre set back strip with intervening hedge is to be provided between the site and Letterloan Road. This strip can be retained in agricultural use. A Landscape and Visual Assessment was submitted to show the proposal both with and without the addition of landscaping. Overall, the visual impact is considered acceptable.
- Biodiversity- The site layout has been designed to avoid areas of peatland, woodland and badger sets. To assist with biodiversity and visual amenity, hedgerows within the site are to be retained.
- Access- The site shall be accessed from a single access point to Letterloan Road. This has been confirmed as acceptable by DfI Roads. Once operational, there will only be occasional traffic to the site.

- Conclusion- The proposal meets with the policy requirements for a solar farm. Approval is recommended.

No questions were put to the Development Management and Enforcement Manager.

The Chair invited P McKernan and J Vaughan to speak.

P McKernan thanked Planning Committee for the opportunity to speak, he welcomed the recommendation to approve and invited questions.

No questions were put to the Speakers.

Proposed by Alderman Duddy

Seconded by Councillor Storey

- 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.

The Chair put the motion to the Committee to vote.

Members voted 10 For, 0 Members voted Against, 1 Member Abstained.

The Chair declared the motion carried and application approved.

RESOLVED - 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.

5.2 LA01/2022/0649/F - 1 Causeway Street, Portrush

Report, previously circulated, was presented by Senior Planning Officer, J Lundy

Reason for Referral: Council Interest

App Type: Full

Proposal: Proposed Change of use from ground floor restaurant to 3no. apartments, including external balconies to each proposed apartment. Partial enclosure of existing external dining area at lower ground floor.

Recommendation

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.

The Senior Planning Officer presented via Powerpoint presentation:

- Proposed Change of use from ground floor restaurant to 3no. apartments, including external balconies to each proposed apartment. Partial enclosure of existing external dining area at lower ground floor.
- 1 Causeway Street, Portrush
- The application site falls within the designated town centre of Portrush and an Area of Archaeological Potential.
- The application is a council interest item and the council were notified during the processing of the application.
- No letters of objection have been received in relation to this application.
- No objections have been raised by statutory consultees in relation to this proposal.
- The elevation onto Causeway Street. The changes are minimal other than the relocation of the door to a more central location.
- The existing building is four stories, with a bistro on the lower ground floor which is to remain, the restaurant on the ground floor which is the subject of this application and the existing residential units above on the 1st and 2nd floor.
- The changes to the seaward elevation include a balcony servicing the 3 apartments extending just over 2m out over the canopy.
- The partial enclosure of the existing external dining area to provide a permanent covered area, at the lower ground floor is visually acceptable at this location.
- The proposed layout of the 3 apartments
- The proposed elevations showing minimal change
 - The proposal is considered acceptable in terms of layout, design, scale and massing respecting the surrounding context and is appropriate to the character and topography of the site.
 - The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- The loss of the restaurant use in the town centre is not considered to impact on the centres vitality or viability. One of the strategic objectives of the SPPS is to protect and enhance diversity in the range of town centre uses appropriate to their role and function and lists residential as one of these uses.
- Approval has been recommended.

No questions were put to the Senior Planning Officer.

Proposed by Councillor Anderson

Seconded by Alderman Duddy

- 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.

The Chair put the motion to the Committee to vote.

11 Members voted For, 0 Members voted Against, 0 Member Abstained.

The Chair declared the motion carried.

RESOLVED -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.

5.3 LA01/2022/0864/F – Whiterocks Beach Car Park, Strand Avenue, Portrush

Report, previously circulated, was presented by Senior Planning Officer, R Beringer.

Reason for Referral: Council Interest

App Type: Full Planning

Proposal: Site For Catering Kiosk For Seasonal Use.

Recommendation

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 reasons set out in section 10.

The Senior Planning Officer presented via Powerpoint presentation:

- (Slide) The site as shown in the red line is located at the Whiterocks Beach Car Park, Portrush. The site is located within the countryside, outside of any settlement development limits. The site is located within the Causeway Coast AONB, the Royal Portrush LLPA and within the Portrush Site of Local Nature Conservation Importance.
- (Slide) The application seeks full planning permission for a site for a catering kiosk for seasonal use. The site is located on an existing area of hardstanding, comprising a single car parking space, at the entrance to the principal car park area and lies adjacent to the existing toilet block.
- (Slide) These plans show the detail of the kiosk proposed. It is a converted steel trailer which has been adapted to operate as a catering kiosk. The trailer itself measures approx. 3.65m long x 2.3m wide x 2.65m high.
- (Slide) View of the site within the setting of the car park, which itself is set within the surrounding topography of the sand dunes and the golf club further to the west.
- (Slide) View of site where proposed kiosk would be located.
- (Slide) View of the site from the upper car park level, where you can see site positioned adjacent to existing toilet facilities.

- The proposal seeks a site for a catering kiosk for seasonal use. The agent has clarified that the kiosk would be on site from the beginning of March and would be removed off site by the end of September. A condition with regards to the development only being on site during this time is recommended.
- The scale and design of the kiosk is a modest sized trailer which on account of its siting, scale, seasonal operation and use is considered to be acceptable in this location. No ground works are proposed and the proposal will not adversely affect the features which contribute to the environmental quality, integrity or character of the LLPA.
- The proposal complies with Policy ENV 1 of the NAP 2016, Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS.
- One representation was received and the issues raised are considered within the report.
- Approval is recommended.

In response to questions from Elected Members, Senior Planning Officer clarified there was no detail regarding energy supply to the kiosk, there would be Environmental Health informatives regarding LPG gas, any noise from plant and equipment, that might be required.

