

## ARDS AND NORTH DOWN BOROUGH COUNCIL

27 August 2024

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Planning Committee of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Tuesday 03 September** commencing at **7.00pm**.

Yours faithfully

Susie McCullough  
Chief Executive  
Ards and North Down Borough Council

### **A G E N D A**

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee meeting of 06 August 2024 (Copy attached)
4. Planning Applications (Reports attached)

4.1	LA06/2022/0827/F	Lands approximately 250m SW of 240 Scrabo Road, Newtownards Stable building and associated hayshed/tack room and equipment store.
4.2	LA06/2023/1739/F	5 Marian Way, Portaferry Single dwelling with new access & associated site works
4.3	LA06/2024/0398/F	Grass Sports pitches adjacent to Ward Arras Pavilion, Ward Park, approximately 55m north of 2a Gransha Road, Bangor Installation of a ball backstop fence at the western tip of the softball field
4.4	LA06/2024/0603/LBC	Market House, The Square, Portaferry 1.1m pedestrian railing at entrance to match existing railings to the SW

### **Reports for Noting**

5. Update on Planning Appeals (report attached)

6. Budgetary Control Report – July 2024 (report attached)
7. Annual Planning Statistics 2023/24 (report attached)
8. Update on Tree Preservation Orders & applications for consent works (report attached)
9. Release of Department for Infrastructure (DFI - Rivers Directorate) 'Rivers Six Year Strategy' (report attached)

**\*\*\* IN CONFIDENCE \*\*\***

10. Quarterly Update on Enforcement Matters (report attached)
11. Advance Notice of Listing (report attached)

#### **MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)**

Councillor Cathcart	Alderman McDowell
Councillor Creighton	Alderman McIlveen (Chair)
Alderman Graham	Councillor McKee
Councillor Harbinson	Councillor McLaren
Councillor Kendall	Councillor Rossiter
Councillor Kerr	Councillor Morgan
Councillor McClean	Alderman Smith
Councillor McCollum	Councillor Wray (Vice Chair)

## Item 7.1

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**ARDS AND NORTH DOWN BOROUGH COUNCIL**

A meeting of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Tuesday 6 August 2024 at 7.00 pm.

**PRESENT:**

**In the Chair:** Alderman McIlveen

**Aldermen:** Graham  
McDowell  
Smith

**Councillors:** Cathcart      McCollum  
Creighton      McKee  
Harbinson      McLaren  
Kendall      Rossiter

**Officers:** Director of Prosperity (A McCullough), Head of Planning (G Kerr), Senior Professional and Technical Officers (A Todd and C Rodgers), and Democratic Services Officer (R King)

**1. APOLOGIES**

Apologies for inability to attend were received from Councillor Kerr, Councillor Morgan and Councillor Wray.

**2. DECLARATIONS OF INTEREST**

Councillor Rossiter declared an interest in Item 4.2 - LA06/2024/0261/F

**3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 02 JULY 2024**

PREVIOUSLY CIRCULATED:- Copy of the above.

NOTED.

**4. PLANNING APPLICATIONS****4.1 LA06/2023/2501/F – SINGLE STOREY REAR GARDEN ANNEX FOR ANCILLARY ACCOMMODATION 26 RHANBUOY PARK, HOLYWOOD**

(Appendices I - II)

PREVIOUSLY CIRCULATED:- Case Officer's report.

**DEA:** Hollywood and Clandeboye

**Committee Interest:** Called in by Alderman Graham

**Proposal:** Single storey rear garden annex for ancillary accommodation

**Site Location:** 26 Rhanbuoy Park, Hollywood

Outlining the case officer's report, Senior Planner (A Todd) explained that Item 4.1 was an application seeking full planning permission for the erection of a single storey rear garden annex for ancillary accommodation at 26 Rhanbuoy Park, Hollywood.

The application had been brought before Planning Committee following a call-in request from Alderman Graham who was concerned that there was a likelihood that the detached nature of the annex would cause noise nuisance to neighbouring residents.

Alderman Graham had referred to Para 2.9 of the Addendum to PPS7 which stated that to be considered ancillary, accommodation should be subordinate to the main dwelling and normally accessible from it. He had also referred to para A49 of the Addendum which stated that accommodation should be designed to demonstrate dependency on the main residence. Alderman Graham was of the view that the proposed annex did not provide limited accommodation and shared facilities as it had a living room, double bedroom, ensuite bathroom and kitchen area.

Referring to images of the site location, the officer explained that it was located in a built-up residential area of detached dwellings within the development limit of Hollywood.

The existing dwelling had a split-level design and there was an enclosed private garden area to the rear consisting of a lawn and patio area.

The rear boundaries were defined by fencing, shrubs and hedgerows. One of the slides presented showed the boundary treatment with the objector's adjacent property at No. 28 comprising shrubs and trees as well as a close boarded fence.

Explaining the proposed location of the annex and its internal floor plan - the accommodation would be detached from the main dwelling but it would be positioned immediately to the rear of the dwelling's existing return which had a door and steps down to the garden and would allow easy access between the dwelling and annex. Adequate space would be retained between the annex and the party boundaries with approx. 1.2m to the boundary with No. 24 and approx. 7.1m to the boundary with No. 28. An adequate area of private amenity space to serve the dwelling would still be retained to the front of the proposed annex. The annex would provide 38sqm of accommodation to include a small living/kitchen area, bedroom and ensuite.

A further slide showed the proposed elevations of the annex. A flat roof design with a height of just over 3m was proposed and the finished floor level of the annex would also sit slightly below that of the host dwelling. These design features would help to ensure that the overall visual impact of the building on neighbouring properties would be kept to a minimum. Given the single storey design, lower finished floor level and existing boundary treatments, the Planning Department was satisfied that there would be no unacceptable adverse impact on either of the adjacent properties at No. 24 or No.28 by way of loss of light, dominance or loss of privacy.

The Planning Department was satisfied that the proposed development complied with all of the main criteria (a) – (d) of Policy EXT1. However, the objector to the application who resided in No. 28 to the immediate north of the site had raised specific concerns in relation to potential noise and disturbance as a result of the development. In particular, the objector was concerned that as their bedroom was located close to the boundary with the application site, there would be the potential for disruption to sleep. Regard must be had to criterion (b) of the policy in this respect, which required that a proposal must not *unduly* affect the privacy or amenity of neighbouring residents. Paragraph A38 of the Justification & Amplification to Policy EXT1 addressed the matter of noise and general disturbance however this focused on features such as balconies, roof terraces or high-level decking which were often used as outdoor spaces for entertaining and could lead to noise and disturbance due to gatherings of larger numbers of people at an elevated height.

The current proposal was for internal living accommodation for two elderly relatives. This was not comparable to raised roof terraces or balconies often used for outdoor entertaining.

The officer showed photos taken from the rear of No. 28 and the position of the objector's bedroom window near the party boundary with No. 26. While it is acknowledged that there would be regular movement of the occupants between the proposed annex and the main house, the Planning Department did not consider that this would in itself create any unacceptable impact by way of noise or disturbance. Many residential properties have garages or outbuildings located within rear gardens which are accessed on a regular basis for a variety of reasons and it is not considered that the annex would result in any significantly greater impact. While there is the potential for people to access the annex along the side path adjacent to No. 28, again, it is not considered that this in itself would result in any unacceptable degree of noise or disturbance to No. 28 beyond that which would be expected within any built-up urban area.

In determining proposals for planning permission, another material consideration for the decision maker must be to have regard to what development could be erected under permitted development rights. In this case, under Class D of The Planning (General Permitted Development) Order (Northern Ireland) 2015, a detached building could be erected under permitted development rights within the rear garden of the application site and used for a variety of different purposes including for example as a garden room for outdoor entertaining, as a home office, for various hobbies or for the keeping of animals. The Planning Department did not consider that the proposed use of the building as ancillary residential accommodation for two elderly relatives would create any greater noise or disturbance than the level of noise that could potentially be associated with other uses for a building incidental to the dwelling which could be allowed under permitted development.

Alongside the main policy considerations of EXT1, the Justification and Amplification (J&A) contains specific advice relevant to ancillary accommodation. Para 2.8 acknowledges that there may be occasions when people wish to provide ancillary accommodation for elderly relatives or to meet a variety of other personal or domestic circumstances.

The J&A went on to explain that to be ancillary, the accommodation must be subordinate to the main dwelling. It is advised that the accommodation should *normally* be attached to the main dwelling however this is not essential.

Para 2.10 requires the accommodation provided to be modest in scale to ensure the use of the building as part of the main dwelling. The policy also stated that the construction of a separate building as self-contained accommodation would not be acceptable, unless a separate dwelling would be granted permission in its own right.

The Planning Department did not consider that the proposed accommodation could be described as self-contained or capable of being used as a separate stand-alone residence. The annex would be positioned in extremely close proximity to the main dwelling (within just 1m) and with shared amenity space, access and parking, the annex would not be suitable as a separate stand-alone residential unit and could not operate practically and viably on its own. Furthermore, due to the split-level design of the existing dwelling, an extension instead of the proposed detached annex would have a significantly greater impact on adjoining properties. It could be seen from the photo on slide 10, an extension would either have to be built from the basement level which would be much closer to the objectors at No. 28 or from the upper level of the rear return which would necessitate a much taller structure, resulting in a significantly greater impact on both adjacent properties at Nos. 24 and 28.

In addition to the objections received from No. 28, four letters of support had been received from the applicant's mother-in-law who would be residing in the annex, two care workers and the occupants of No. 24. These confirmed that the applicant's elderly parents already lived in the family home and had done so since 2022 but space was extremely limited. As the applicants wished to be able to continue to care for their parents at home, the additional accommodation in the form of the annex was sought.

As per the policy advice, approval had been recommended subject to planning conditions stipulating that the development should not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 26 Rhanbuoy Park, Hollywood, and that the development could not be separated, sold off or leased from the property.

In considering proposals, the decision maker also had a duty to have regard to any pertinent planning decisions made by the appellate body, the Planning Appeals Commission. In assessing applications for ancillary accommodation in recent years, the Planning Department had regard to planning appeal decision 2015/E0053. This was an appeal against an alleged breach of planning control for an unauthorised dwelling at 13 Newton Road, Newry which was subsequently allowed by the PAC. An image of the building which was the subject of this appeal was shown to the Committee. In this case, the PAC acknowledged that while the appeal building was self-contained, there was no physical boundary between it and the main dwelling and as such, there was freedom of movement between both. Furthermore, the garden area was shared between the two buildings as was the parking space. Accordingly, it was considered that there had been no sub-division of the planning unit to create an independent dwelling. Rather, the evidence indicated that the structure functioned as ancillary accommodation.

This building was significantly larger and provided a much greater scale of accommodation than that currently proposed at 26 Rhanbuoy Park.

Other appeals for similar ancillary accommodation had also since been allowed by the PAC in more recent years therefore the PAC continue to apply this interpretation of the policy, considering detached accommodation of this scale to be acceptable subject to conditions restricting their use.

It was also of note that Planning Committee had previously approved similar proposals for detached ancillary accommodation at 5b Killinchy Road, Comber, and at 7 West Hill, Groomsport. Both of these applications proposed a similar level of accommodation to that currently proposed for the application site and these were approved by Planning Committee on 18<sup>th</sup> January 2022 and 3<sup>rd</sup> October 2023 respectively subject to planning conditions.

In summary, the proposal was considered to be acceptable taking account of the relevant policy requirements of the Addendum to PPS7 alongside recent decisions made by the Planning Appeals Commission. The accommodation was required for the applicant's elderly parents to enable them to continue to care for them at home but to provide more space and a degree of independence. The level of accommodation was considered to be modest and given its extremely close proximity to the main dwelling and shared garden, access and parking, it could not practically or viably as a separate stand-alone residential unit. While it was acknowledged that the neighbouring residents had concerns about potential noise and disturbance, particularly at nighttime, it was not considered that the levels of noise created as a result of the movement of people to and from the annex would be unacceptable or beyond that to be expected from a variety of incidental domestic uses within the curtilage of dwellings in any built-up residential area. Therefore on this basis it was recommended that full planning permission should be granted subject to the stated planning conditions.

The Chair invited questions for clarification to the officer.

Returning to the officer's comments around PPS7, Alderman Graham noted that the accommodation should be subordinate and should normally be attached to the main building though he also accepted there were exceptions pointing to the topography challenges. He further noted that the building should be designed to demonstrate dependency on the existing residential property. Aside from utilities such as water, electricity and sewage, he asked what the living dependency of the proposed annex would have on the existing house and the officer referred to policy interpretations by the PAC, and that the Planning Department had adopted that approach, considering this to be a single planning unit, highlighting the location, proximity, the shared amenity space such as parking, access and lack of any physical boundary features that would separate the two buildings.

Pointing to the proposed living arrangements, Alderman Graham noted that the annex would have its own kitchen, ensuite bathroom and living area and he queried what the difference was between that and a self-contained apartment. The officer advised that the proposal was for a shared kitchen and living area and there was a small bedroom. While it allowed a degree of independency it was located in the back garden with shared access. Officers had deemed it to be acceptable based on those shared elements.

There were no further questions to the officer so the Chair invited Mrs Gawne, speaking in opposition to the application, forward to make her address to the Committee.

She argued the following points:

- The scale was not consistent with para 49 of the relevant policy and exceeded the size and did not include shared facilities. There was no reason given to justify the non-compliance with the policy for ancillary accommodation.
- It was a separate building that could only be accessed externally. It was in too close proximity to Mrs Gawne's ground floor bedrooms.
- The property (number 26) would be three separate areas with no internal links between them. There would be three doors to the rear garden which was not normal and dysfunctional and always conducive to noise at night.
- There were two external routes with use of the steps which were three metres high to link the two levels. Those would be situated directly opposite the corner windows of Mrs Gawne's kitchen extension.
- Use of the side path was too close to Mrs Gawne's bedroom wall which was only 4ft from the boundary fence and the path at the other side. There could be noise at night with people using that route. Mrs Gawne argued that Criterion A had not been met.
- There would be an impact on privacy with regard to use of the steps facing Mrs Gawne's window resulting in a direct view inside the room.
- There would be noise from carers who would require external access through the garden. Mrs Gawne expressed particular concern at noise during the night with carers using the side path. She claimed that the impact of that happening during the night would be insurvivable and argued that the policy did provide protection to neighbours, referring to relevant sections (a.38) of the policy which covered noise and disturbance.
- Mrs Gawne felt that her concerns around noise at night had been played down, trivialised and dismissed on the basis of opinion only and evidence she had provided on existing noise and disturbance had not been considered to be relevant or important.
- Personal information she had provided had not been considered and noise was deemed to be outside the remit of the Planning Service. That however conflicted with A38 of the Policy and was contrary to all of the policy above.
- Par. 1.3 referred to extensions needed to be balanced with consideration for the impact on residential amenity. She claimed that there had been no



balance of this in the report and prediction of residential amenity had been disregarded.

- Sleep disturbance on a regular basis long term was a serious health risk and impacted on wellbeing and quality of life. Unexpected noise could be a shock and frightening when so close to your home during the night.
- It would result in a negative impact both now and in the future. The side path was the main route and would be extensively used and the impact on neighbours would be permanent and irreversible. Mrs Gawne argued that Criterion B had therefore not been met.
- There was a clear definition of ancillary accommodation in par. A.49. She argued that the annex did not apply and was opposite of the policy guidance. The policy explained that there should be compliance unless there was a strong case for exception. She argued that the full details of the appeal decision referred to were not provided and only featured selected phrases which were out of context. She felt, having read the full document, that that particular application was not relevant to this annex and had been an unusual situation and not a precedent.
- There were no grounds to verify that this application was an exception to the policy.
- Mrs Gawne referred to the conditions placed on the recommendation for approval and felt that they did not provide adequate protection in terms of noise at nighttime, both for current and future use of the annex which could become a party room and she understood there was nothing stopping the owner from applying for leasing of the annex in future.

The Chair thanked Mrs Gawne and invited questions from Members.

The Mayor, Councillor Cathcart, asked the speaker to clarify why she felt there would be significantly more noise from the annex than what was experienced currently and Mrs Gawne said that the annex doors would be closer to her property and the movements of carers throughout the night would disturb her sleep. She added that it was a very quiet area and she would already hear any noise during the night.

The Chair asked if the current noise level was more than what could be reasonably expected and Mrs Gawne felt that normally people did not expect to hear noise from their back gardens at nighttime but she felt that the proposed annex would lead to the constant criss-crossing of paths as people moved between the three separate areas that would be created as a result of this development.

The Chair asked for clarity on Mrs Gawne's concerns with regard to nighttime carers and she explained that there were no carers currently but the previous occupants had required night-time carers but they could not be heard because they only entered the address through the front door. However in this case, she believed that nighttime carers would require access using the side path of the rear garden she had

referred to. The Chair asked what type of surface the path had and Mrs Gawne believed it was tarmac.

Councillor McLaren had difficulty agreeing that carers visiting at nighttime could be exceptionally loud and asked Mrs Gawne if she was more sensitive to noise than the average person. Mrs Gawne rejected the suggestion, explaining that her concerns regarding noise were due to the proximity of her ground floor bedroom and the proposed annex. She recalled experience of noise from nighttime carers at her mother's house and that it had been at a high enough level to attract remarks from a neighbour. She recalled that carers could be heard as soon as they got out of the car, joking and laughing and then raising their voices when opening the front door of the house to announce their arrival.

In a final question to the speaker, Councillor McLaren asked Mrs Gawne if she would ever consider moving her bedroom to another room in the house and she responded that the other bedroom was on the same level and it would make no difference.

Mrs Gawne returned to the public gallery and the Chair invited Mrs Carol Dalton, speaking in support of the application, to come forward.

Mrs Dalton's five-minute address to the Planning Committee was summarised as follows:

- Mrs Dalton thanked the Planning Committee and explained there was a desperate need for the annex to be built in what was her daughter's garden.
- Mrs Dalton believed that all the criteria for planning approval had been met.
- The architect had referred to issues raised under 'Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations and Justification and Amplification - 2.7 People With Disabilities - The specific needs of a person with a disability were however an important material consideration and exceptionally the policy criteria could be relaxed to meet those needs. A49 Extensions and Alterations to Provide Ancillary uses.
- Mrs Dalton thought they would only have to live in the main house temporarily as she could not cope alone with her husband's worsening dementia. Her daughter's house was a raised bungalow and only had three small bedrooms and a bathroom that were situated along a short, narrow passage. They currently had just a tiny box room 2.5m sq.
- There was no privacy for any of the occupants. When her daughter's husband came home from working abroad and their son returned on leave there were six people wanting to use the bathroom. They were using their grandson's room and he had to sleep on the sofa. It was very overcrowded and the situation had become unbearable. Mrs Dalton's husband was very distressed and it was putting a great deal of strain on all of the family. She admitted to sometimes thinking of just running away from it all.

- Mrs Dalton explained that her husband was very unhappy as he only had a couple of his own possessions around him and it was heartbreaking to see him cling to a vase the couple had when first married. He said it was his and he wouldn't let anyone touch it. He also wrapped up a small wooden figure which he said was his dad's but Mrs Dalton had bought it years ago.
- She added that her husband would hide his clothes as he thought others would take them from him. The couple had given most of their possessions away as there wouldn't be room in a small annex and her husband missed having familiar things around.
- She explained the upset and confusion that the existing living arrangements caused her husband when the family had to explain this was now his home. She went on to explain her husband's personal care needs and the dependence they had on their daughter and granddaughter who both worked in a care home looking after people with dementia. They relied on them heavily for lifts to appointments and shops due to residing in Seahill where there were none in walking distance.
- The extra space of the annex would make all the difference to the family and her husband would feel happier having his own things around him and not feel vulnerable and out of place.
- She added that it would bring peace of mind knowing that her daughter was on hand to help out if needed but she could concentrate on her husband to enable him to have a sense of value and dignity about himself that he seemed to have lost.
- The build would always be a part of the family home and its use only for family members. There were conditions recommended for future use that she was happy to comply with.
- Mrs Dalton added that she had informed each of the neighbours about the plans before applying for the build and they had all been very supportive. No 28 had approached her a few weeks later to ask how the plans were going; he had not mentioned anything about noise so she had not anticipated any problems with the planning application.
- The speaker sympathised with No 28's sleeping problems but had not known why they thought people would use her own side of the path that ran between both houses to get to the annex. She considered that to be very rude to go into someone's back garden through the garden gate. Visitors would knock on the front door to enter and leave the same way as normal.
- In closing, Mrs Dalton said her family was always respectful to all their neighbours and would not dream of upsetting them by being loud at night. Her daughter and granddaughter's bedroom were along that path, although higher up, and they certainly would not appreciate their sleep being disturbed either.

The Chair invited questions from Members. Councillor Creighton expressed sympathy with Mrs Dalton and her family's predicament and sought clarity on the proposed access arrangements. Mrs Dalton explained that all access would be through the front door of the main house. She added that the rear entry to the property was rarely used and there was no intention of using it to access the annex via the path at the side of the objector's boundary. She explained that her husband's condition had developed suddenly and anyone, including their objecting neighbours, could find themselves requiring home carers.

Councillor McCollum followed up with a similar query and Mrs Dalton explained that any carers would come in and leave through the main house and in the event of her husband becoming very ill, he would likely move into the main house.

There were no further questions and Mrs Dalton returned to the public gallery.

The Chair invited questions for clarification to the officer and the Mayor queried if there would be additional steps that would be facing towards number 28 and asked if consideration had been given to any potential overlooking. The officer explained that this would not have an impact on privacy as the stairs were there already and nobody would be lingering at the top so it was not considered to be a privacy issue.

Councillor McCollum queried the lighting arrangements and if floodlighting was excluded from the planning conditions or if there was a level of mitigation that could be included while ensuring health and safety. The officer explained that planning permission was not required for lighting in a residential area but it was not thought that floodlights would be necessary.

Alderman Smith understood that the distance of the new build from the boundary to number 28 was seven metres and it was confirmed that it would be eight metres between the annex and the neighbour's bedroom window. It was also clarified that there was a 1.8metre fence between the two sites and the officer had no reason to believe it would be removed.

Alderman Smith asked if a door to the rear of the house from the basement would be retained and the officer believed that it would be. She confirmed, in response to a further query, that it was possible to access the proposed property from two paths so there would be potential alternative access to the pathway that ran alongside the boundary of number 28.

There were not further questions so the Chair sought a proposal.

Proposed by Councillor McLaren, seconded by Councillor McCollum, that the recommendation be adopted to grant planning approval.

Speaking to her proposal, Councillor McLaren felt that the application complied with all relevant sections of Policy EXT1 and the main objections of noise and light were in her opinion, unreasonable. She could not imagine carers purposefully keeping people awake at night. She also understood that the lighting issue was not a matter for consideration by the Planning Committee and could not agree with the objector

that the noise would be ‘unsurvivable’. It was her view that the applicant had made a very reasonable application to meet the needs of their family.

Alderman Graham appreciated the difficulties and tensions in this particular application and he felt it was commendable when people tried to help their relatives. Whilst he felt it would have been better for a connected extension, he appreciated the difficulties of achieving that given the landscape. He felt that regardless of the PAC findings, there was a contravention of the dependency attitude and he felt this needed to be looked at. He was therefore unable to support the proposal and recommendation to approve planning permission.

Whilst sympathising with anyone who had concerns over noise and loss of privacy, Alderman Smith was happy to support the proposal, referring to the planning case and the precedent within the PAC ruling. He felt reassured from the discussion that there would be multiple access points and that was enough of a case to support approval.

On being put to the meeting with 11 voting FOR, 1 voting AGAINST, 0 ABSTAINING and 3 ABSENT, the proposal was declared CARRIED. The voting was as follows:

<b>FOR (11)</b>	<b>AGAINST (1)</b>	<b>ABSTAINED (0)</b>	<b>ABSENT (3)</b>
<b>Alderman</b>	<b>Alderman</b>		<b>Councillors</b>
McDowell	Graham		Kerr
McIlveen			Morgan
Smith			Wray
<b>Councillor</b>			
Cathcart			
Creighton			
Harbinson			
Kendall			
McCollum			
McKee			
McLaren			
Rossiter			

\*There was one vacancy on the Planning Committee resulting from Peter Martin’s resignation. Therefore 15 members were eligible to vote.

**RESOLVED, on the proposal of Councillor McLaren, seconded by Councillor McCollum, that the recommendation be adopted, and that planning permission be granted.**

(Councillor Rossiter left the meeting having declared an interest in Item 4.2)

#### **4.2 LA06/2024/0261/F - ANCILLARY STORAGE SHED (INCLUDES REMOVAL OF EXISTING CONTAINERS) HOLYWOOD CRICKET CLUB, SEAPARK PAVILION, SEAPARK, HOLYWOOD**

(Appendices III)

**DEA:** Hollywood & Clandeboye

**Committee Interest:** Land in which the Council has an interest

**Proposal:** Ancillary Storage Shed (includes removal of existing containers)

**Site Location:** Hollywood Cricket Club, Seapark Pavilion, Seapark  
Hollywood

**Recommendation:** Grant Planning Permission

The Senior Professional and Technical Officer (C Rodgers) explained that item 4.3 was an application by Hollywood Cricket Club for an Ancillary Storage Shed (including the removal of existing containers) at Seapark Pavilion in Hollywood. The application was before Planning Committee for determination as it was on Council land.

The site was within an area zoned as existing open space, and within the proposed Marino and Cultra Area of Townscape Character, and a Local Landscape Policy area.

The site consisted of a section of Council owned playing fields and formed part of a larger park containing a bowling green, tennis courts, as well as a cricket and football field.

Residential dwellings were located to the east along Seapark Road, and to the west along Ballymenoch Road. A further area of public open space was located to the north of the Park adjacent to Belfast Lough.

The officer referred to an image of the site outlined in red which marked the location of cricket practice nets and 4.5m high security fencing approved by the Council's Planning Committee at its meeting in December 2022.

It was originally proposed to site the storage building to the southwest side of the practice nets - close to existing dwellings along the Seapark Road. Following objections, the original application was withdrawn, and a new application was submitted proposing an alternative more sensitive location - tucked along the northeastern side of the recently constructed cricket enclosure.

Further slides showed images of the practice nets and the original site immediately adjacent to Seapark Road and an image of views towards the site from the Seapark Road.

Another slide showed an image from the entrance to the Pavilion building north of the site (the storage building would be set behind the landscaping to the right).

Members were also shown an image of a view towards the site from a pedestrian entrance serving Ballymenoch Park to the south-east.

The application proposed the removal of an older existing storage container which was in a poor state of disrepair and occupied a prominent roadside location to the north of the site adjacent to the existing area of open space associated with Belfast Lough. A smaller second structure had already been removed by the club.

The proposed ancillary building had a low-pitched roof (measuring 3m to the eaves and 3.5m overall) which was well below the approved 4.5m high security fence. The proposed building was 8 by 12 metres and would be finished in PVC coated steel.

76 letters of support and 12 letters of objection had been received. A number of the issues raised, including loss of a view and impact on property values, were not material planning considerations that could be afforded weight in the determination of this application. Other concerns included the impact on the character of the area and residential amenity.

An alternative site had been suggested. However, members would be aware that the Council could only consider the application before it.

The storage building would be viewed in the context of adjacent built development and was set well back from the road. It would cause no harm to the overall character and appearance of the area.

PPS8 operated a presumption against the loss of open space. However, it was recognised that ancillary structures, in existing areas of open space, could often be required to facilitate increased participation in a sport and to support enhanced use of existing outdoor recreation facilities.

The supporting statement indicated that the cricket club had been very successful in recent years in expanding its membership from approximately 30 members in 2005 to its current membership of 220.

The building was required to facilitate secure storage for the wide range of equipment including high value items such as a roller, mowers and bowling machines. Other items included bats, balls, benches, stakes and tarpaulins. The proposal was considered to be a necessary ancillary structure to support the on-going development of Holywood Cricket Club.

The ancillary building would be located a considerable distance from any residential dwelling. (Approximately. 65m from the closest dwelling at No.3 Seapark Road).

Given the nature of the storage structure it was not likely to cause harm to the amenity of nearby properties. Environmental Health had been consulted and provided no objection to the proposal.

The storage shed would not obstruct access to pedestrian paths or facilities within the wider recreational grounds.

A condition was recommended to ensure that the shed could only be used for the storage of equipment for the Cricket Club and for no other purpose.

Having considered all material planning considerations it was recommended that planning permission be granted.

The Chair invited questions to the officer and Alderman Graham asked if there would be any implications on wildlife. The officer clarified that there would be no impact on wildlife with no loss of trees in order to facilitate the proposed storage shed.

The Chair invited Mr Tim Robson forward who was in attendance to speak against the application.

Before commencing, Mr Robson sought clarity over the circulation of his speaking notes given that this application had been rescheduled from July. The Head of Planning confirmed that his speaking notes had been re-issued to Members with the agenda for this meeting.

Mr Robson's address was outlined as follows:

- Mr Robson's interest in the application was relating to the way we read and value our open public space.
- He brought no challenge to the cricket club's need for storage accommodation and he was pleased that the club was doing well.
- The Seapark Recreation Grounds made an important contribution to our public open space, serving the local community and visitors to the area.
- The Report highlighted its designation as 'Existing Recreation and Open Space' and a Local Landscape Policy Area, and that it was within the proposed Marino, Cultra and Craigavad Area of Townscape Character.
- Seapark provided a significant public open space, comprising several key elements.
- It was important to carefully analyse and identify the various factors that defined and contributed to the legibility, quality and experience of this important public open space.
- He referred to the diagram on page 4 of his pre-submitted speaking notes and a red line and rectangle that represented the Council owned pavilion. This was a charming, low-slung public building making a significant contribution to the way the public space read.
- There was an arrival sequence to Seapark travelling down Seapark Road the space opened dramatically across the playing fields and historically the pavilion frontage had defined that first element of that public open space.
- The bridge, with its angled relationship to the road and glimpse of Belfast Lough, provided a compression point before a dramatic emergence into the open green space of the playing fields.



- The tennis courts also contributed and the practice nets for the club had been allowed to be erected on the playing fields and that did to some extent begin to erode the definition of that frontage he had described, but those were 'visually open'.
- He referred to another public space further along Seapark Road which contained another public open space which was on the other side of the pavilion which fronted in two directions.
- The pavilion was the key public building within the valuable public open space of Seapark.
- The proposed siting placed an ancillary storage shed in a dominant, prominent position within the public open space of the playing fields and would erode the character of that public open space and dominate the little public building.
- The position of the public building currently provided it with a key role and it fronted on the to public space of the playing fields and the new shed would obstruct that.
- The point had been that the application could only be assessed on the grounds of what was presented but that in itself should not have been the cause to accept what was proposed when there were alternative opportunities within this site that would not have a detrimental affect on this valuable open space.

The Chair invited questions to the speaker.

Alderman Graham asked if the objection was against the loss of public space to the footprint of the shed or if it was the visual appearance of the shed and Mr Robinson explained that his concern related to a combination of those two elements. The shed in itself was not offensive but the pavilion was a charming little building, low slung and it was an issue of dominance. The shed would have a dominant form in terms of both size and height compared to the pavilion and it would sit in front of it. He believed that there were less-imposing locations within the site where the shed could be situated. He suggested it could be sited adjacent to the public toilets as an example which would create an appropriate hierarchy allowing the ancillary building to adopt a secondary ancillary site. Just because this was the application it did not mean that it should be approved.

Councillor McLaren asked Mr Robinson how he felt about the condition of the existing storage unit which she felt was old, insecure and unsightly. She wondered how the objector would feel about that remaining if this application was not approved.

Agreeing with Councillor McLaren's view on the existing storage unit, Mr Robinson argued that it was appropriately located however, behind a hedge and underneath trees. It was also smaller than what was being proposed, which was six times larger in floor area. He was not opposed to a storage building in anyway and agreed it was

important for the club to meet its needs. He believed that his objection to this application did not mean that the existing storage container would remain though as the club needed to replace it anyway and he believed rejecting the application would see the club make an alternative application for a more appropriate siting.

Mr Robinson returned to the public gallery and the Chair invited Mr Ken Nixon, Chairman of Holywood Cricket Club, speaking in support of the application, to make his address.

- Mr Nixon thanked the Council for its assistance in all areas including planning matters and grant aid for the club.
- The installation of a new artificial wicket which would enable further growth of youth cricket as it allowed continued activity even when other matches or practice sessions were being held.
- In 2003, he had met with the Council's former Chief Executive, Stephen Reid, then Director of Leisure, at the railings and looked across at a piece of ground that was unkempt. He had discussed funding opportunities to develop that land which would require two to three years of bedding in.
- In 2025 cricket would have been played at Sea Park for 20 years.
- There had been an outstanding growth in the membership and the club had up to 220 junior players and up to 40% female.
- Holywood had competed in the NCU Challenge Women's Cup at the weekend, with largely a teenage team and one player was selected for Ireland Under -15s team and another for the Under-17s.
- He explained the high price of cricket equipment and that many people could not afford to come fully equipped. The club was able to provide equipment for any child regardless of their socio-economic background.
- Opportunity and diversity were high on priorities.
- The new storage unit would be essential to the club and would be paid for by the club.
- It showed the commitment of Holywood Cricket Club to continue the delivery of cricket.

The Chair invited questions from Members.

Welcoming the club's growth in membership, Councillor Harbinson asked if the dimensions of the shed took account for future growth of the club's membership and future storage needs. Mr Nixon said he felt that the proposed dimensions would meet existing and future needs.

Referring to the objector's concerns about the location, the Mayor asked why the club had chosen to locate the new shed at that particular site and Mr Nixon explained that it was close to the cricket nets and youth area where most of the equipment was required. He added that, in his view, it was neatly tucked away behind the hedge where the bowling club was.

Alderman Graham queried the choice of colour for the storage unit and if the green was chosen in order for the unit to blend in with the surroundings. Mr Nixon explained that he believed so, adding that it also represented the club's colours.

There were no further questions and Mr Nixon returned to the public gallery.

The Chair invited further questions for clarification to the officer and the Mayor queried a previous application that had been changed. The officer explained that the amendment to the earlier plans had been made voluntarily by the club. She explained though that Council could only consider an application as presented and in this case the proposed siting had been considered to be acceptable and would not cause any unacceptable harm to any visual or residential amenity.

There were no further questions so the Chair sought a proposal.

Proposed by Alderman Graham, seconded by Councillor McLaren, that the recommendation be adopted and that planning approval is granted.

The proposer Alderman Graham believed that the storage unit would tidy up the area considerably and see the removal of the existing storage facilities from the site. He had been impressed by Mr Robinson's enthusiasm for public open spaces and appreciated that he had considered his arguments very carefully. On balance however, Alderman Graham felt that it would provide safe storage for the club. He recalled situations where marquees had been utilised in adverse weather conditions, so he felt that this provided the correct balance.

The seconder, Councillor McLaren was supportive of the club's proposal for the new shed, adding that the existing facility was insecure, an eyesore and completely inadequate. As a former cricketer she appreciated the level of equipment required for the sport. She also recognised that the club had changed the previous planned location to make it more amenable and it now met all of the relevant planning requirements.

On being put to the meeting and with 11 voting FOR, 0 voting AGAINST, 0 ABSTAINING and 3 ABSENT, the proposal was CARRIED.

The voting was as follows:

<b>FOR (11)</b>	<b>AGAINST (0)</b>	<b>ABSTAINED (0)</b>	<b>ABSENT (4)</b>
<b>Alderman</b>			<b>Councillors</b>
Graham			Kerr
McDowell			Morgan
McIlveen			Rossiter
Smith			Wray
<b>Councillor</b>			
Cathcart			
Creighton			
Harbinson			
Kendall			
McCollum			
McKee			
McLaren			

\*There was one vacancy on the Planning Committee resulting from Peter Martin’s resignation. Therefore 15 members were eligible to vote.