Alderman Duddy stated criticism of Council itself, that Council do not put in proper electricity feed for trading stands it leases; and the matter should be put forward to Environmental Services and protecting the AONB regarding any noise generated.

Proposed by Councillor Anderson

Seconded by Alderman Duddy

- 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 reasons set out in section 10.

The Chair put the motion to the Committee to vote.

10 Members voted For, 0 Members voted Against, 0 Members Abstained.

The Chair declared the motion carried and application approved.

RESOLVED - 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 reasons set out in section 10.

There was no response from Councillor Peacock when the vote was called.

5.4 LA01/2021/0143/O – Lands Adjacent To No 1-12 Erinvale Park, Magherahoney

Report and Addendum, previously circulated, was presented by Senior Planning Officer, E Hudson.

Reason for Referral: Objection Item

App Type: Outline

Proposal: Proposed new housing development consisting of 9 no. semi-detached and detached dwellings along with a mix of associated private driveways and private lane way for 5 of the houses, all backing onto Fivey Road as well as landscaping works

Recommendation

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 outline planning permission subject to the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to Approve the application with conditions as outlined in Part 9 and 10 of the Committee Report.

The Senior Planning Officer presented via Powerpoint presentation:

- (Slide) Planning Application LA01/2021/0143/O is an Outline application for 9 no. semi detached and detached dwellings at lands opposite nos 1-12 Erinvale Park, Magherahoney.
- There is an addendum to your Committee report outlining details of an additional condition in relation to NIE equipment on the site.
- (Slide) Site location plan. The application site is within the Settlement Development Limit of Magherahoney which is a hamlet as defined in the NAP and located between Armoy and Loughguile.
- (Slide) The application is for outline permission so no detailed drawings have been provided. However, an indicative drawing has been provided showing a layout of a mix of semi detached and detached dwellings. The application has received 7 no letters of objection from properties opposite the site at Erinvale Park. These are included in Appendix A of the committee report. The issues raised in the objection letters include flooding, road safety, biodiversity, character of the area, privacy and anti social behaviour.
- Part of the site lies within flood plain (shown in the NW corner of the layout highlighted in blue) and the application was accompanied with a Flood Risk Assessment. The river modelling showed the developed part of the site to be outside the 1 in 100 year flood plain. DFI Rivers have been consulted and are content with conditions.

- The River Bush flows to the northern boundary of the site with a belt of vegetation running along the river corridor. A PEA was submitted as part of the application. The PEA identified that the area contained no trees that would support roosting bats and any lighting would be directed away from this boundary vegetation. A 5 m maintenance strip would also be provided at the top of the bank to the watercourse and a 10 m buffer is to be established during the construction phase of the development.
- In terms of residential quality the layout has been assessed against all relevant policies including the SPPS, PPS 7 and Creating Places. The density is appropriate when taken in the context of the small terrace of properties opposite the site. The layout has dual frontages to respect the 2 frontages along the Coolkeeran Road and Fivey Road. Adequate private amenity space has been provided and the exclusion of the NW corner of the site for development enables a substantial belt of buffer planting to be provided between the development limit and open countryside which will help soften and assimilate the development to the surrounding countryside.
- (Slide) Looking at some photographs of the site. This is a distant view of the site looking down Fivey Road towards the site. Existing development opposite the site
- (Slide) A view of the corner of the site at the junction of Coolkeeran Road and Fivey Road.
- (Slide) A view looking down the site. The site sits at a slightly lower level than the Fivey Road. Vehicular access to the site is provided off the Fivey Road with a private driveway and a number of individual accesses. DFI Roads have been consulted and are content.
- Our recommendation is to approve planning permission with conditions as outlined in Part 10 of the Committee report.

In response to questions from an Elected Member, Senior Planning Officer clarified a Flood Risk Assessment had been submitted and DfI Rivers were content. The northwest of the site was excluded from development and conditioned, also consideration of site levels would be conditioned at Reserved Matters.

Proposed by Councillor Storey

Seconded by Councillor Scott

- 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 outline planning permission subject to the reasons set out in section 10;

- That the Committee note the contents of this Addendum and agree with the recommendation to Approve the application with conditions as outlined in Part 9 and 10 of the Committee Report.

The Chair put the motion to the Committee to vote.

11 Members voted For, 0 Members voted Against, 0 Member Abstained.

The Chair declared the motion carried.

RESOLVED - 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 outline planning permission subject to the reasons set out in section 10;
That the Committee note the contents of this Addendum and agree with the recommendation to Approve the application with conditions as outlined in Part 9 and 10 of the Committee Report.

The Chair declared a 5-minute recess.

- * **A recess was held at 11.06am.**
- * **The meeting reconvened at 11.14am.**

5.5 LA01/2020/0744/F – Lands Between 24 & 26 Fivey Road, Armoy, Ballymoney

Report, addenda, site visit report and additional information received previously circulated, was presented by Senior Planning Officer, E Hudson.

Reason for Referral: Referral Item

Proposal: Proposed dwelling and detached garage to include proposed driveway, landscaping and all associated site works

Recommendation

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

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the application for the following reason: "The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) 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".