**RESOLVED on the proposal of Alderman Graham, seconded by Councillor McCollum, that planning permission be granted.**

(Councillor Rossiter returned to the meeting)

**4.3 LA06/2022/1309/F - REPLACEMENT PROTECTIVE FENCE (RETROSPECTIVE) HOLYWOOD GOLF CLUB, NUN’S WALK, HOLYWOOD**  
(Appendix IV)

**DEA:** Holywood & Clandeboye

**Committee Interest:** A local development application attracting six or more separate individual objections which are contrary to the officer’s recommendation.

**Proposal:** Replacement protective fence (retrospective)

**Site Location:** Holywood Golf Club, Nuns Walk, Holywood

**Recommendation:** Approval

Outlining the case officer’s report, the Head of Planning explained that Item 4.3 was for retrospective permission for a replacement protective fence at Holywood Golf Club, Nuns Walk, Holywood.

The application was before members due to the number of objections which stood at nine from nine separate addresses.

The recommendation was to approve planning permission.

The application was submitted as a result of enforcement case LA06/2022/0348/CA which was investigating 'Alleged unauthorised works including the erection of fencing netting' at the application site.

The application site was located inside Holywood Settlement Limit within a designated Existing Recreation and Open Space and a Local Landscape Policy Area: Redburn, Holywood - HD 19.

The application site was adjacent to the northwestern boundary of the golf club and comprised a strip of land approximately 90m abutting Demesne Road with residential properties located on the opposite side of the road.

The following slide showed the area of the application site. Several mature trees were located on the grass verge immediately adjacent to the protective fencing as well as a paladin fence which defined the boundary of Holywood Golf Club at this side.

The protective fence was 90m long 15m high and consisted of four steel poles with green horizontal wires/netting.

The protective fence prevented stray golf balls from leaving the course and causing harm to property and individuals which had been a persistent health and safety issue for many years resulting in the requirement for the fence with evidence submitted by the Golf Club to demonstrate this.

Concerns raised by third party objectors included adverse visual impact, scale, vegetation not obscuring fence, adverse impact on biodiversity, flooding, health and safety risk and trees that were cut back taking time to grow back. All material considerations had been fully considered in the case officer report.

It was considered that the fence extended along a comparatively small stretch of the overall curtilage of the golf course with a large stretch of the boundary with Demesne Road remaining unaffected. It was also likely that the existing mature trees and vegetation would be retained, which would continue to further aid the integration of the fencing however if it was to be removed the overall visual impact would not be so great to warrant refusal of planning permission.

For those reasons and having regard to the need for the fencing on safety grounds, the compliance with planning policy and consideration of third party representatives the recommendation was to grant planning permission.

The Chair invited questions to the officer and Councillor McCollum queried the number of stray golf ball incidents that had occurred. The officer was unable to provide an exact number but explained there was supporting evidence provided that showed this was an ongoing problem. Other options had been explored such as moving the T and installing netting but this was regarded as the best option in terms of safety and stability.

Councillor McCollum was sympathetic with the objectors, agreeing that the solution was unattractive but she believed the risk of injury and fatality made this necessary.

Alderman Graham expressed a similar view while Councillor Kendall also appreciated the safety aspects but was concerned that the correct planning process including consultation with neighbouring residents had not been followed and that this had arisen from an enforcement case.

The Chair commented that it was unfortunate that this was the system whereby the applicant was given a yellow card and now got an opportunity for this to be dealt with retrospectively.

The officer advised that even under normal process, the Planning Committee would still have been given the same amount of time to consider the application and the design was out of members' control anyway. It was quite likely that the design would have been the same and while there was no way in making the replacement protective fence look pretty, the design was consistent with other golf courses.

Proposed by Alderman Graham, seconded by Councillor McCollum, that the recommendation be adopted and that planning consent be granted.

On being put to the meeting, with 12 voting FOR, 0 voting AGAINST, 0 ABSTAINING and 3 ABSENT, the proposal was CARRIED.

<b>FOR (12)</b>	<b>AGAINST (0)</b>	<b>ABSTAINED (0)</b>	<b>ABSENT (3)</b>
<b>Alderman</b>			Councillors
Graham			Kerr
McDowell			Morgan
McIlveen			Wray
Smith			
<b>Councillor</b>			
Cathcart			
Creighton			
Harbinson			
Kendall			
McCollum			
McKee			
McLaren			
Rossiter			

\*There was one vacancy on the Planning Committee resulting from Peter Martin's resignation. Therefore 15 members were eligible to vote.

**RESOLVED, on the proposal of Alderman Graham, seconded by Councillor McCollum, that the recommendation be adopted and that planning approval be granted.**

**4.4 LA06/2023/1895/F– 5G TELECOMS INSTALLATION: 15M HIGH STREET POLE TELECOMS MAST AND CABINETS WITH ANCILLARY WORKS APPROX. 14M NORTH OF 122, AND OPPOSITE 121-123 BALLYCROCHAN ROAD, BANGOR**

(Appendices V & VI)

**DEA:** Bangor East & Donaghadee

**Committee Interest:** A local development application attracting six or more separate individual objections which are contrary to the officer's recommendation.

**Proposal:** 5G telecoms installation: 15m high street pole telecoms mast and cabinets with ancillary works

**Site Location:** Approx. 14m north of 122 and opposite 121-123 Ballycrochan Road, Bangor

**Recommendation:** Approval

Outlining the case officer report, the Head of Planning explained that Item 4.4 was for a 5G telecoms installation consisting of a 15m high street pole, telecoms mast and cabinets with ancillary works at Approx. 14m north of 122 and opposite 121-123 Ballycrochan Road, Bangor.

The application was before members due to the number of objections which stood at 44 from 37 addresses. The recommendation was to approve planning permission. Members were advised of a typo where it referred to the **rear** garden of number 122 when it should have read the front garden of no.122.

The application site was located within Bangor Settlement Limit in an urban area on the western side of Ballycrochan Road, immediately east of the front garden of No. 122 and approximately 27m from the Ballycrochan Road/Albany Road junction. There were no local development plan designations affecting the application site. The application site comprised part of the public footpath and was in close proximity to a streetlight and equipment cabinet. The wider surrounding area was predominantly residential with dwellings located east and west of the application site.

For context, the following slides showed the area of the application site.

Referring to planning policy in relation to telecommunications, the officer added that the aim of the Strategic Planning Policy Statement and Planning Policy Statement 10 in relation to Telecommunications was to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.

This required planning authorities to take account of the potential effects of new telecommunications development, and any necessary enabling works, on visual amenity and environmentally sensitive features and locations. Developers were required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, had been sited and designed to minimise visual and environmental impact.

New masts should only be considered where site sharing was not feasible or offered an improved environmental solution. The policy went on to explain that applications for the development of telecommunications equipment should be accompanied by a statement declaring that when operational the development would meet the ICNIRP guidelines for public exposure to electromagnetic fields.

The applicant had complied with this requirement - by way of summary the supporting information submitted with the planning application states that *The proposed solution for improving coverage and capacity for 5G services involves erecting a new 15m high Street Pole installation and 3no additional equipment cabinets upon an area of footpath. It is recognised that the very nature of installing new 5G communications infrastructure within a dense urban setting requires a well-measured balance between the need to extend practical coverage with the risk of increasing visual intrusion*.

The Justification Statement continued to explain that *'the very nature of 5G and the network services it provides, means the equipment and antennas are quite different to the previous, and existing, service requirements. In particular, the design of the antennas, and the separation required from other items of associated equipment, certain structures cannot be used that provide a means of support for another operator, most notably in a street works or highways environment*'.

The proposed installation was an H3G Monopole which would facilitate educational benefits, providing access to vital services, improving communications with the associated commercial benefits for local businesses, enabling e-commerce and working from home, as well as access to social, media and gaming for leisure time activities.

The applicant had recognised that where an existing site could be shared or upgraded this would always be adhered to before a new proposal was put forward for consideration.

For this proposal it was explained that *'this was an extremely constrained cell search area and options within the area were very limited.*'

In selecting the application site, consideration was given to the fact that *'existing base stations were not capable of supporting additional equipment to extend coverage across the target area and prospective 'in-fill' mast sites are extremely limited.*'

The target/search area was centred over a residential area in Ashbury, Bangor. The 100m Desired Search Area (DSA) could be seen on the slide. It was further explained that due to the operational parameters of 5G, moving the search area or seeking locations a long way from the target/search area was not operationally feasible. The cell search areas for 5G were extremely constrained with a typical cell radius of approximately 50m. In general, it would not be feasible to site the installation too far from the target locale.



In compliance with PPS 10 of Policy TEL 1, the Justification Statement demonstrated that other sites were considered and discounted using a sequential approach which first considered 'Mast and Site Sharing' then, 'Existing Building Structures' and lastly, 'Ground Bases Installations'. Consideration of alternative sites discounted seven alternative sites in the target area as shown in the slide.

The application site was considered the best available compromise between extending 5G service across the target 'coverage hole' with the selected street works pole height and associated antenna and ground-based cabinets restricted to the absolute minimum but could still provide the required essential coverage. The siting on the adopted public highway, would not impede pedestrian flow or the safety of passing motorists. The equipment cabinets would be situated at the base of the pole. As was the policy requirement, the applicant submitted a ICNIRP Declaration explaining that when operational the development would meet the ICNIRP guidelines for public exposure to electromagnetic fields.

The Joint Radio Company and Police Service Northern Ireland were also consulted on the proposal and offered no objection on the basis that it was unlikely the proposal would result in interference.

It was acknowledged that there would be a localised visual increase through the installation of additional apparatus - at 15m high the monopole is significantly higher than the two-storey dwellings within the surrounding area and adjacent streetlights and trees.

The pole would be highly visible travelling along both sides of the Ballycrochan Road by virtue of its height and form. The proposal would be sited close to an existing 8.9m high streetlight with the backdrop of the front garden area of No. 122.

Further slides showed the critical views of the proposed site on approach from both directions along the Ballycrochan Road with it indicated approximately where the 15m high pole would be located. The pole would be visible from the roundabout at the end of Ballycrochan Road approximately 116m from the position of the pole. From approach on the north side of Ballycrochan Road, it was estimated there would be views of the pole over 200m away until the road curves.

Ballycrochan Road was a relatively wide road in comparison to the surrounding area and within this setting the slim design of the pole would not appear dominant to the extent that it would be unacceptable.

The equipment cabinets were up to 1.75m high and extended across a width of 3.3m. As these would be sited to the rear of the footpath, they were not considered to be prominent within the streetscape. The design and appearance of the proposal were considered typical of such development and were acceptable for an urban area. It should also be noted that the application site was not located in an environmentally sensitive area or sited beside an environmentally sensitive feature. Common to the assessment of a planning proposal was the balancing and weighing of material considerations which members would have to consider. In this case, the harm arising from the visual impact of the telecommunications monopole and cabinets needed to be weighed against the need for the installation and the benefits

of network coverage in the area. Taking into consideration the comments within the Regional Development Strategy and SPPS, which sought to improve the standard of telecommunication infrastructure, on balance it was considered that the visual impact on the surrounding area was off set by the benefits the mast which would be of public benefit to everyday living and economic endeavours through the provision of improved telecommunications.

The Planning Appeals Commission had also considered and commented on proposals for similar proposals.

It must be noted that in several appeals for similar development, the Commissioner always recognised the need to weigh up the visual impact in balance with the need for improved connectivity and services. For example, in appeal 2020/A0015 the Commissioner stated the following:

*'Modern telecommunications also offer a number of valuable social and educational benefits such as promoting social inclusion, enhancing personal safety and facilitating education services. PPS 10 and the supporting DCAN 14 recognises that the economic and social benefits of advanced telecommunications can only be achieved if the necessary infrastructure is developed however, it emphasises that attention must be devoted to the siting and design of equipment.'*

In addition, in appeal ref 2018/A0200 the Commissioner stated the following: *'Paragraph 6.238 of the SPPS states that the aim of the document in relation to telecommunications and other utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum. The latter wording recognises that some impact on the environment may be acceptable.'*

In Appeal ref. 2018/A0200 the Commissioner was assessing a replacement 20m high telecommunications mast and stated the following:

*'...it has to be recognised that the site is also within an urban area where modern features such as streetlights, traffic lights, telegraph and electricity poles, and telecommunications masts/poles are commonplace features.'*

In recognition of above cases there was no reason to conclude that a telecommunications mast of the type proposed inappropriate in a residential area. With regard to residential amenity - the proposal was approx. 13.4m from No. 122 Ballycrochan Road which was the closest dwelling and over 20m from the properties on the other side of the road (121, 123, 125). The pole would appear visually significant in the streetscape due to its height however, it would not be dominant in the sense that it would adversely impinge on the immediate aspect or outlook from any surrounding residential dwellings or cause overshadowing.

The base station when operational would meet the ICNIRP guidelines for public exposure to electromagnetic fields. The proposals therefore complied with point (3) of Policy TEL 1 of PPS 10. Therefore, there were no grounds to refuse permission on the basis of impact on actual health. Environmental Health was consulted on the proposal and offered no objection. It was therefore not considered that the proposal would have a detrimental impact on residential amenity.

Concerns raised by third party objectors included design of the proposal, residential amenity, health and safety, consideration of other sites, car safety and access, carbon footprint, impact on an Area of Townscape Character (for clarification the site was not within an ATC.), devaluation of properties, possibility of precedent, impact on biodiversity and wildlife, and queries regarding neighbour notification.

All representations made had been fully considered in the case officer report.

In summary although it could not be denied that the proposal would be highly visible in a localised area, the proposal was not at odds with a setting within an urban area. The planning system operated in the interests of the wider public and given the wider benefits of upgrading the mobile network this was considered to outweigh the visual impact. The applicant had submitted supporting information in line with policy requirements and had carried out an assessment of other possible sites as required by requirements set out on PPS 10. Environment Health had been consulted and had no objections to the proposal.

In light of the above information the recommendation was to grant planning permission.

The Chair invited questions to the officer and the Mayor queried the current site selection process which allowed the applicant to conduct its own site surveys and determine what it deemed as the most suitable location. He asked how, under that process, the Planning Committee could be content that this was the best site for the mast. He also referred to an appeal decision that rejected a proposed mast at a site at Ardoyne Road in Belfast in relation to the same process.

The Head of Planning clarified that the issue with the planning appeal referred to was that the applicant had not shown consideration for enough alternative sites so had not fulfilled requirements of the policy. In this case the applicant had provided several rounds of information in determining the site. That had included consideration of existing sites where equipment was already located and then further consideration for new sites. The applicant had been able to clarify why each site was not suitable. She explained that with every application there was a declaration that needed to be signed to confirm that all information was true and correct. That was taken in good faith, and in this case the applicant had fulfilled all requirements of the policy at each stage. In terms of the design, the officer felt it could be argued that there was a change of design with the masts in order to reduce the impact and taken in the context of an urban development, it was not viewed that impact would be so bad. She highlighted a very similar mast near Bangor Grammar School on Gransha Road as an example.

Councillor McCollum felt that every member of the Committee understood the need for connectivity and future-proofing it, but the siting of the mast was obviously the cause of the unhappiness. Going back to the argument made by the Mayor, she agreed that the Council was reliant on the integrity of the applicant in terms of its consideration for suitable sites. There were seven sites identified by the applicant, but she argued who was to know that there were not 27 possible sites. It should not have been down to the objector, or the Planning Committee, to identify those

alternatives. She asked the officer if there were more comprehensive reasons given for discounting the alternative sites, believing that some of the reasons reported offered limited information.

The Head of Planning advised that this type of 5G network required a small area and it had meant that it had to be located within a specific location. The case officer had gone through each of the sites and she appreciated that the majority were not on main roads and only had narrow pavements and not suitable for those locations. She felt it was clear that Ballycrochan Road was the most suitable from all of the sites available. The applicant had complied with planning policy throughout what was a thorough process.

Alderman Smith recognised this was a built-up area and if he was a resident there, he too would be unhappy about a 15metre high pole being installed outside of his house. He asked how usual it was to have a structure of that size so close to houses, noting that 13 metres was reported as the closest point.

The officer explained that applications for 5G structures were becoming more common and referred to one she was familiar with at Gransha Road next to Bangor Grammar School. This was on the opposite side of a wide road to the houses, but she explained that the purpose of the mast was to provide coverage in a specific urban area and therefore had to be located in that type of environment.

Alderman Smith appreciated that everyone used the network and that it was required for everyday life. He queried the distribution density of the antenna range as he felt that the small circumference of the coverage reported suggested that an antenna would be required on every street corner in order to provide adequate coverage.

The officer pointed out that the level of need suggested by Alderman Smith was not reflected in the number of applications for 5G masts.

Alderman Smith referred to page 10 of the report, where he had noted that this would have a visual impact. He asked how visual impact was assessed versus the benefit of the antenna and the officer advised that PAC decisions were material considerations and this was an attractive residential area but there were no designations. She highlighted a decision to permit a mast at Malone Road in Belfast which was a designated conservation area. This was the highest type of protection for an urban area yet it had still been considered acceptable. Ultimately, she felt that there would not be enough grounds for the Planning Service to sustain a refusal for the proposal.

Councillor Kendall understood the concerns regarding the threshold in terms of number of people benefiting versus the number of people impacted. She appreciated that was the difficulty, accepting that this would be like a monolith outside someone's front garden. She asked if applicants for this were required to give substantial evidence to show the need for the mast and the officer referred to the extremely high expense of installing these structures and how that could only be driven by genuine need. The applicant was also required to provide a thorough supporting statement to justify that need. That requirement had been fulfilled and met within terms of Planning Policy.

(The meeting went into recess at 8.55pm and resumed at 9.09pm)

The Chair invited Mr Mark Lilburn forward, who was speaking in opposition to the application. His address was summarised as follows:

- Mr Lilburn was speaking on behalf of more than 40 objectors to the application.
- He praised the residents who took pride in their properties and made it one of the nicest places to live in Northern Ireland.
- He was glad that an error had been clarified by the officer, explaining that these properties had gardens at the front and not the rear.
- When residents went out into their garden then, to let their dogs out for example, they would be faced with what he described as a monster. This would also be the case when residents looked out of their living rooms and bedrooms.
- Currently the plans were for the structure to be sited 13 metres from the nearest houses but there were plans for an extension that would take it to within 10 metres of their bedroom. This was not satisfactory for anyone.
- He disputed information provided that the masts were restrained to a 50m radius, arguing if that was the case then one would be required every 100 metres for them to work properly.
- He further argued that Ballycrochan was outside of the target area on the map provided.
- He felt that it was better to place an antenna at the highest possible point but Ballycrochan Road was the lowest point of that area. Ashbury Avenue, Linnear Park or the Primary School were better suited in his opinion.
- He had made a site visit to Ardoyne Road, Belfast, where an application for a 15m high mast had been rejected. He believed there was no difference between that site and the proposed site at Ballycrochan Road.
- That proposal was contrary to TEL1 of PPS10, SPPS and relevant guidance in DCAN 14 that the proposal would result in an unacceptable impact on the character and visual amenity of the area by way of its height, location and prominence, and the very same arguments were made in those objections.
- Other places had been discounted because of proximity to residents' houses, but he asked how this was any different, given that the proposed structure would be right outside his front door.
- There were nine other houses directly in front of where the structure would be.

- He believed that Bangor was one of the most connected parts of the UK and questioned the need for 5G when all households in the area had access to Fibre Optic broadband connectivity.
- There was no benefit to any houses and 5G would any benefit anyone walking down the street or driving their car.
- The applicant even agreed this was a prominent structure with three cabinets which would be 6ft tall and 12ft wide.
- Existing cabinets on the street were covered in illegally placed posters and graffiti. He expected the same would happen to the proposed cabinets creating an eyesore.
- It would lower the worth of the street and properties.
- Ericsson was the manufacturer of the machine that would be placed on top of the pole. The company stated on its website that the compliance boundaries for general public exposure was 20 metres. In this case it would be 10 metres from the residents' bedrooms where they would spend eight hours per day sleeping.

The Chair invited questions from Members to the speaker and Councillor McCollum agreed with Mr Lilburn's concerns over the visual impact and the proximity to his property. She highlighted some road safety concerns in the area over speeding and Mr Lilburn confirmed it was an ongoing issue recalling that a car nearly crashed into his house two weeks ago. He felt that the 15 metre high structure would be a visual distraction to motorists and clarified to Councillor McCollum that the near miss to his property was where the pole was to be located on a curve in the road.

Councillor McCollum asked a further question around the visual impact this would have on his neighbours and Mr Lilburn explained there were nine other homes facing the application site directly with their distances ranging up to 25 metres away.

Mr Lilburn returned to the public gallery and the Chair invited further questions for clarification to the officer.

Councillor McLaren had noted the absence of telecommunications expertise and felt that an engineer could have clarified some of the questions around the range of the antenna for example. She wondered if given this lack of clarification, if there would be appetite for the Committee to defer the application in order to put some of the questions to an engineer.

The Chair invited Councillor McLaren to make a proposal.

Proposed by Councillor McLaren, seconded by Councillor Kendall, to defer the application until such a time when the Planning Committee can question the applicant, further examine appeal decisions for similar applications and seek further advice from Environmental Health.

While she did not wish to cause unnecessary delay, Councillor McLaren felt it would be wrong to make a judgement on the application without seeking that information.

Councillor McLaren had noted the objector's concerns regarding potential for further masts to achieve the coverage required given the stated range of the signal. She also wanted further information about other areas that the applicant had discounted.

The Director confirmed that under the protocol there was an option to defer the application to allow for further information to be provided. In this case it would be for the applicant to attend for further questions.

The seconder, Councillor Kendall, was happy to support that, on the basis that the Planning Committee was required to weigh up the decision in terms of impact to one area of the community versus the wider gain. Matters of interest were the network coverage area, alternative sites considered along with addressing some of the further points that the objector had made.

Alderman Graham was concerned that the objection was not based on engineering but largely on appearance and visual impact. Referring to some of the policy information provided in terms of the consideration of whether there was a wider need or wider benefit, he argued that those were different things and he wondered if there needed to be further consultation in the area to determine whether people actually wanted 5G. He was therefore supportive of refusal of planning permission but was not unsupportive of the proposal to defer for further information at this stage.

Councillor Harbinson wondered if the ICNIRP set out guidance around the distance between an antenna and residential accommodation and the Head of Planning advised that a declaration was required to be signed to confirm that it complied with safety standards set out within that guidance. The officer confirmed that Environmental Health had been consulted and had no concerns. Members were also advised of a planning appeal where the issue of public health was raised and it was of the view that the Planning System was not the place for determining health safeguards and that was for the Department of Health, Social Services and Public Safety to decide what public health measures were necessary. She added that the Planning Service had consulted with Environmental Health and it had no objections to the application.

Having heard the objections, Alderman McDowell felt there was a lot of unanswered questions that he felt the Committee required further information on. He also wondered if the Council was able to get any independent expertise in order to satisfy itself as opposed to taking something at face value. He felt it was always a balancing act to determine wider need whilst protecting the residents that could be impacted. He wondered if the masts could be disguised in some way, understanding that had been done in Ward Park. He also felt the objector had made a good point in that the area was already well connected and questioned the need for 5G in a residential area.

The Chair was aware that Council could speak to Environmental Health in terms of the health and safety aspects but he was unaware of the telecommunications expertise being available and asked the officers for some guidance on this.

The Director of Prosperity clarified that the declaration was there to provide that protection that the demonstrated need and supporting information was factually correct. If that was not the case the applicant would be subject to enforcement action. She pointed out that this was the same for all planning applications, pointing out that like a traffic assessment, it was up to a third party to provide evidence against it. That was the challenge that the Committee was faced with.

The Mayor noted the key question was arising from PPS10 and referred to 'technical and operational constraints' and understood it would be a consideration of whether the developer could move to another location. He agreed with Alderman Graham that it was the visual impact that was the main objection, but he was cautious that the developer could go to the PAC and he was cautious of successful appeals. He therefore felt that it was important to also look at the appeal cases during the deferral.

Alderman Smith agreed a refusal at this stage would only weaken the argument if the applicant took the application to appeal. He felt it was important to question the applicant, particularly in relation to the alternative sites, in order to obtain further details. He felt that if there was really just a 100m radius from the mast then the whole country would be covered with these masts on every street corner, and he just could not see that as being the reality. He was also concerned about the visual amenity impacts but was conscious that just rejecting on that basis would leave this open to successful appeal and he believed the company involved would have the capability of taking it through that process. He also wondered if Environmental Health could provide more detail, particularly regarding the health implications for those living in close proximity.

The Director added that a representative from Environmental Health could attend a future meeting but warned that they would only be referring to the current guidance that was set out and in that guidance, there were no health implications. The Head of Planning added that any objection that was made to this application involved the case officer reconsulting with Environmental Health on each point. Environmental Health was asked to review those objections and she directed the Committee to page 16 of the case officer report where that was documented. She also confirmed that there was a signed statement of compliance required as part of that public health guidance. The officer was unsure how much more advice Environmental Health could provide.

The Chair wondered if further clarification would be beneficial with regard to the objector's own planning application and the reduction in distance to the mast if that was fulfilled. That would mean that the building would be significantly closer to the mast and he wondered if Environmental Health would have a different view in that scenario but the officer clarified that it could only assess what was on the ground currently.



Summing up, Councillor McLaren clarified her proposal, adding that it was important to get as much information as possible. It was important that the Committee did not set a precedent that it could not go back from. If it approved this, it would be very difficult to refuse any future application. While she was keen to see connectivity advance across the Borough, Councillor McLaren, having heard the objections, felt it was important to seek further clarity before making any decision.

On being put to the meeting, with 12 voting FOR, 0 voting AGAINST, 0 ABSTAINING and 3 ABSENT, the proposal was CARRIED.

<b>FOR (12)</b>	<b>AGAINST (0)</b>	<b>ABSTAINED (0)</b>	<b>ABSENT (3)</b>
<b>Alderman</b>			Councillors
Graham			Kerr
McDowell			Morgan
McIlveen			Wray
Smith			
<b>Councillor</b>			
Cathcart			
Creighton			
Harbinson			
Kendall			
McCollum			
McKee			
McLaren			
Rossiter			

\*There was one vacancy on the Planning Committee resulting from Peter Martin’s resignation. Therefore 15 members were eligible to vote.

**RESOLVED, on the proposal of Councillor McLaren, seconded by Councillor Kendall, to defer the application until such a time when the Planning Committee can question the applicant, further examine appeal decisions for similar applications and seek further advice from Environmental Health.**

**5. UPDATE ON PLANNING APPEALS**  
(Appendix VII)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching information about the Appeal decisions.

**Appeal Decisions**

- 1. The following appeal was dismissed on 17 June 2024.

PAC Ref	2022/A0192
Council Ref	LA06/2022/0346/O
Appellant	Mr Richard Topping
Subject of Appeal	Refusal of outline planning permission for an infill site for 2 No. dwellings with domestic garages.

Location	Lands between 32 and 34 Castle Espie Road, Comber.
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The application above was called into the Planning Committee meeting of December 2022. The Council refused the above application on 7 December 2022 for the following reasons:

- I. The proposal was contrary to 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 was essential in this rural location and could not be located within a settlement.
- II. The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal did not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and represented a visual break and would, if permitted, result in the creation of ribbon development along the Castle Espie Road
- III. The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and other planning and environmental requirements along this section of Castle Espie Road.
- IV. The proposal was contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
  - the proposed buildings would be a prominent feature in the landscape;
  - the proposed buildings would fail to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and therefore would not integrate into this area of the countryside.
  - the ancillary works would not integrate with their surroundings.
- V. The proposal was contrary to Policy CTY14 of, Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted,
  - be unduly prominent in the landscape
  - result in a suburban style build-up of development when viewed with existing and approved buildings;
  - not respect the traditional pattern of settlement exhibited in that area;
  - Creates a ribbon of development
  - the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
- VI. The proposal was contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2 Natural

Heritage in that the scale of the proposal was unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect the local development pattern.

In terms of this appeal the application was assessed against Policy CTY 8 of PPS 21 'Ribbon Development'. This stated that a building would be refused where it created or added to a ribbon of development however, a policy exception was the development of a small gap site capable of accommodating a maximum of two dwellings within an otherwise substantial continuously built-up frontage. Commissioner Taylor concluded in her report that there was a substantial and continuously built-up frontage consisting of No.32 and its garage, No.34 and its outbuilding and No.36 Castle Espie Road. The Council had considered the outbuilding to be temporary in nature and did not include it in its assessment. The Commissioner was not persuaded by this and found the outbuilding/shed to be a modest size, of permanent construction and has, for the purposes of the policy, a frontage to the laneway.

The second test was whether the gap was small enough to only accommodate a maximum of two dwellings. The Commissioner found the separation between buildings (despite the appellant's protestations that only the site should be considered – not from building to building) to be 100m. Both the appellant and the Council agreed that the average plot width along the substantial and continuously built-up frontage was 36.4m. The Commissioner concluded that the gap between buildings would therefore allow for more than two dwellings. As such the proposal failed to meet the requirement of the exception.

The PAC also found that the development would lead to the creation of a ribbon of development and would result in the loss of an important visual break. Furthermore, the development would involve the creation of an extended laneway access running to the rear of No's 30 and 30A which would be a feature out of keeping with character in the area and incongruous at this countryside location, and along with the appeal buildings would cause a suburban-style build-up of development and a detrimental change to the surrounding rural character failing to meet the requirements of Policy CTY 14.

In terms of NH6 of PPS 2, as the site was considered to be an important visual break, it would be as a whole unsympathetic to the surrounding AONB, would not respect the character of the land or the traditional pattern of development. As such Policy NH6 was not complied with.

The appellant put forward several different planning application sites as they were considered comparable with the appeal site. However, the PAC did not agree and they were not found to be relevant.

Finally, the appellant could not demonstrate why the appeal development was essential and could not be located in a settlement and failed to comply with the requirements of Policy CTY 1 of PPS 21.

The Commissioner's detailed report was found under Item 5A.

## New Appeals Lodged

2. The following appeal was lodged against an Enforcement Notice on 16 July 2024.

PAC Ref	2024/E0021
Council Ref	LA06/2022/0092/CA
Appellant	Marcus Green
Subject of Appeal	Alleged unauthorised: <ul style="list-style-type: none"> <li>• Material change of use of land for use as a coffee shop and associated seating area;</li> <li>• Extension of an area of hardstanding;</li> <li>• Siting of two no. wooden buildings used in association with the coffee shop;</li> <li>• Intensification of domestic access approved under X/2005/0292/RM, being used in association with the unauthorised coffee shop use</li> </ul>
Location	Land adjacent to 18 Kircubbin Road, Ballywalter

Details of appeal decisions, new appeals and scheduled hearings could be viewed at [www.pacni.gov.uk](http://www.pacni.gov.uk).

RECOMMENDED that Council notes the report and attachment.

The Head of Planning spoke to the report, advising that it was a monthly update on planning appeals. There was one appeal on the 17<sup>th</sup> June 2024 which was dismissed. It related to outline planning permission for an infill site for 2 No. dwellings with domestic garages at lands between 32 and 34 Castle Espie Road, Comber. This had previously been called in for hearing at the Planning Committee. There was some clarification provided around the gap site and it was considered to be a separation between buildings and not the site that should be considered.

Since the last meeting there had been an appeal lodged against an enforcement notice.

**RESOLVED, on the proposal of Alderman Graham, seconded by Alderman Smith, that the recommendation be adopted.**

## 6. UPDATE ON INVESTMENT RELATED MATTERS DFI & NIW FUNDING (Appendices VIII – IX)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity detailing that Members should be aware of the report brought to April's Planning Committee (Item

6, April 2024) which set out issues related to infrastructure investment and the impacts of withdrawal of funding to Living with Water programme, on the Borough as a whole in terms of enabling investment, impact on economy and tourism industry and meeting environmental regulations. The report highlighted the impact such withdrawal of funding would have on the Borough as a whole in terms of enabling investment, impact on economy and tourism industry and meeting environmental regulations.

It was agreed that the Chief Executive would write to the Minister for Infrastructure highlighting the impact such withdrawal of funding will have on our Borough as a whole in terms of enabling investment, impact on our economy and tourism industry and meeting environmental regulations.

A letter issued to the Department for Infrastructure Minister (attached at Item 6a) and a subsequent response was received (attached at Item 6b).

**RECOMMENDED** that the Council notes the content of this report, and the attached correspondence.

The Head of Planning outlined the report to the Committee along with the attached letter and response from the Department for Infrastructure Minister.

The officer explained the Minister had advised in his response, that he had provided NI Water with an indicative budget for 2024/25 amounting to £500m of public money which represented just under 40% of the non-ringfenced budget for Infrastructure.

The response further advised that the Minister continued to work with Northern Ireland Executive colleagues to secure a funding package, but despite the funding pressures he believed that there was still a lot to be done in terms of achieving the Council's ambitions and he encourage the Council to work with NI Water in order to achieve innovative solutions.

The Chair commented that it was ironic that the Minister was not looking at innovative solutions to the issue by not giving Planning Authorities the power to get money from developers or indeed look in to reforming the structure of Northern Ireland Water to allow it to seek funding elsewhere.

**RESOLVED, on the proposal of Alderman Smith, seconded by Councillor Creighton, that the recommendation be adopted.**


### **TERMINATION OF MEETING**

The meeting terminated at 9.48pm.

## ITEM 4.1

## Ards and North Down Borough Council

Application Ref	LA06/2022/0827/F
Proposal	Stable building and associated hayshed/tack room and equipment store.
Location	Lands approximately 250m SW of 240 Scrabo Road, Newtownards  DEA - Newtownards
Committee Interest	<i>A local application called-in to Planning Committee by a member of the Planning Committee – called in by Cllr Cathcart from weekly delegated list w/c 29 July - The principle of stables development in the countryside has been accepted. The refusal quotes 5 reasons. However, all of these essentially relate to considerations of visual integration and rural character which is subjective and should be considered by the planning committee. Furthermore, this is the only land within the applicant's ownership and there are no realistic alternatives but to site the buildings at this location. If stables cannot be secured at this location, then the business may not be able to survive.</i>
Date Valid	16/08/2022
Summary	<ul style="list-style-type: none"> <li>• No letters of objection or other representations received.</li> <li>• Consultees – Dfl Roads – no objection subject to conditions re access.</li> <li>• Principle of development accepted as development an outdoor recreational use in the countryside.</li> <li>• Site location <u>unacceptable</u> failing ADAP 2015 policy regarding Local Landscape Policy Area, PPS 21 &amp; PPS 8 - adverse visual impact.</li> <li>• Site cannot be absorbed into surrounding landscape (due to topography, lack of existing vegetation and other buildings), is a prominent feature and site lacks suitable degree of enclosure relying on need for new landscaping. - contrary to Policy</li> <li>• Site is with an AONB and fails to comply with Policy NH6 of PPS 2 'Natural Heritage' as prominent in landscape with long distance critical views from south and east.</li> </ul>
Recommendation	<b>Refusal</b>
Attachment	Item 4.1a – Case Officer Report

Development Management Case Officer Report			 <b>Ards and North Down</b> Borough Council
<b>Reference:</b>	LA06/2022/0827/F	<b>DEA:</b> Newtownards	
<b>Proposal:</b>	Stable building and associated hayshed/tack room and equipment store.		
<b>Location:</b>	Lands approximately 250m SW of 240 Scrabo Road, Newtownards.		
<b>Applicant:</b>	Mr G Metcalfe T/a Hillhead Farm		
<b>Date valid:</b>	16.08.2022	<b>EIA Screening Required:</b>	No
<b>Date last advertised:</b>	31.08.2022	<b>Date last neighbour notified:</b>	25.08.2022
<b>Letters of Support: 0</b>	<b>Letters of Objection: 0</b>	<b>Petitions: 0</b>	
<b>Consultations – synopsis of responses:</b>			
DFI Roads	No objection with conditions relating to the development of the access.		
<b>Summary of main issues considered:</b>			
<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Integration and impact on rural character</li> <li>• Impact on AONB and Local Landscape Policy Area</li> <li>• Access, parking and road safety</li> <li>• Impact on biodiversity and designated sites</li> <li>• Impact on residential amenity</li> </ul>			
<b>Recommendation: Refuse Planning Permission</b>			
<b>Report Agreed by Authorised Officer</b>			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningssystemni.gov.uk">Northern Ireland Public Register (planningsystemni.gov.uk)</a>			

## 1. Site and Surrounding Area

The application site is the southwest portion (0.3ha) of a field (Figure 1 and 2) and is accessed via an existing agricultural lane which initially inclines in a southerly direction up from Scrabo Road before declining gently to the application site.