The Senior Planning Officer presented via Powerpoint presentation:

- (Slide) Planning Application LA01/2020/0744/f. This is a full application for a dwelling and detached garage at lands between 24 and 26 Fivey Road, Armyo. A site visit was previously carried out at the site. There are 2 addenda to accompany the Committee report considering information submitted by the applicant.
- The application was presented at the October Planning Committee and deferred for a site visit to take place. It was presented at the November Committee and was deferred to allow for submission of further information in order to bridge gaps in the invoicing evidence previously received.
- Supporting Information was received from the applicant on Friday 17th February 2023 and this is detailed in your Addendum 2. No additional invoices have been received. The applicant has stated in this supporting statement that a receipt previously submitted by Straid Concrete in November 2009 indicates that 8 cubic metres of concrete was delivered and this is consistent with the foundations being installed. This receipt just refers to Fivey Road and the works do not correlate with the dates of the site overviews.
- The supporting info also refers to access arrangements being in place, the site was bought in good faith and that no harm would be caused if permission was granted.
- Having considered the supporting information our recommendation would still be one of refusal.
- By way of a re-cap here are the slides previously presented:
- (Slide) This is the red line boundary of the site. The site is located within the open countryside as defined by the Northern Area Plan. There are 2 letters of support for the application.
- (Slide) This is the site layout drawing. Full permission for a dwelling is being sought on this site on the basis that a material start had commenced on site on previous historic applications D/2004/0897 – Outline permission and D/2007/0633 subsequent reserved matters permission.
- The key date for a material start having commenced on site was 10th October 2010.
- (Slide) The proposed dwelling for the site.
- Looking at some photos of the site. This first one is the site frontage. The site has a narrow frontage opening up to the rear.
- (Slide) Looking across to the rear of the site.
- (Slide) Evidence of a trench on site.
- During the case officers inspection of the site infilling and regrading had taken place across the site. This was granted as part of the reserved matters and also under a separate planning permission. The infilling of the site with building material would not in itself represent a material start

for the construction of the dwelling. This linear trench was also evident at the time of inspection. The layout of the trench is not consistent with the approved layout and appeared more recent than may be expected based on the date of the permission.

- There was no building control inspection carried out to support the timing of the digging of the trench or pouring of concrete.
- During the processing of the application information was submitted to support that a material start had commenced on the site during the timeframe of the application. This included invoice for delivery of fill, hire of a digger, receipt for concrete, invoice for beech hedging and a letter from an engineering company regarding inspection of a foundation. These are all dated 2009.
- (Slide) Looking at some dated aerial images of the site. This first one is dated 11/04/2010 so within the timeframe of the approval and approximately 5 months after the works outlined in the supporting information took place. The image shows a number of small structures on site but does not appear to include any excavation or construction works. Given the short time frame from when the applicant has stated the foundation was installed and given it is over the winter period it would be expected that a new foundation would be readily identifiable, but it is not evident on the dated overview.
- (Slide) This next image is dated 7th May 2013 so after expiry of the permission. Again, no evidence of construction.
- (Slide) Image 8th June 2015. Evidence of site clearance but no other works.
- (Slide) Image 24th May 2018. Evidence of additional material deposited on site.
- (Slide) This is an up to date image of the site approx. 2020. A foundation/trench is clearly evident but is outside the time frame of the planning permission and does not correlate with any part of the footprint of the approved development.
- Clarification was sought from the agent with regards to the disparity between the positioning of the foundation on site and the approved layout as well as the supporting information submitted and the dated aerial photographs. The agent advises that the aerial images are not conclusive, that the site and foundation were overgrown at the time the current applicant purchased the site and the incorrect placing of the foundation could be down to human error and that part of the footprint accords with the approval.
- However, the aerial images show limited work on site prior to 2013 by which time permission had expired and show significant inconsistencies between the timeline identified in the supporting information and that

- evident in aerial images. There are also discrepancies in the submitted receipts which are detailed in paragraph 8.24 in the Committee report.
- Based on the information available it has not been demonstrated that commencement of development has taken place within the timeframe of the planning permission. As such the principle of development is unacceptable and does not meet any of the types of development identified within CTY 1 of PPS 21.
 - Refusal is recommended.

In response to questions from Elected Members, Senior Planning Officer clarified previous planning history was under a different Planning Policy context of A Planning Strategy for Rural Northern Ireland and now PPS 21, and that development should accord with provisions under policy CTY1. This site does not meet criteria for development, regardless of its history; the development was not completed within the timeframe, given the evidence presented.

Senior Planning Officer cited from SPPS paragraphs 1.12 and 6.77 and advised PPS 21 policy CTY1 still need to be met regardless of integration. She advised it had been looked into at the time to see if it could meet policy but did not, particularly policy CTY 8, there is no continual built-up frontage of development.

Senior Planning Officer clarified invoice dated 9 November 2009 weighed up the evidence including aerial overview of 11 April 2010, 5 months after sub concrete poured, the issue is that there is no evidence of concrete on site at that date, 5 month after the information states it was poured and this was over the winter period where there would be little overgrowth. The assessment based on the evidence is that the foundation has not been put in place within the required timeframe.

Senior Planning Officer referred to slides she clarified the trench did not correlate with what was initially approved, there was only a 3m overlap. On the first overview of the site, would expect a foundation in place, there was no indication any ground levels changed. Would expect see a foundation and it was not until 2015 that ground works appear on the aerial overviews.

The Head of Planning reminded Committee of PPS 21 Policy that Planning history was under previous Planning Policy and application needs to be assessed under PPS 21. Policy CTY1 sets out the types of development acceptable in the Countryside. She cited from the Judicial Review decision of Justice Schofield from the hearing on the East Road, Drumsurn application and quoted from paragraph 18.