**Figure 1: View of Application Site from Lane**



**Figure 2: View of Application Site Facing North**



The application site sits at a higher ground level than the adjacent agricultural laneway and Moat Road with it being visible when travelling on Moat Road (Figure 3). Boundaries to the west and south of the application site are defined by hedges and wooden fencing (Figure 4). Boundaries to the north and east are undefined as the application site is part of a field.

**Figure 3: View Towards Application Site from Moat Road**





**Figure 4: Boundaries to the West and South of the Application Site**



The surrounding landscape is undulating and inclines in a northerly direction to peak at Scrabo Tower (Figure 5). The surrounding area appears rural with agricultural lands, fields, farm holdings and dwellings found in the surrounding landscape.

**Figure 5: Application Site and Surrounding Landscape**



## 2. Site Location Plan

Figure 6: Site Location Plan

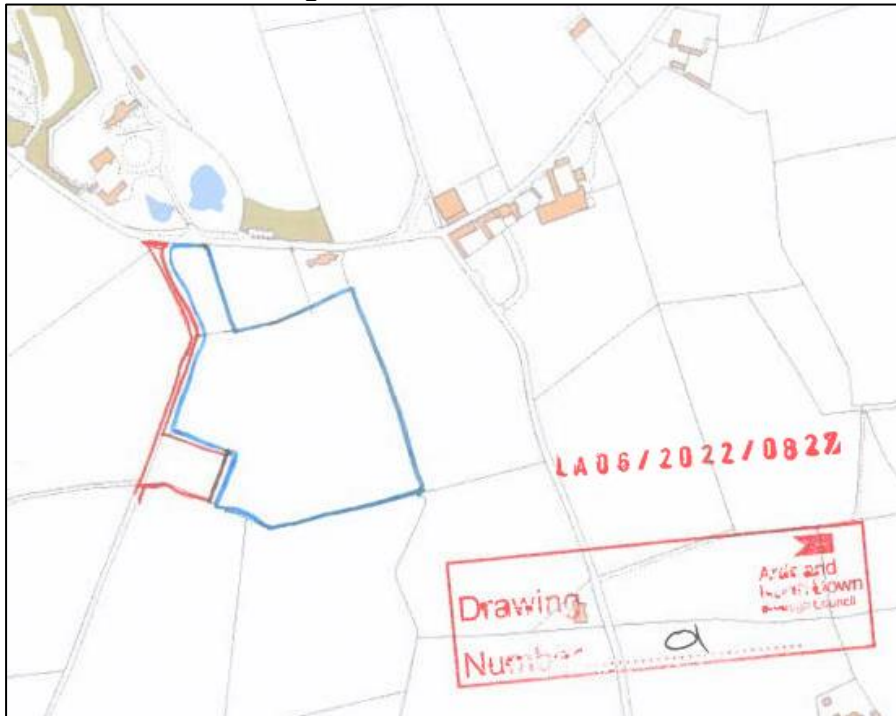


Figure 7: Aerial Image of Application Site



### 3. Relevant Planning History

There is no relevant planning history associated with the application site.

### 4.0 Planning Assessment

#### 4.1 Planning Policy Framework

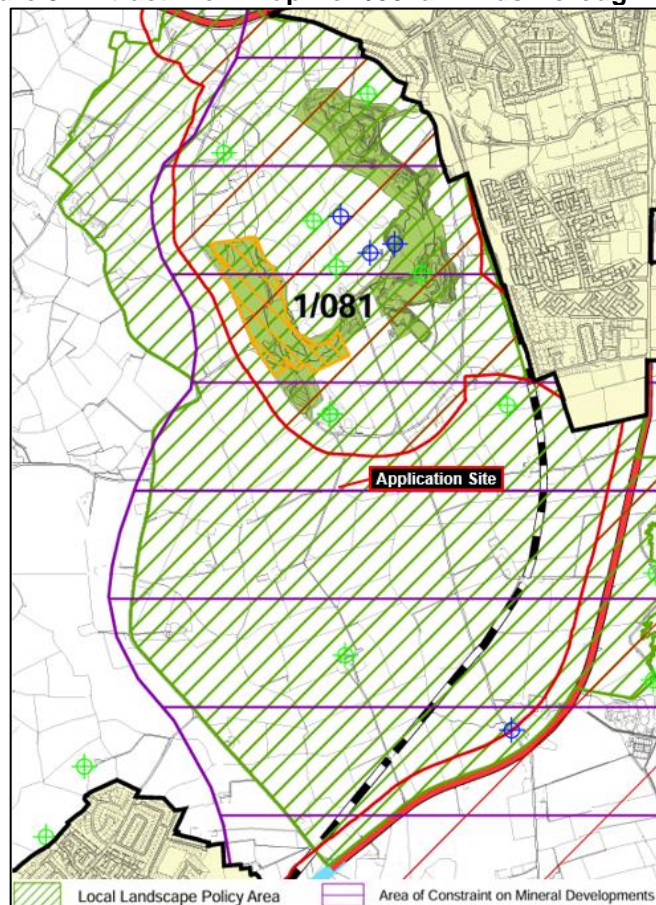
The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015 (ADAP)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement & Parking (PPS 3)
- Planning Policy Statement 8: Open Spaces, Sport & Outdoor Recreation (PPS 8)
- Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21)

#### 4.2 Principle of Development

ADAP designates the application site as located in the countryside, in Scrabo Tower and Landform Local Landscape Policy Area (LLPA 5) and an Area of Constraints on Mineral Developments (Figure 8).

**Figure 8: Extract From Map No.2/001a – Ards Borough North**



Policy CON 2: Local Landscape Policy Areas (Policy CON 2) in the ADAP explains that planning permission will not be granted for development proposals which would be liable to adversely affect the environmental quality, integrity or character of these areas. Policy CON 2 continues to explain that Local Landscape Policy Areas are of greatest amenity value, landscape quality or local significance, and therefore worthy of protection from undesirable or damaging development.

Features that contribute to the environmental quality and the character of LLPA 5 in which the application site is located include, *inter alia*:

- The whole of the landform of Scrabo Hill which extends across Kempe Stones Road to the north and in a number of tails towards Comber to the south as well as the remaining undeveloped flat foreground adjoining Comber Road which is visually significant in long distance views.
- Traditional patterns of farms and fields which are renowned for their agricultural quality and create a patchwork effect.

The proposal is considered contrary to Policy CON 2 as the proposed stable building, associated hayshed/tack room and equipment store would adversely impact the character and environmental quality of LLPA 5. This is as the application site forms part of a field that is undeveloped land which contains no existing buildings or structures. As the application site and wider field contains no existing buildings, the proposal is unable to be absorbed/blend into the rural landscape without creating an adverse visual impact.

Additionally, with no visual backdrop from existing buildings or indeed mature vegetation such as trees, the proposed development is considered prominent and will consequently have a detrimental impact on the two forementioned key features of LLPA 5 which is the traditional pattern of fields which form a patchwork effect and the whole landform of Scrabo Hill which is visually significant in long distance views.

Development at the application site, on undeveloped land devoid of backdrop features (built and natural) which would assist with absorbing/integrating the proposal with the rural landscape will adversely affect the environmental quality, integrity or character of LLPA 5. Given the amenity value, landscape quality and local significance of LLPA 5, it is considered that the proposal is contrary to Policy CON 2.

In relation to ADAP, no further environmental, architectural, or archaeological designations relate to the application site.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically, PPS 2, PPS 3, PPS 8 and PPS 21.

In relation to development in the countryside, PPS 21 lists types of development that are considered acceptable in rural areas. Policy CTY 1 indicates that planning permission will be granted for outdoor sport and recreation uses in accordance with PPS 8: Open Space, Sport and Outdoor Recreation. Under the headnote "Equestrian Uses", prevailing policy states that the keeping and riding of horses for recreational purposes is increasingly popular and that outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, subject to the

scale and integration of ancillary buildings. Whilst it is acknowledged that this makes specific reference to riding schools, the headnote does not distinguish between recreational facilities for personal use and larger commercial operations. Of further note and material to assessment is the Planning Appeals Commission interpretation on the matter which suggests that “this would not bar consideration of other equestrian uses under the policy” (Planning Appeal 2018/A0008).

In the same appeal decision, the appointed Commissioner states that none of the listed criteria to be met under Policy OS3 requires the applicant to provide supporting information to demonstrate that there is a need for this type of development within the rural area. Notwithstanding, the applicant submitted a Design and Access Statement and Supporting Statements explaining that the application site is located to the rear of the applicants’ lands and will be used to facilitate the applicants existing equestrian business which breeds horses for recreational purposes. Due to changes in the applicant’s personal circumstances which involved selling-off the applicants’ stables at 27 Ballymore Road, Killinchy, new stables are required to house young foals.

Taking into consideration the understanding of equestrian uses in PPS 8 and the PAC interpretation provided in Planning Appeal 2018/A0008, I am satisfied that the proposal is concurrent with acceptable outdoor sport/recreational uses specified in PPS 8.

While the proposal is considered acceptable in principle with regard to being an acceptable outdoor recreational use in the countryside both Policy OS 3 in PPS8 and Policy CTY 1 in PPS 21 explain that such development is subject to the proposed development being able to integrate sympathetically into their landscape surroundings:

Outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, ***provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings***. Wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals (Policy OS 3, para 5.33. p.27)

All proposals for development in the countryside ***must be sited and designed to integrate sympathetically with their surroundings*** (Policy CTY 1, PPS 21, p. 11).

As the proposal is not capable of integrating sympathetically into its rural surroundings for the forementioned reasons and those provided in section 4.3 of this report, it will detrimentally impact on the identified features that contribute to the environmental quality and the character of LLPA 5. Consequently, the proposal is considered contrary to Policy CON 2 of the ADAP and therefore not considered acceptable in principle at the proposed location.

Assessment continues with discussing material planning considerations under the subsequent headings of this report.

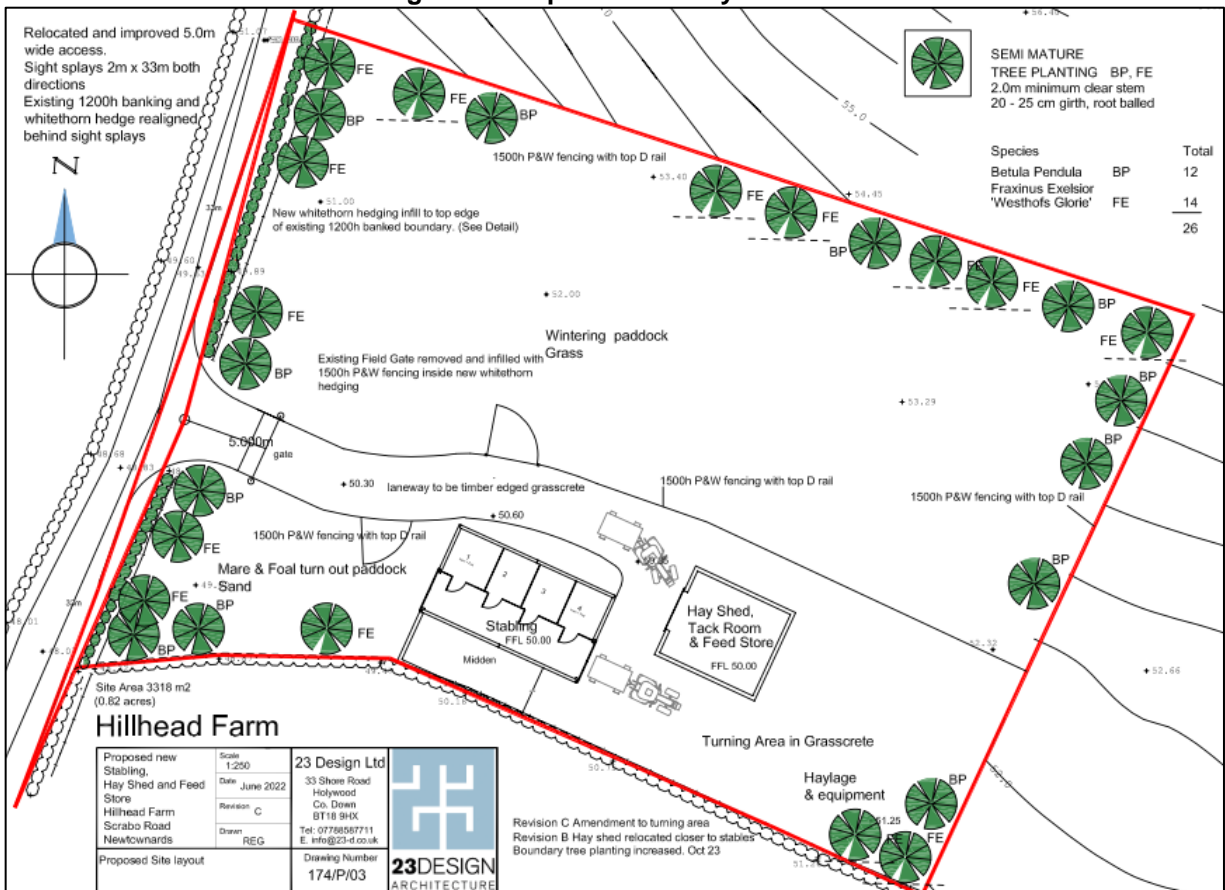
### **4.3 Integration and Impact on Rural Character**

As identified, the application site is in the countryside, in Scrabo Tower and Landform Local Landscape Policy Area and also Strangford and Lecale Area of Outstanding

Natural Beauty. Proposals located in the countryside and within these designated areas are subject to specific planning policy criteria to they do not detrimentally impact on the visual amenity value of the rural area and character of the ANOB. With regard to PPS 21, Policies CTY 1, CTY 13 and CTY 14 are applicable. With regard to PPS 8, Policy OS 3 is applicable and with regard to PPS 2, Policy NH 6 is applicable.

The proposal seeks full planning permission for the development of an equestrian facility for breeding/training horses which incorporates a stable building, hayshed/tack room and equipment store, sanded paddock, relocated and widened access, fenced wintering paddock and turning area/haylage storage area (Figure 9).

Figure 9: Proposed Site Layout Plan



The proposed Hay Shed and Tack Store is the taller of the two proposed buildings (Figures 9 and 10), measuring 5.947m high and will be sited to the eastern side of the application site. The proposed stables will have a ridge height of 4.5m. With regard to the topography of the application site, the submitted topographical survey and cross-section drawing demonstrates that the proposed buildings will not be visible from Scraho Road which lies north of the application site. However, the topography of the landscape steadily falls away from the application site both in southeasterly and easterly directions towards Comber Road meaning that the proposed buildings will be visible from long distances.

Figure 11 demonstrates that the height of proposed Hay Shed and Tack Store at the proposed siting in the landscape will be approximately 56.6m high which makes it visible from Moat Road as demonstrated in Figure 3 at the start of this report.