Proposed by Councillor Storey

Seconded by Alderman Duddy

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission;
- That the Committee note the contents of the Addendum and disagrees with the recommendation to Refuse the application for the following reason:
“The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) 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” for the following reasons:
 - The main Consultees have no objections, DfI Roads, NI Water, Environmental Health, Natural Heritage;
 - Take the point of the previous Planning Policy however it has been clearly identified the site can be accommodated in principle;
 - Site is in keeping with policy CTY 13, paragraph 6.77 SPPS, it will have no rural impact as it accords with policy CTY14;
 - Development is in keeping with policy CTY8 as a gap site given the rural nature of the position between two other properties;
 - The application is in keeping with paragraph 6.77 of the SPPS.

The Head of Planning reminded Planning Committee infill policy under policy CTY8 was not two dwellings. She advised the policy definition of a substantial and built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The Chair put the motion to the Committee to vote.

8 Members voted For, 1 Members voted Against, 3 Members Abstained.

The Chair declared the motion carried and application approved.

RESOLVED

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission;
- That the Committee note the contents of the Addendum and disagrees with the recommendation to Refuse the application for the following reason:
“The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) 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” for the following reasons:

- The main Consultees have no objections, DfI Roads, NI Water, Environmental Health, Natural Heritage;
- Take the point of the previous Planning Policy however it has been clearly identified the site can be accommodated in principle;
- Site is in keeping with policy CTY 13, paragraph 6.77 SPPS, it will have no rural impact as it accords with policy CTY14;
- Development is in keeping with policy CTY8 as a gap site given the rural nature of the position between two other properties;
- The application is in keeping with paragraph 6.77 of the SPPS.

* **Alderman McKeown arrived in The Chamber, during consideration of the Item, having attended remotely prior.**

5.6 LA01/2022/0233/O – 50m East Of 51 Ballykelly Road, Rascahan Limavady

Report and addendum, previously circulated, presented by Senior Planning Officer, J McMath.

Reason for Referral: Referral

App Type: Outline

Proposal: Single storey portal frame industrial building for workshop and industrial start-up units. Extension of hard standing to create yard for vehicle turning, staff and customer parking. Alterations to existing vehicular access to Ballykelly Road

Recommendation

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

Addendum 3 Recommendation

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.

- (Slide) Outline planning permission is sought for the erection of a single storey portal frame industrial building for workshop and industrial start-up units. Works include extension of hard standing to create yard for vehicle turning, staff and customer parking with alterations to existing vehicular access to Ballykelly Road.
- (Slide) While outline permission is sought, an indicative block plan indicates that 1 building which comprises 4 units is proposed, in addition the ground level of the site is to be reduced by 0.5m and earth bank and landscaping is proposed along the southern boundary.
- (Slide) The site is located within the open countryside, within a Site of Local Nature conservation as provided by NAP. Site is 50m east of 51 ballykelly road.

Access is proposed via an existing lane onto Ballykelly Road which is a protected route. site is approximately 140m back from road.

The site is adjacent to an existing agricultural machinery sales business and a derelict engineering workshop.

- (Slide) Unused area of land. Sandy in nature.
N & E boundary undefined
West boundary partly paladin fence
Southern boundary bank and P&W fence.
- (Slide) Residential properties are located in close proximity to the site.
Listed buildings are located to the east of the site.
- (Slide) view taken from lane with site to rear of building
- (Slide) closer view across site
- (Slide) across site toward the access lane
- (Slide) across site to southern boundary
- (Slide) The proposed workshop and industrial start up units fall to be determined under PPS4. The applicant is of the opinion that the proposal falls to be determined under PED 3 which is for the expansion of an established economic development use as the proposal is related to an existing established use albeit not currently operational namely the vacant engineering workshop. When asked for clarification, the agent has confirmed that the applicant does not own the vacant engineering works or the land on which they sit therefore, the proposed workshop and industrial start up units are not associated within an existing use they are a separate entity and are not therefore an expansion of an established use. The adjacent land uses are physically and commercially separate and are not under the control or ownership of the applicant. There is no existing established business enterprise at this site.
The proposed development relates to the construction of standalone workshop and industrial start-up units and does not relate to the expansion of an Established Economic Development Use as provided for by Policy, PED 3 is therefore not enabled.
- The workshop and start up units therefore fall to be considered under PED6 of PPS4. PED6 supports firm proposals for a small community enterprise park or small rural industrial enterprise outside a village of small settlement where 3 criteria are met. Firstly in this case, the proposal has not demonstrated that there are no other suitable lands within existing settlements (Limavady) or zoned for Economic Development (Aghanloo) in the Plan which could accommodate the proposal. No sequential test or evidence of exhaustive search has been provided to demonstrate site selection outside of settlements. Secondly, no detailed information has been forthcoming to indicate how the development is a firm proposal or how it would benefit the local economy and No sources of funding to demonstrate that the scheme is not speculative has been forthcoming as required by PED6. Thirdly, the site is not located clearly associated with a village or small rural settlement. The proposal is contrary to PED6.
- Turning to the details of the proposal and consultation responses. The proposal has failed to demonstrate that it complies with planning polices

in regard to natural heritage, residential amenity, built heritage, flood risk, contamination and access onto the protected route.

- EHO, NH, HED, Rivers and land and ground water team have all requested further information to allow a comprehensive assessment of the proposal. As the principle of development is not acceptable under policy the agent was advised of the consultation responses but the additional information was not formally requested and the agent has advised that no further technical information will be submitted.
- The proposal is contrary to the SPPS, CTY1 of PPS21, (NH1, 2, 3, 5) PPS2 – Natural Heritage, (PED2, 3, 6, 9) PPS4 – Planning and Economic Development, (BH11) PPS6 – Planning, Archaeology and the Built Heritage, (FLD3) PPS15 – Planning and Flood Risk and PPS21 – Sustainable Development in the Countryside
- The application is recommended for Refusal.