Figure 10: Proposed Hay Shed and Tack Store Elevations

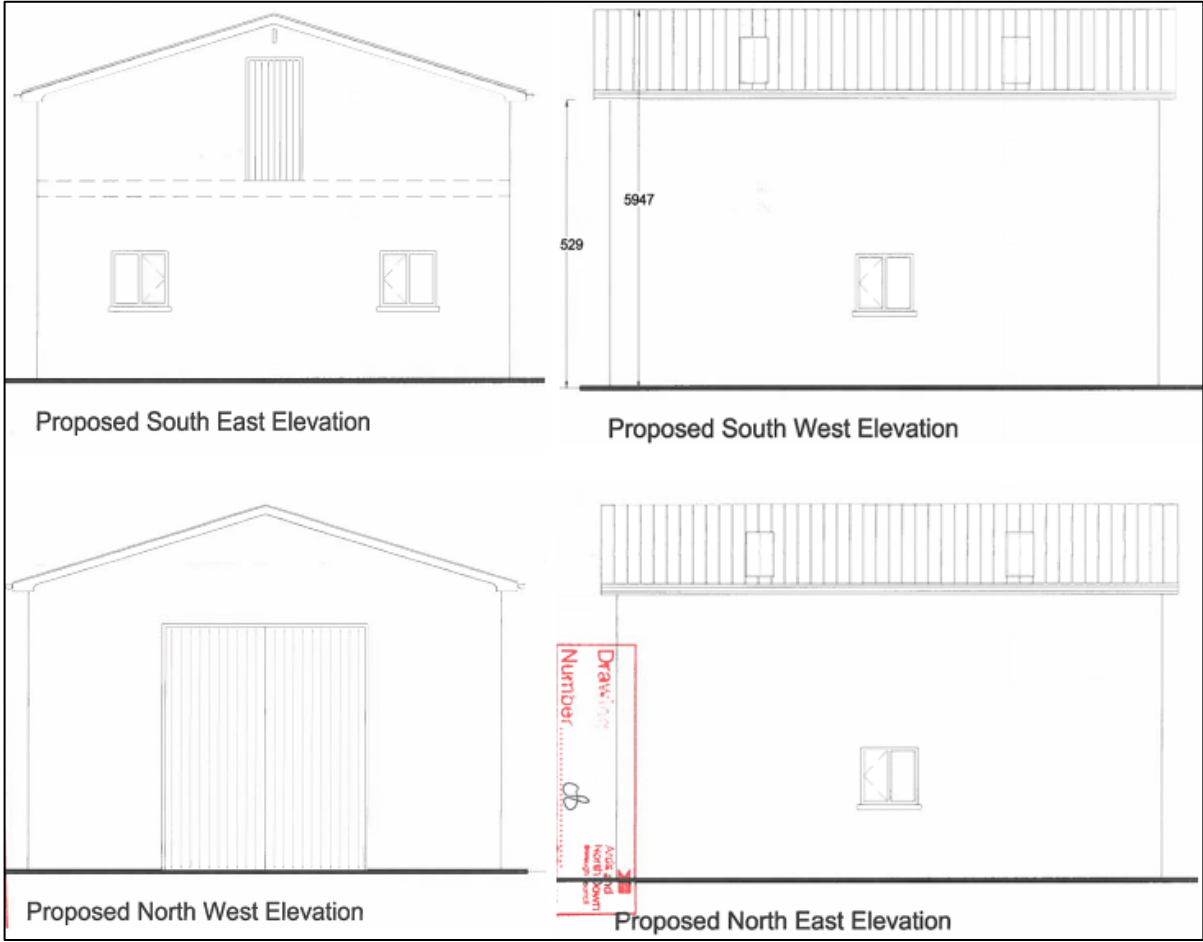


Figure 11: Proposed Stables Elevations

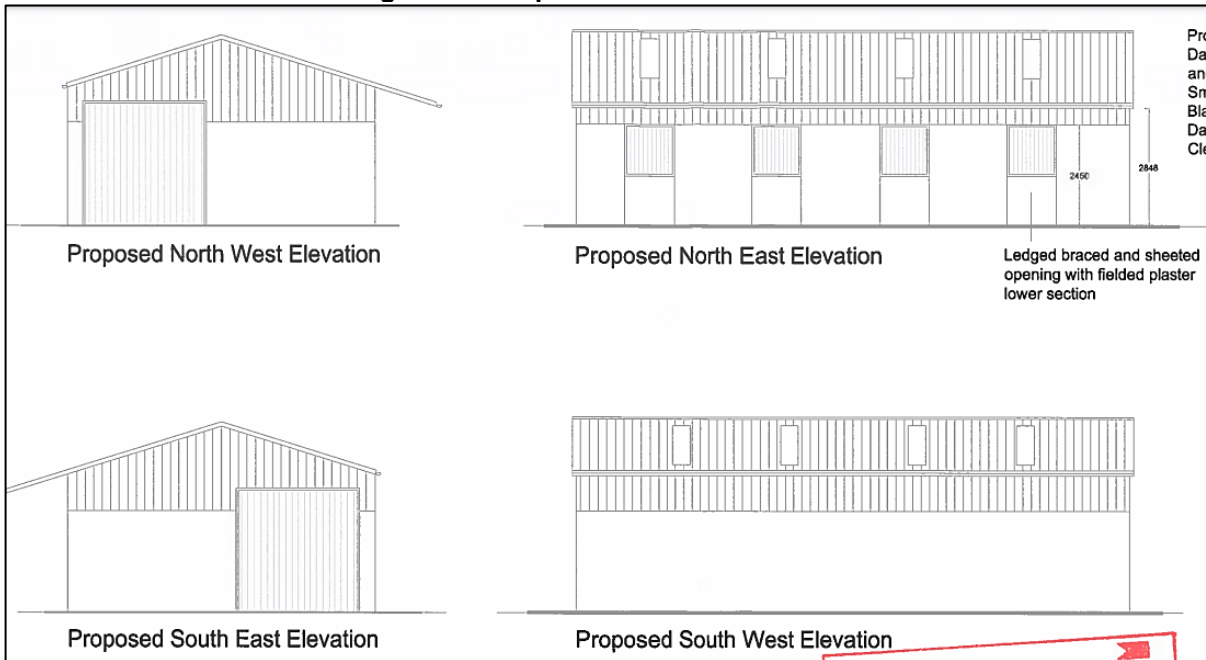
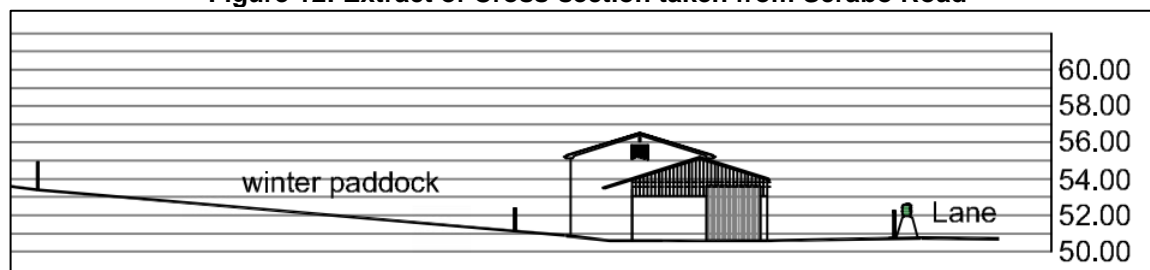


Figure 12: Extract of Cross-section taken from Scrabo Road



The design and external finishes of both proposed buildings are considered appropriate for the site and its locality. However, the height of the buildings and the lack of a suitable degree of enclosure for the proposed buildings to integrate into the landscape such as existing trees or existing buildings which could act as a backdrop, makes the proposed buildings inappropriate at the application site.

The Proposed Site Layout Plan demonstrates that a significant amount of tree planting (26 trees) has been proposed for integration purposes. In addition to the proposed tree planting, the undefined northern and western boundaries are to be defined by 1.5m high post and wire fencing. While the hedgerow which defines the southern boundary will be retained, it will be the only natural boundary to be retained as the hedge that defines the eastern boundary would be removed, with new hedges planted, to allow for the development of the proposed access and visibility splays. As explained in paragraph 5.64 in PPS 21 *'while new tree planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient'*.

The proposed grassed wintering paddock is considered acceptable as is the proposed grasscrete laneway and turning area would maintain the rural appearance of the application site and wider area. The sand paddock is also not considered visually obtrusive given its small scale.

The existing agricultural access into the application site is to be closed off and infilled with a post and wire fencing and a new hedge and, a new 5m wide access has been proposed on this side of the application site. As discussed above, the development of the proposed new access will initially have a visual impact given that the existing 1.2m banking and hedge will have to be realigned behind the visibility splays required for the proposed access however, its development is considered appropriate in appearance and will maintain the rural character of the application site and area.

At the proposed location, on land elevated above Moat Road as well as above lands to the east and south, it is considered that the scale/height of the proposed buildings will make them a prominent feature in the landscape. When the prominence of the proposed buildings is taken into consideration along the fact that the application site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape, would primarily on the use of new landscaping for integration and fails to blend in with the landform, it is considered that the proposal fails to comply with the policy criteria (a – c and f) in Policy CTY 13 of PPS 21. Consequently, planning permission should be refused as the proposed buildings cannot visually integrate into the surrounding landscape.



It is also considered that the proposal fails to comply with policy criteria (a) in Policy CTY 14 of PPS 21 as the proposal would be unduly prominent in the landscape.

Lastly, is considered that the proposal fails to comply with the policy criteria (iii and vi) in Policy OS 3 of PPS8 as the proposal would have an adverse impact on the visual amenity of the local landscape as the proposed development cannot be readily absorbed into landscape by taking advantage of existing vegetation and topography and, the proposed buildings are of an inappropriate scale to the surrounding environment in terms of their siting, layout and landscape treatment.

With regard to the impact of the proposal on the AONB, it is considered that the application site is located in vulnerable position in the landscape with long distance views achievable from the east and south. Given that a key environmental feature of Strangford and Lecale AONB is Scrabo Hill, is considered that the siting and scale of the of the proposal will appear prominent and therefore is not sympathetic to the character of the AONB. Had the proposal been grouped with or benefitted from a backdrop, then it is likely that its impact on the AONB would have been negligible however, this is not the case. For these reasons, the proposal is also considered contrary to policy criteria (a) of Policy NH6 in PPS 2.

#### **4.4 Impact on Trees or Landscape Features**

No trees would be affected by the proposal as none exist at the application site. The western hedgerow would be relocated to behind the proposal visibility splays which is not considered environmentally damaging. Overall, the proposal will not cause the unacceptable loss of, or damage to, landscape features which contribute significantly to local environmental quality.

#### **4.5 Access, Parking and Road Safety**

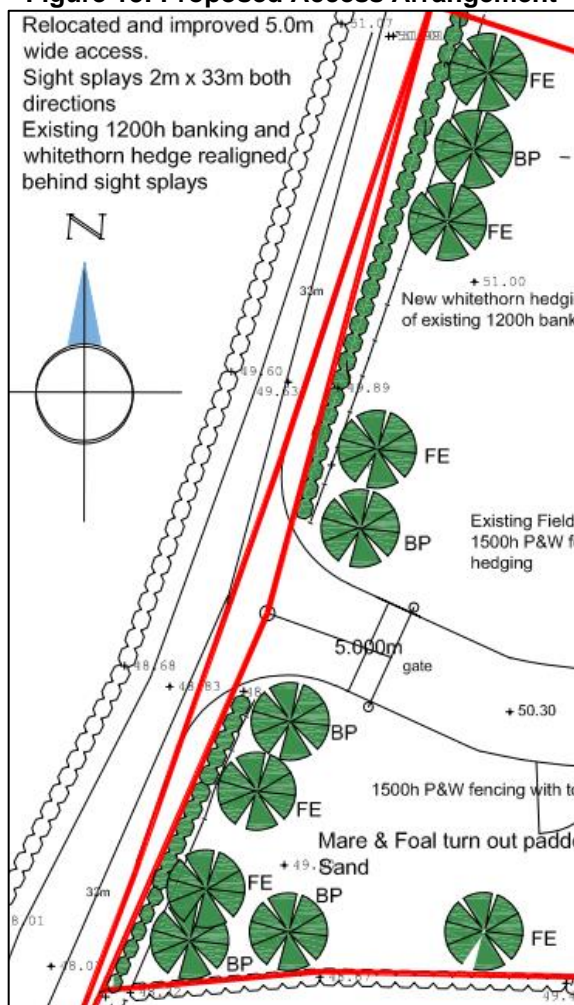
The proposal incorporates closing off the existing access on the western boundary and developing a new 5m wide access on the same boundary (Figure 13).

The applicant has confirmed in the submitted Application Form and Design and Access Statement that the applicant will attend the application site twice a day to feed and care for the stock. In addition to this, occasional visitors to the application site will include a vet, farrier or feed supplier. It is not considered this low level of vehicular traffic to the application site would have a detrimental impact on the safe movement in traffic.

DFI Roads was consulted on the proposal and raised no objection subject to conditions pertaining to the construction of the visibility splays and access gradient. I am therefore satisfied that the proposed access will not prejudice road safety.

I am satisfied that sufficient space has been proposed within the curtilage of the application site for the movement and parking of vehicles.

**Figure 13: Proposed Access Arrangement**



**4.6 Impact on Biodiversity and Designated Sites**

Part 1 of NIEA’s Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required.

**4.7 Impact on Residential Amenity**

The closest neighbouring property is located over 200m away at 240 Scrabo Road. This separation distance is sufficient to prevent any adverse impact on the amenity enjoying by the residents of this property.

**4 Representations**

No representations were received.

## 5 Recommendation

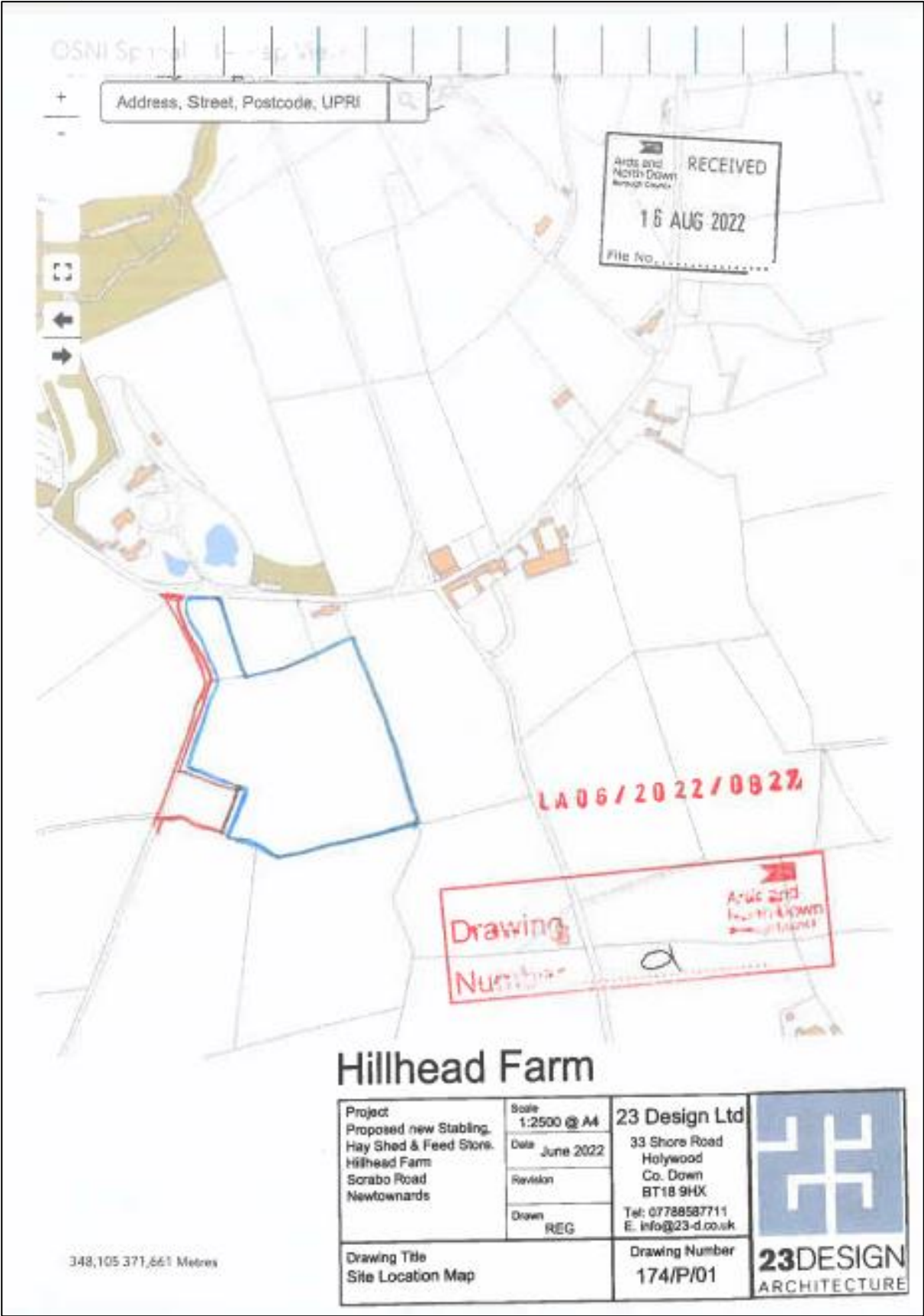
### Refuse Planning Permission

## 6 Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings are not designed to integrate sympathetically within their surroundings.
2. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2 Natural Heritage criteria (a) in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy CON 2 in the ADAP, and criterion iii) and vi) of Policy OS 3 of PPS 8 in that the proposal will have an adverse impact on visual amenity or the character of the local landscape and the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography and, the ancillary buildings are not of an appropriate scale to the local area and are not sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
4. The proposal is contrary to the SPPS and Policy CTY13 criteria (a), (b), (c) and (f) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would result in a prominent feature in the landscape, the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposal would rely primarily on the use of new landscaping for integration and, the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
5. The proposal is contrary to the SPPS and Policy CTY14 criterion (a) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would be unduly prominent in the landscape and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Appendix One: Submitted Plans