In response to questions from Elected Members, Senior Planning Officer referred to the aerial of the site and clarified there were various parcels of land; vacant derelict workshop, to west an agricultural machinery sales business. She explained policy PED3 and the expansion is to an engineering workshop not in the control/ownership of the applicant or land; blue lands do not include these lands either.

The Chair invited C Cochrane to speak. C Cochrane advised he would address Committee and N Armstrong would be available to answer questions.

C Cochrane stated the application seeks outline permission for start up units, and he would outline the merits;

- the vast majority of the refusal reasons are premature as it has not yet been considered at Reserved Matters;
- as this is only outline application the focus should be on the principle for development and Refusal Reasons 1 and 2 should only be given consideration;
- Expand industry in the area, accept adjacent building derelict, but there is a localised need for redevelopment and is an eyesore;
- Sustainable redevelopment of a modest scale which will be more sustainable and attractive long term;
- DfI Roads are content with the access;
- Situated 150m from the road, virtually invisible in the landscape from viewpoints;
- There has been arbitrary Policy application, there has been misplaced focus of development of brownfield;
- There has been a failure to recognise a need;
- There would be localised employment;
- In the absence of technical information Refusal reasons 3-10, can be submitted at Reserved Matters stage;
- Additional refusal reason issued as an addendum yesterday, and there has been no time to consider;
- It is essential to grow the local economy, adequately demonstrates need;
- Has been contacted for initial usage; there has been a letter of support from an adjacent business owner;

- It would kickstart local regeneration.

Proposed by Councillor Nicholl

Seconded by Councillor McGurk

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission;
- That the committee note the contents of the Addendum and disagrees with the recommendation to refuse the application in accordance with paragraph 1.1 of the Planning Committee Report for the following reasons:
 - The application will grow and generate the sector;
 - Concur sentiments Refusal reasons 1 and 2 can be addressed, will regenerate and grow the sector much needed in this area;
 - Regarding Refusal Reasons 3-10, this is an outline application and can be looked at Reserved Matters and happy to give consideration at that time;
 - It is of economic benefit to the region; compliments adjacent uses.
 - Paragraph 8.24 DfI Roads happy,
 - No objections and additional information can be dealt with at Reserved Matters.

The Head of Planning read out the Refusal Reasons 1 -10, Councillor Nicholl provided further reasons for approval as follows:

- Refusal Reason 3 and 4 – No other sites, hence why this application was submitted;
- Refusal reason 4 and 6 – To be considered at Reserved Matters;
- Refusal Reason 5 – At the site visits there was no issue of drainage or flood risk even in the absence of required information;
- Refusal reason 7 – What can be seen of the site this can be dealt with at Reserved Matters;
- Refusal Reason 8 – The area is well away from listed buildings, no adverse impact on listed buildings;
- Refusal Reason 9 – No adverse impact in the absence of requested information and can be dealt with at Reserved Matters stage;
- Refusal reason 10 – Paragraph 8.24 of the Planning Committee Report been considered and no issue based on information submitted.

Councillor Hunter posed a question regarding Reserved Matters.

The Head of Planning clarified the outstanding information is required to consider whether the principle of development at the site is acceptable, or otherwise. Senior Planning Officer clarified regarding responses from consultees various issues had been raised.

Alderman Duddy raised a point of Order, that Committee was at the reasons for the proposal stage and required to go to the vote rather than obtaining more information and reopening debate.

The Chair advised Council's Standing Orders would be checked.

The Head of Planning referred to the Protocol for the Operation of the Planning Committee and clarified the process, page 10 Point 5 and accepted Alderman Duddy's point.

The Chair ruled the vote be taken.

Councillor Hunter requested a Recorded Vote.

The Chair put the motion to the Committee to vote.
7 Members voted For, 6 Members voted Against, 0 Member Abstained.
The Chair declared the motion carried and application approved.

AGREED – That Conditions and Informatives are delegated to Officers.

Recorded Vote Table

For (7)	Councillors Anderson, Dallat O'Driscoll, McGurk, MA McKillop, McMullan, Nicholl, Peacock
Against (6)	Alderman Duddy, McKeown, S McKillop Councillors Hunter, Scott, Storey

5.7 LA01/2022/0323/O – Lands North Of 99 Carnbore Road, Liscolman, Ballymoney

Report, site visit report, addendum and additional information received, previously circulated, was presented by Senior Planning Officer, S O'Neill.

Reason for Referral: Referral

App Type: Outline

Proposal: Dwelling and garage

Recommendation

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 full planning permission subject to the reasons set out in section 10.

Addendum 2 Recommendation

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.

- (Slide) This is a referred application. The documents include the Planning Committee report and an Addendum which relates to submissions made by the agent and applicant stating why the proposed dwelling can't be located at the farm building at 116 Carnbore Road. There is also Addendum 2 which relates to additional supporting

information submitted setting out the need for this dwelling and includes a consideration of Policy CTY 6 relating to personal and domestic circumstances. No information has been submitted in regard to the location of where the sister lives at present. Further to this Policy CTY 6 is for the long-term needs of the applicant, not care of the elderly.

- The proposal is for a dwelling and garage on a farm on lands north of 99 Carnbore Road Ballymoney. The site is located within the rural area and is located outside the Settlement Development Limit. There are no other designations linked to this site.
- Policy CTY 1 of PPS21 identifies a number of instances when an individual dwelling house will be granted permission. These include a dwelling on a farm in accordance with Policy CTY 10.
- Policy CTY 10 states that all of the following criteria must be met:
- DAERA confirmed that the farm business was active and established and has claimed SFP for at least 6 years. There have been no sell offs from the farm within the last 10 years. The proposal therefore complies with criteria (a) and (b) of Policy CTY 10.
- The key concern regarding this proposal is under criteria (c) where it is stated that the new building is visually linked or sited to cluster with an established group of buildings on the farm. Exceptionally consideration may be given to an alternative site elsewhere on the farm provided there are no other sites available at another group of buildings on the farm and where there are health and safety reasons or there are verifiable plans to expand the farm business. The proposed dwelling is to be located approximately 215 metres north of the farm buildings at 99 Carnbore Road which includes a dwelling, shed and poultry unit. A noise impact assessment has been provided which demonstrates that the dwelling should be located away from the existing farm buildings due to noise from the poultry units. However, this does not demonstrate why an alternative location on the farm at the primary farm at 116 Carnbore Road could not be provided.
- This was queried with the agent and a supporting document was provided. Within this document it was stated that using the existing lane would create a health and safety risk given large vehicles use the lane to access the farm. It was also stated that the lane is narrow with no space to pass oncoming vehicles.
- It was stated that a dwelling in field 5 is the only viable field as any other site would require accessing the site through a working farm and this is accepted by the Planning Department. It was stated that only the western portion of this field could be accessed directly by the laneway. Within the western section of this field the lands do rise toward the existing farm buildings before levelling off. The agent argued that this site would be prominent and would require a large amount of cut and fill.

- However, it is not accepted that the western section of this field is the only viable section for development as there is potential to site a new dwelling to the side of the existing buildings at 116 Carnbore Road at a more level section of the site set further back from the main road and beyond the ridge of these lands. The issues raised would be typical of any busy working farm and would not be considered demonstrable health and safety reasons to cite a new dwelling away from these buildings on the farm. These reasons have also not been supported by an independent authority like the Health and Safety Executive or Environmental Health. Given this it is considered that the proposal fails criteria (c) of Policy CTY 10 as a proposed dwelling could be sited at another location on the farm that will visually link with existing buildings on the farm. The proposal also fails criteria (g) of Policy CTY 13.
- The proposal also fails criteria (b), (c) and (f) of Policy CTY 13 as the site lacks long established natural boundaries and is unable to provide a degree of enclosure for the building to integrate into the landscape. It is also considered that the proposal would rely primarily on the use of new landscaping for integration.
- (Slide) This is an aerial view of the proposed site located north of the existing farm buildings at 99 Carnbore Road with site located here.
- (Slide) This shows the proposed site north of 99 Carnbore Road highlighted in red and the farm at 116 Carnbore Road which is considered the alternative site.
- (Slide) This shows the site of the farm at 116 Carnbore Road with field 5 located to the south of the existing buildings. It is considered that a dwelling located close to the existing farm buildings would be a more appropriate site. The lands here do rise before levelling off at and beyond the dwelling and farm buildings at 116 Carnbore Road. A dwelling at the more level section of the site would be most appropriate.
- (Slide) This is a view travelling north toward the site which shows the existing boundary treatments which will provide minimal screening of the site. It must also be noted that the level of the road falls towards the site and on approach you would be looking down into the site which will emphasise its prominence.
- (Slide) This is a closer view of the site which again shows minimal screening of the site. A section of the roadside hedgerow will have to be removed to provide the visibility splays and this will open up the site further.
- (Slide) This is a view of the site travelling south with the site shown by the blue arrow. The proposed dwelling will be located toward the front of the site and will be viewed from this location.

- (Slide) This is a closer view of the site which shows minimal screening and also shows the existing hedgerow which bounds the road which will have to be partially removed to provide the splays opening up the site.
- (Slide) This view shows the topography of the site which rises toward the south.
- (Slide) This shows the farm buildings at 116 Carnbore Road where is considered that a farm dwelling could integrate effectively into the landscape. Any new dwelling should be located beyond the ridge of the lands which will allow it to effectively integrate and visually link with existing buildings on the farm.
- This proposal is recommended for refusal.

In response to questions from Elected Members, Senior Planning Officer clarified the other approved dwelling referred to and poultry units sited in the area. It had not been demonstrated another site could be provided closer to the other farm buildings. Proposed adjacent house were parents of the applicant and the applicant lives there. The field at the front is not within the red line and is not within their farm.

The Chair invited N Lamb to speak in support of the application. N Lamb thanked Committee, he reiterated the site complies with Policy CTY 10 and 13, the alternative site inappropriate and application should be approved. N Lamb stated the alternative site adjacent to a working dairy farm buildings and there were health and safety issues, there would be noise, odour and air pollution. He stated that 3 open boundaries would be contrary to CTY 13, the site would be prominent in the landscape as it is on the brow of a hill when viewed from other road, B67. N Lamb advised the alternative site is only accessible from the existing farmland, there is no scope for a new access as the land is not in applicant's ownership, existing lane is narrow and difficult to see other vehicles, there are health and safety issues. Extending the farm lane would result in significant hard standing contrary to policy CTY 13, and would require appropriate screening. Backdrop of the application site is 1 ½ m lower than road level and less prominent. Policy CTY 13 is met as the site integrates and is not prominent in the landscape and complies with relevant Planning Policy, the application should be approved.