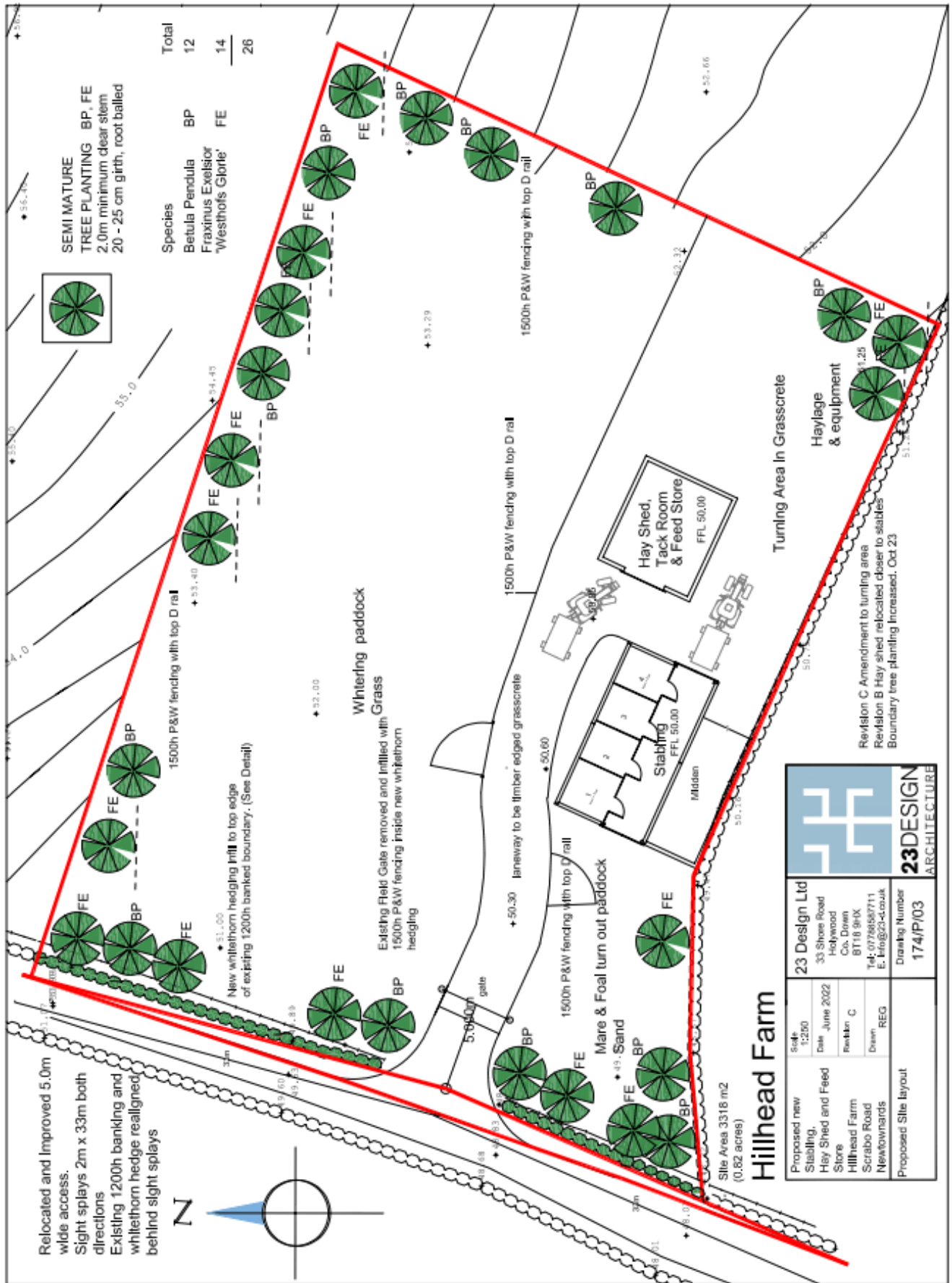
Drawing 01 – Site Location Plan



Drawing 02A – Topographical Map and Proposed Site Section

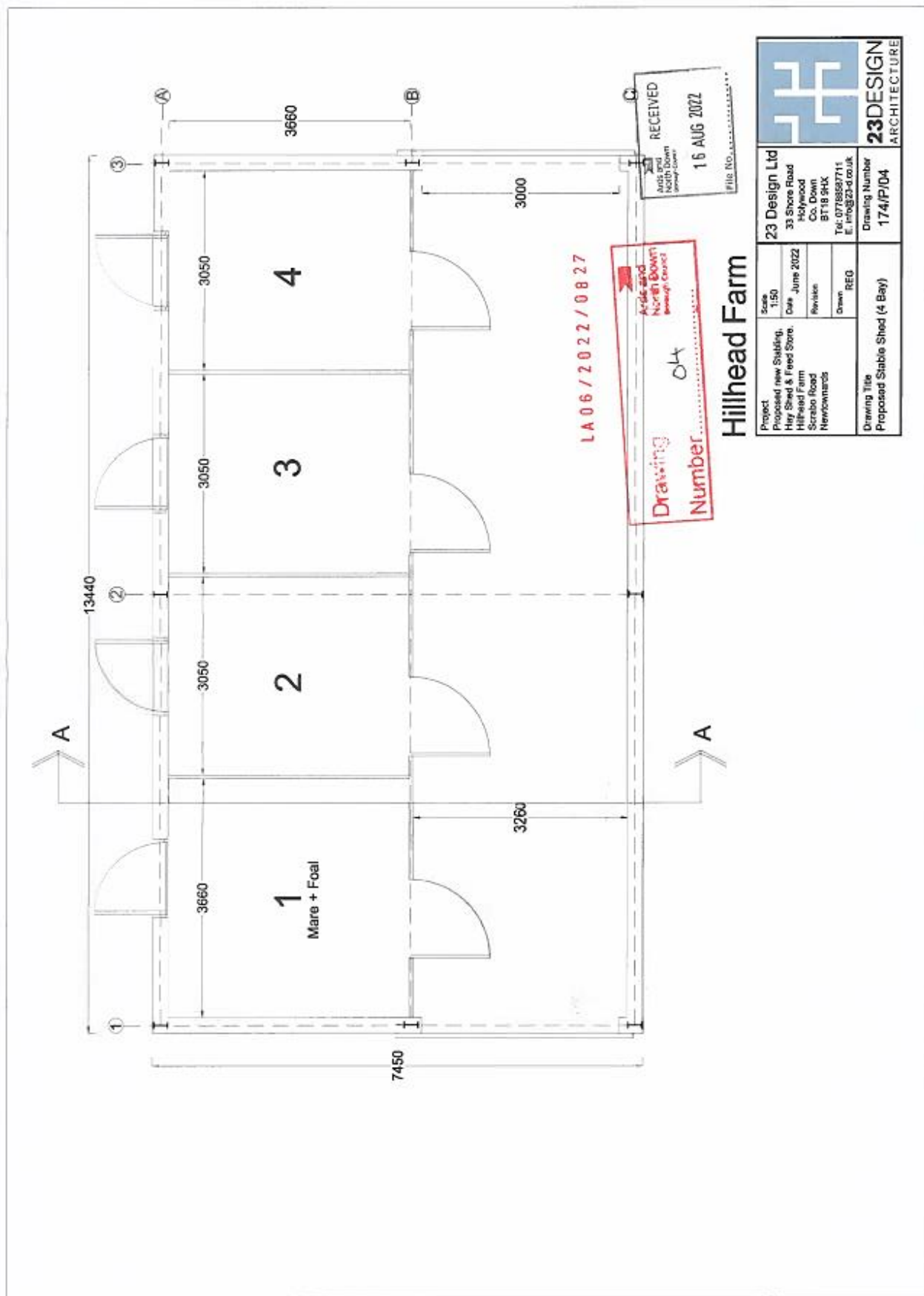


Drawing 03C – Proposed Site Layout Plan



		<b>23 Design Ltd</b> 33 Shore Road Holwood Co. Down BT16 9HX Tel: 07 79587711 E: info@23-a.co.uk	
		Drawing Number <b>174/P/03</b>	
Proposed new Stabling Hay Shed and Feed Store Hillhead Farm Scrabo Road Newtownards	Scale 1:250 Date June 2022 Revision C Drawn REG	<b>23 DESIGN</b> ARCHITECTURE	

Drawing 04 - Proposed Floor Plans (Stables)



Drawing 05 – Proposed Stables Elevations

Proposed finishes  
 Dark green single skin ppc roof  
 and wall panels  
 Smooth sand cement render  
 Black rainwater goods  
 Dark green hardwood doors  
 Clear perspex rooflights

**Proposed North West Elevation**

**Proposed North East Elevation**  
 Ledge braced and sheeted  
 opening with fielded plaster  
 lower section

**Proposed South West Elevation**

**Proposed South East Elevation**

**Proposed Section A-A**

2848  
2400

2000  
1400  
3000  
3400

RECEIVED  
 Aids and  
 North Down  
 Group Centre  
 16 AUG 2022  
 File No. ....

EA 06 / 2022 / 0827

**Hillhead Farm**

Scale 1:100  
 Date June 2022  
 Revision  
 Drawn REG

Project  
 Proposed new Stabling  
 Hay Shed & Feed Store  
 Hillhead Farm  
 Scarabo Road  
 Nearfowwards

23 Design Ltd  
 33 Shore Road  
 Holywood  
 Co. Down  
 BT18 9HX  
 Tel: 0779808711  
 E: info@23-d.co.uk

Drawing Title  
 Proposed Stable Shed Elevations  
 & Section A-A

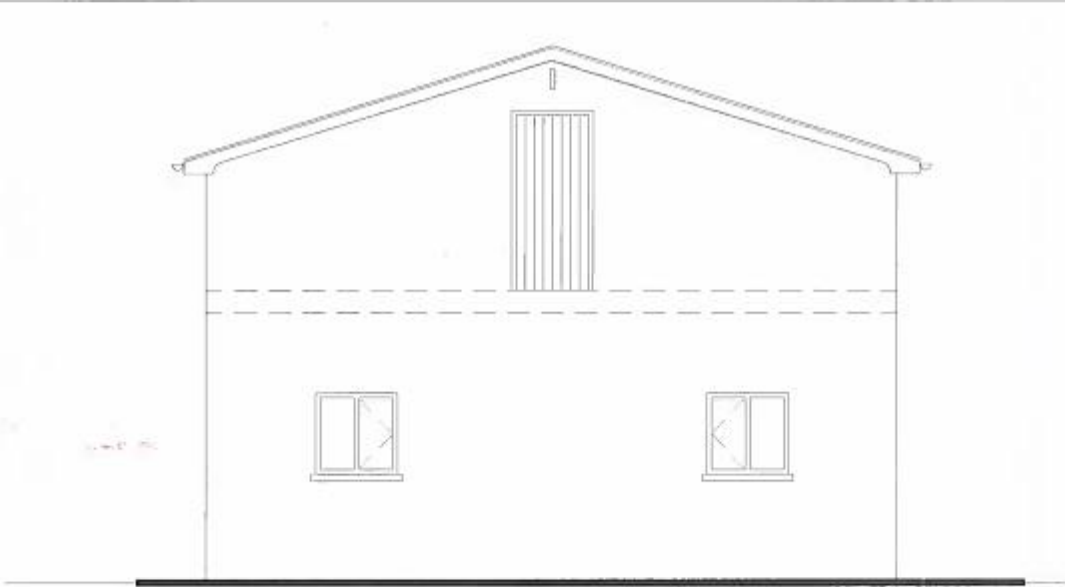
Drawing Number  
 174/P/05

23DESIGN  
 ARCHITECTURE

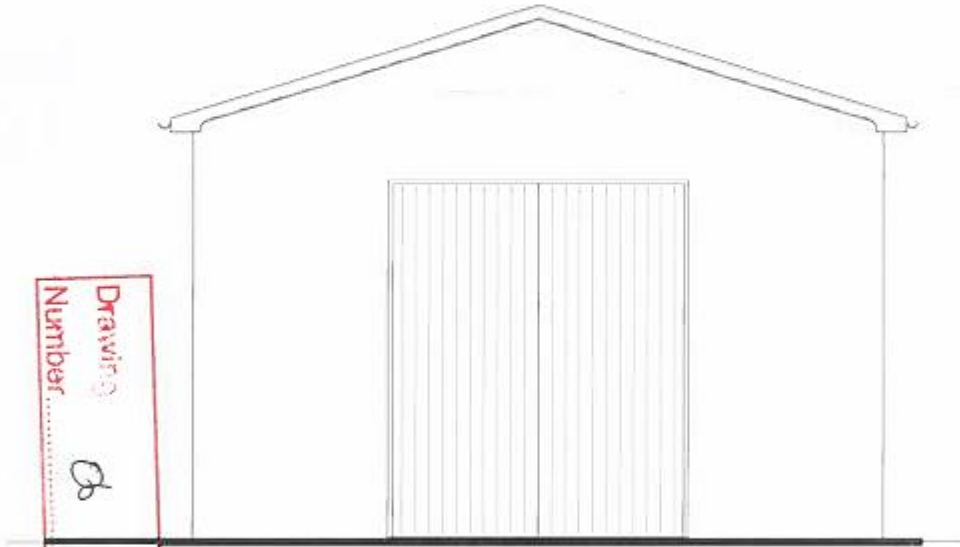
Drawings  
 Number  
 Aids and  
 North Down  
 Group Centre



Drawing 06 – Proposed Hay Shed and Tack Store Elevations



Proposed South East Elevation



Proposed North West Elevation

Drawing Number  
 06  
 23 Design Ltd  
 Architects  
 33 Shore Road  
 Hollywood  
 Co. Down  
 BT18 9HX

LA06/2022/0827

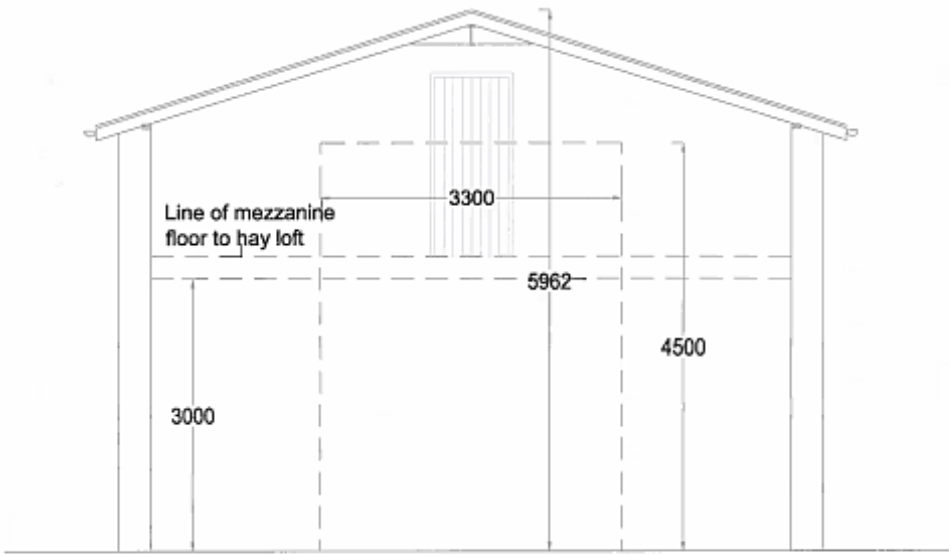
- Proposed finishes
- Dark green double skin ppc metal profiled roof
  - 300mm insulated cavity walls
  - Smooth sand cement render
  - Black rainwater goods
  - Dark green steel sliding door
  - Aluminium windows
  - Perspex rooflights

RECEIVED  
 16 AUG 2022  
 Hillhead Farm  
 Scrabo Road  
 Newtownards

Hillhead Farm

Project Proposed new Stabling, Hay Shed & Feed Store Hillhead Farm Scrabo Road Newtownards	Scale 1:50 Date June 2022 Revised Drawn REG	23 Design Ltd 33 Shore Road Hollywood Co. Down BT18 9HX Tel: 07788587711 E: info@23-d.co.uk	 <b>23DESIGN</b> ARCHITECTURE
Drawing Title Hay Shed Proposed SE & NW Elevations	Drawing Number 174/P/08		

Drawing 07 – Levels and Cross Sections for Hay Shed and Tack Store



Proposed Section B-B

LA06/2022/0827

Drawing Number  
 07  
 AUSTIN AND  
 PARTNERS  
 ARCHITECTS

RECEIVED  
 16 AUG 2022  
 HILLS AND  
 NORTH DOWN  
 ARCHITECTS

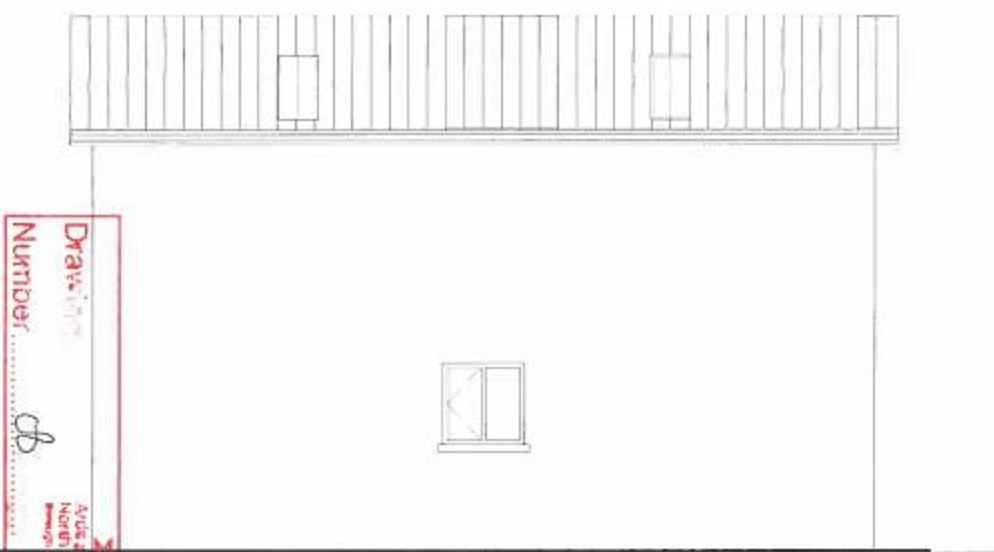
Hillhead Farm

Project Proposed new Stabling, Hay Shed & Feed Store Hillhead Farm Scrabo Road Newtownards	Scale 1:50	23 Design Ltd 33 Shore Road Holywood Co. Down BT18 9HX Tel: 07788587711 E: info@23-d.co.uk	
	Date June 2022		
	Revision		
	Drawn REG		
Drawing Title Hay Shed Proposed Section B-B	Drawing Number 174/P/07	<b>23DESIGN</b> ARCHITECTURE	

Drawing 08 – Proposed Hay Shed and Tack Store Elevations



Proposed South West Elevation



Proposed North East Elevation


Drawing Number  
 174/P/09  
 23 DESIGN ARCHITECTURE  
 Hillhead Farm  
 Scrabo Road  
 Newtownards