Proposed by Councillor Storey

Seconded by Alderman S McKillop

- That the Committee has taken into consideration and disagrees 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 full planning permission;

- That the committee note the contents of this Addendum and disagrees with the recommendation to refuse the application in accordance with paragraph 1.1 of the Planning Committee Report, for the following reasons
- Agent has reinforced the view that it is in keeping with policy CTY10 including criteria a, b and c; information has been submitted on health and safety issues and agreed by Planning;
- Application consistent with policy CTY13 criteria b, c and f;
- Given there is a valid point in relation to the topography of site, 1 ½ m lower than road would help the issue of integration and adjacent, there is also other planning history closely associated with site and new build along with and adjacent to other sites;
- There are health and safety risks with the other proposed site put forward by Officer;
- There is only 10m hedgerow to be repositioned and is not demonstrable.

The Chair put the motion to the Committee to vote.

10 Members voted For, 1 Member voted Against, 2 Members Abstained.

The Chair declared the motion carried and application approved.

RESOLVED - That the Committee has taken into consideration and disagrees 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 full planning permission;

- That the committee note the contents of this Addendum and disagrees with the recommendation to refuse the application in accordance with paragraph 1.1 of the Planning Committee Report, for the following reasons
- Agent has reinforced the view that it is in keeping with policy CTY10 including criteria a, b and c; information has been submitted on health and safety issues and agreed by Planning;
- Application consistent with policy CTY13 criteria b, c and f;
- Given there is a valid point in relation to the topography of site, 1 ½ m lower than road would help the issue of integration and adjacent, there is also other planning history closely associated with site and new build along with and adjacent to other sites;
- There are health and safety risks with the other proposed site put forward by Officer;
- There is only 10m hedgerow to be repositioned and is not demonstrable.

AGREED – that Conditions and Informatives are delegated to Officers.

The Chair declared a recess.

A recess was held at 12.44pm.

* **The meeting reconvened at 12.50pm.**

5.8 LA01/2022/0130/F Lands To The Rear Of And Adjacent To No 45 Middlepark Road, Cushendall

Reports, previously circulated, presented by Senior Planning officer, E Hudson.

Reason for Referral: Referral

App Type: Full

Proposal: Application to vary condition 17 of approval ref.

LA01/2018/0585/F "None of the dwelling units in the development hereby approved shall be occupied until such time as all the dwelling units in the development approved under ref. LA01/2020/1333/F are substantially complete" to "None of the dwelling units in the development hereby approved shall be occupied until such time as development has commenced on the adjoining site, as per approval ref. LA01/2020/1333/F"

Recommendation

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 full planning permission subject to the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to Approve with the following conditions (circulated).

Senior Planning officer presented as follows:

- (Slide) This is an application to vary condition 17 on a previous planning permission which relates to a housing development previously approved at a site to the rear of No. 45 Middlepark Road, Cushendall.
- (Slide) Red line boundary of the site.
- The Application is to vary condition 17 of approval LA01/2018/0585/F which stated "None of the dwelling units in the development hereby approved shall be occupied until such time as all the dwelling units in the development approved under ref. LA01/2020/1333/F are substantially complete.
- The application was presented to the planning committee in October 2022 with a recommendation to refuse as the re-worded condition was not considered acceptable as it would have failed to ensure the delivery of the social housing units. The application was deferred at this meeting to facilitate the agent and the Head of Planning to agree an appropriately worded condition. This detailed in the addendum to the committee report. The re-worded condition reads:
 - "No unit in the hatched area of the site on drawing no. 02 received 12 December 2022 shall be occupied until the details of the legal agreement for the transfer to a NIHE recognised Housing Association of the social housing units approved under ref. LA01/2020/1333/F has been submitted to the Council for agreement. "
- (Slide) Amended site plan showing the hatched area.

- The amended wording would allow for 6 of the dwellings approved within the housing development to be built and occupied before the requirement to submit the legal agreement for the transfer of the social housing units to a recognised housing association to the Council for agreement. This gives a greater level of certainty to control the delivery of the social housing units than the previously worded condition and is considered acceptable.
- Our recommendation is to approve planning permission.

No questions were put to the Senior Planning Officer.

Proposed by Councillor McMullan

Seconded by Councillor MA McKillop

- That the Committee note the contents of this Addendum and agree with the recommendation to Approve with conditions stated in Planning Committee report.

The Chair put the motion to the Committee to vote.

13 Members voted For, 0 Members voted Against, 0 Member Abstained.

The Chair declared the motion carried and application approved.

RESOLVED - That the Committee note the contents of this Addendum and agree with the recommendation to Approve with Conditions stated in the Planning Committee report.

The Chair declared a lunch break at 1.00pm for 30 minutes.

* **The Meeting reconvened at 1.30 pm**

The Head of Planning undertook a roll call.

6. LOCAL DEVELOPMENT PLAN

6.1 6 Month LDP Work Programme

Report, previously circulated was presented by the Development Plan Manager.

The Development Plan Manager advised that Elected Members will be aware of the work undertaken to date by the Council's Development Plan Team particularly to get us to this stage of the Council's Plan-making process, that of the Draft Plan Strategy (dPS) publication; The appendix to the committee report, previously circulated, sets out a high-level work programme, covering the major areas of work to be undertaken by the Plan Team until the end of June 2023; It includes the LDP Timetable, Draft Plan Strategy Preparation, SA/SEA & HRA publication, LDP Steering Group and Project Management Team Meetings, Working Groups.

At the request of an Elected Member the Development Plan Manager confirmed that Elected Members needed to consider the wording of the Rural Policy after which a workshop would be scheduled for all Elected Members and would require ratification by Council.

The Head of Planning advised that it was unlikely a workshop would be scheduled in advance of the Local Government Elections.

Recommendation:

That Members note the LDP 6-month Work programme.

RESOLVED – That Planning Committee note the LDP 6-month Work Programme.

7. CORRESPONDENCE

7.1 Fermanagh and Omagh District Council – Local Development Plan DpS Consultation

Correspondence, previously circulated was presented by the Development Plan Manager.

The Development Plan Manager advised that the correspondence from Fermanagh and Omagh District Council regarding public consultation on their Draft Plan Strategy was sent on Direction from Department for Infrastructure.

Recommendation:

That Members note the correspondence from Fermanagh and Omagh District Council.

7.2 Correspondence to DfI – New Regional IT System

Correspondence, previously circulated was presented by the Head of Planning.

Recommendation:

That Members note the correspondence to Department for Infrastructure.

RESOLVED – That Planning Committee note the correspondence report.

8. REPORTS

8.1 Regional Property Certificate Unit – SLA

Report, previously circulated, was presented by the Head Planning.

Background

The NI Property Certificate Central Unit (NIPCU), which serviced Northern Ireland from a centre in Enniskillen, was one of the core functions which

transferred to the new Councils on 1 April 2015. From 1 April 2015, the NIPCU became known as 'The Regional Property Certificate Unit' (RPCU).

The Regional Property Certificate Unit (RPCU) uses the Planning Portal system to administer and process property certificate applications, submitted by, or on behalf of, the public, in the conveyancing process of land and property acquisition.

To avoid splitting the functions of the RPCU and it being divided across the various District Councils in Northern Ireland, the unit was retained as a shared service operated by Fermanagh and Omagh District Council (FODC), acting as an agent for the other District Councils in Northern Ireland. The transfer of function required the RPCU to enter into a Service Level Agreement (SLA) with the ten Councils.

Details

A new single Regional Planning IT System went live in December 2022. The SLA covers response times, the provision of feedback, allocation of income, quality of information provided and the need to take responsibility for that information in the event of a legal challenge.

This Agreement represents a Service Level Agreement ("SLA" or "Agreement") between the RPCU (as part of FODC)) and the Councils for the provision of services in the distribution of information relating to property identification, along with an agreed set of queries to statutory Consultees, as a result of an application, and issuing collated responses received to enquirers, in a timely manner.

This Agreement remains valid from the date of signature, until superseded by a revised agreement mutually endorsed by all the stakeholders.

This Agreement outlines the parameters of all services covered as they are mutually understood by the primary stakeholders. This Agreement does not supersede current processes and procedures unless explicitly stated herein. The Service Level Agreement is attached at Appendix 1, previously circulated.

Recommendation

IT IS RECOMMENDED that the Committee agrees to the SLA and for the Head of Planning to sign.

RESOLVED – That Committee agrees to the SLA and for the Head of Planning to sign.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor Storey
Seconded by Councillor Anderson and

AGREED – that Planning Committee move ‘*In Committee*’.

The information contained in the following items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

9. CONFIDENTIAL ITEMS

9.1 Update on Legal Issues

(i) Judicial Review East Road Drumsurn

Court of Appeal – Appeal against Refusal of Leave for Judicial Review – East Road Drumsurn – Mr Duff (Personal Litigant)
An update on proceedings was provided. The case is now listed for hearing on 29th March. Council is being represented by Junior Counsel Mr Kevin Morgan BL.

(ii) Judicial Review Craighall Quarry

Court of Appeal – Appeal against Refusal of Leave for Judicial Review – Craighall Quarry – Mr Duff (Personal Litigant)
An update on proceedings was provided. The case will proceed to hearing on the 1st March. Mr Vanderman BL is instructed to appear for the Council at the Appeal hearing.

(iii) Judicial Review Rigged Hill Windfarm

Application for Leave for Judicial Review – Rigged Hill Windfarm - Lonan Thomas McLaughlin (Personal Litigant)
This application for Leave for Judicial Review is provisionally listed for hearing on 24th and 25th April. A review hearing is listed for 20th March at which the Court will make Directions for the hearing. Council is represented by Junior Counsel Mr Conor Fegan BL.

At the request of an Elected Member the Head of Planning agreed to provide a breakdown of the legal costs incurred as a result of Judicial Reviews brought by Mr Duff.

Committee NOTED the update.

9.2 Finance Period 1 – 9 - Update 2022/23

Background

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 9 of the 2022/23 business year.

The Head of Planning provided commentary on the report, previously circulated, and referred to the cost associated with legal cases.

At the request of an Elected Member the Head of Planning said that there was current capacity to deal with the legal cases and referred to the cost in terms of staff resources which resulted in them being away from their normal duties.

Recommendation:

IT IS RECOMMENDED that the Committee notes the update provided on the Planning budget as of end of Period 9 of 2022/23 financial year.

Committee NOTED the report.

9.3 New Regional IT System Update

The Head of Planning provided a verbal update to the Planning Committee. She outlined the key issues with the implementation of the new IT system and provided an update of dates for key fixes to the system.

At the request of and Elected Member the Head of Planning advised that members of the Planning Committee would be provided with training on the Regional IT System at the end of the March Planning Committee meeting.

Committee NOTED the update.

10. ANY OTHER RELEVANT BUSINESS (IN ACCORDANCE WITH STANDING ORDER 12 (O))

There were no matters of Any Other relevant Business notified.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman Duddy
Seconded by Councillor Scott

AGREED – that Planning Committee move '*In Public*'.

This being all the business the Chair thanked everyone for being in attendance, and the meeting concluded at 2:00 pm

Chair