LA06/2022/0827

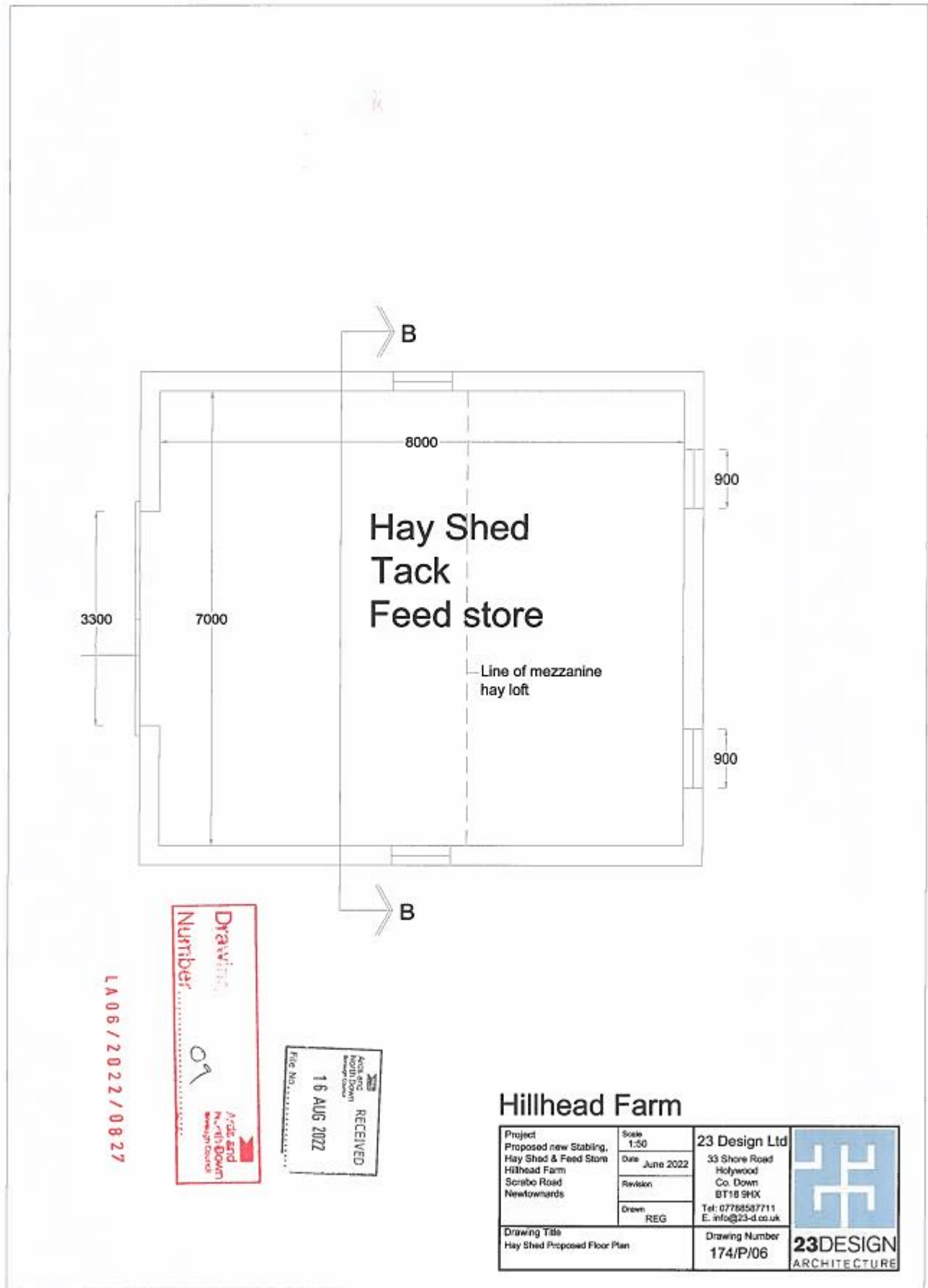
- Proposed finishes
- Dark green double skin ppc metal profiled roof
  - 300mm insulated cavity walls
  - Smooth sand cement render
  - Black rainwater goods
  - Dark green steel door
  - Aluminium windows
  - Perspex rooflights



Hillhead Farm

Project Proposed new Stabling, Hay Shed & Feed Store Hillhead Farm Scrabo Road Newtownards	Scale 1:50 Date June 2022 Revision Drawn REG	23 Design Ltd 33 Shore Road Holywood Co. Down BT18 5HX Tel: 0778858711 E. info@23-d.co.uk	 <b>23DESIGN</b> ARCHITECTURE
Drawing Title Hay Shed Proposed SW & NE Elevations	Drawing Number 174/P/09		

Drawing 09 – Proposed Floor Plans (Hay Shed and Tack Store)



LA06/2022/0827

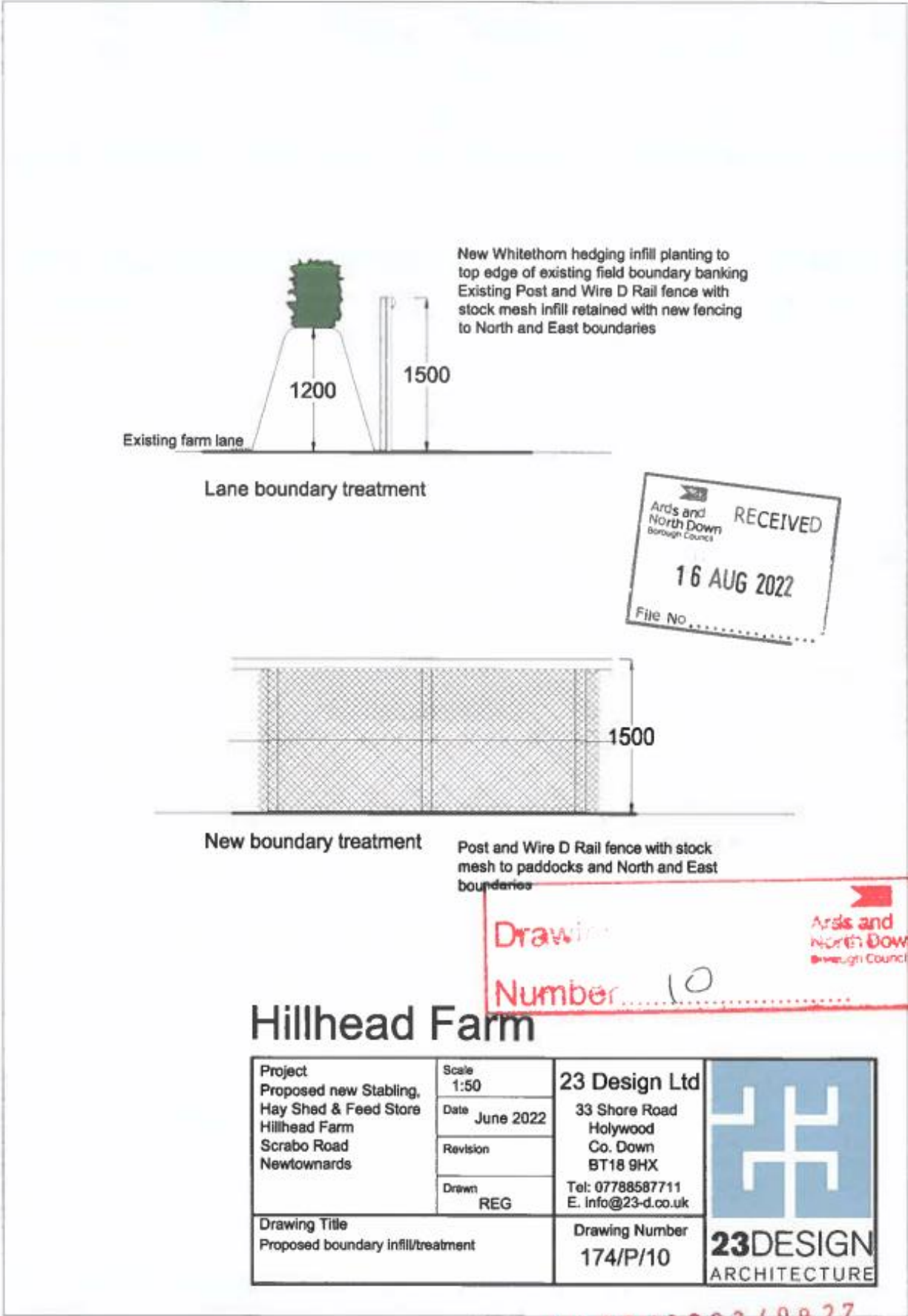
Drawing  
 Number 09  
 Arch and North Down  
 Surveyors

RECEIVED  
 16 AUG 2022  
 Arch and North Down  
 Surveyors

### Hillhead Farm

Project Proposed new Stabling, Hay Shed & Feed Store Hillhead Farm Scribb Road Newtownards	Scale 1:50	<b>23 Design Ltd</b> 33 Shore Road Holywood Co. Down BT18 9HX Tel: 07768587711 E: info@23-d.co.uk	
	Date June 2022		
	Revision		
	Drawn REG		
Drawing Title Hay Shed Proposed Floor Plan		Drawing Number 174/P/06	<b>23DESIGN</b> ARCHITECTURE

Drawing 10 – Proposed Boundary Treatment



LA06/2022/0827

### Appendix Two: Site Inspection Photographs

Existing access into application site/western boundary



Existing access – through gate.



Southern Boundary



View of application site facing North



View within application site facing Southwest and boundaries to the West and South






## ITEM 4.2

## Ards and North Down Borough Council

Application Ref	LA06/2023/1739/F
Proposal	Single dwelling with new access & associated site works
Location	5 Marian Way, Portaferry DEA: Ards Peninsula
Committee Interest	A local development application attracting six or more separate individual objections contrary to case officer's recommendation.
Validated	17/05/2023
Summary	<ul style="list-style-type: none"> <li>Proposed site for a single dwelling within side garden in urban area.</li> <li>22 letters of objection from 9 separate addresses. Issues raised outlined in Case Officer Report however included parking and access arrangements, residential amenity, impact on surrounding character of area and natural heritage (removal of a hedge).</li> <li>Consultees – no objections subject to conditions, including negative condition requiring a method of sewerage disposal to be agreed with NI Water.</li> <li>Proposal complies with development plan &amp; PPS 7 'Quality Residential Environments'.</li> <li>Proposal meets the requirements of PPS 2 – Natural Heritage.</li> <li>Proposal satisfies road safety and does not impinge of the movement of traffic.</li> </ul>
Recommendation	<b>Approval</b>
Attachment	Item 4.2a – Case Officer Report

<b>Development Management Case Officer Report</b>				
<b>Reference:</b>	LA06/2023/1739/F	<b>DEA:</b> Ards Peninsula		
<b>Proposal:</b>	Single dwelling with new access & associated site works			
<b>Location:</b>	5 Marian Way, Portaferry			
<b>Applicant:</b>	Colin Magee			
<b>Date valid:</b>	17/05/2023	<b>EIA Screening Required:</b>	No	
<b>Date last advertised:</b>	11/01/2024	<b>Date last neighbour notified:</b>	25/01/2024	
<b>Letters of Support:</b> 0	<b>Letters of Objection:</b> 22 (from 9 different addresses)	<b>Petitions:</b> 0		
<b>Consultations – synopsis of responses:</b>				
DFI Roads	No objection subject to conditions			
HED	Content			
NI Water	Advice & Guidance			
NIEA: NED	No objection – Advice provided			
NIE	No Objection			
<b>Summary of main issues considered:</b>				
<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Parking and Access</li> <li>• Impact on Residential Amenity</li> <li>• Visual impact</li> <li>• Impact on Biodiversity</li> <li>• Impact on ATC</li> </ul>				
<b>Recommendation: Grant Planning Permission</b>				
<b>Report Agreed by Authorised Officer</b>				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal				

### 1. Site and Surrounding Area

The site is located within the side garden of No. 5 Marian Way, Portaferry. The site has been largely cleared of vegetation, with the boundary hedging removed. During the most recent site visit (July 2024), the site has become slightly overgrown. The levels of the site drop to the rear boundary. A retaining wall and fencing has been erected to the side of No. 5 to define this proposed plot. The boundary shared with No. 3 is defined by a mature hedgerow. Temporary Palisade fencing currently defines the front boundary of the site.



The surrounding area is largely residential in character with semi-detached and terraced dwellings. There are large areas of open space within close proximity to the site including Coach Road Playing Fields to the north-west and Cloughey Road Play Area & Open Space to the east.

### 2. Site Location Plan







#### 4. Planning Assessment

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

- Ards and Down Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12: Housing in Settlements

Planning Guidance:

- Living Places
- Parking Standards
- Creating Places

#### Principle of Development

Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise. The site described above lies within the settlement limit of Portaferry and the Strangford and Lecale Area of Outstanding Natural Beauty as shown in the Ards and Down Area Plan 2015. The site is within the consultation zone for an ecclesiastical site.

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

The site is within a side garden of an existing dwelling and there is no other specific zoning. The proposal is therefore considered to be in conformity with the Development Plan provided it complies with relevant planning policies.

**Design, Visual Impact and Impact on Character of the Area**

The site is located within the settlement limit of Portaferry, within the side garden of No. 5 Marion Way. The proposal is for a two-storey detached dwelling which will be slightly set-back from the adjacent properties to allow for car parking to the front. Please see the proposed site plan in Figure 1.

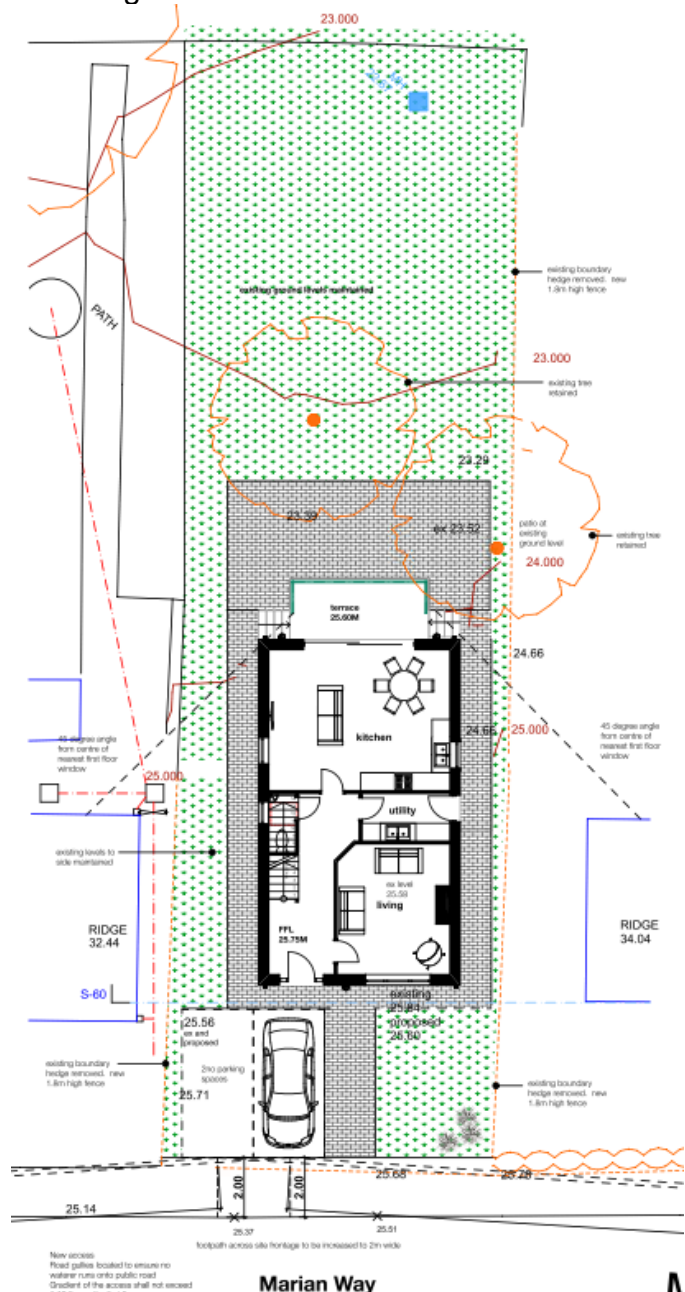
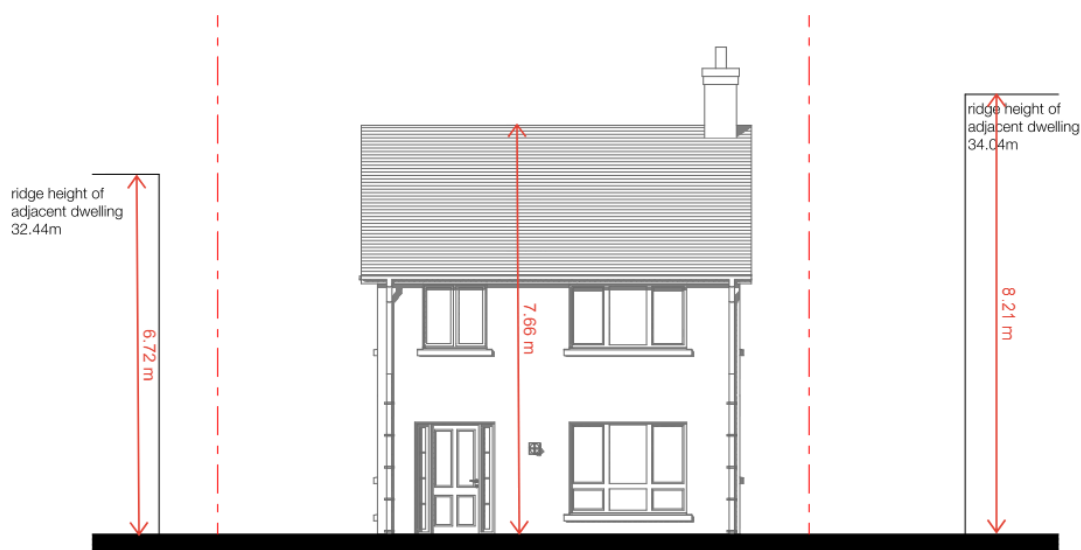


Figure 1: Proposed Site Plan

As the site levels drops to the south-west, the dwelling will have a raised patio to the rear and a degree of under-build. I am satisfied that the dwelling will respect the topography of the site. There is natural drop in levels along the street, therefore the

dwelling has been designed to respect the finished floor level and ridge heights of the adjacent dwellings. It will have an approximate ridge height of 7.66m which is considered acceptable within this context as identified in Figure 2.



*Figure 2: Front Elevation in context*

The proposed dwelling will be set-back approximately 1.15m from the front building line of the adjacent dwellings, which is to allow for the in-curtilage parking to the front. The dwellings approved under LA06/2017/0303/F and LA06/2017/0245/F are also set-back from the established building line along Marian Way, therefore it is not considered that this set-back position will have any significant impact upon the character of the area.

The proposed dwelling is simple in design, with a pitched roof and rendered walls. Other finishes include black/grey roof tiles, upvc windows and pvc guttering. Although the surrounding dwellings are primarily terraced and semi-detached, there are a mix of house types and designs, with pitched and hipped roof types evident. I consider this detached dwelling is sympathetic to the surrounding dwellings in terms of design, given the frontage is similar to the terraced dwellings located along the street. A detached dwelling on this plot allows for greater separation distances (side-to-side) between the adjacent properties, therefore will not appear 'hemmed' into the plot. I am satisfied that the proposed finishes are in-keeping with those within the locality. Please see Figure 2 below which shows the proposed elevations of the dwelling.

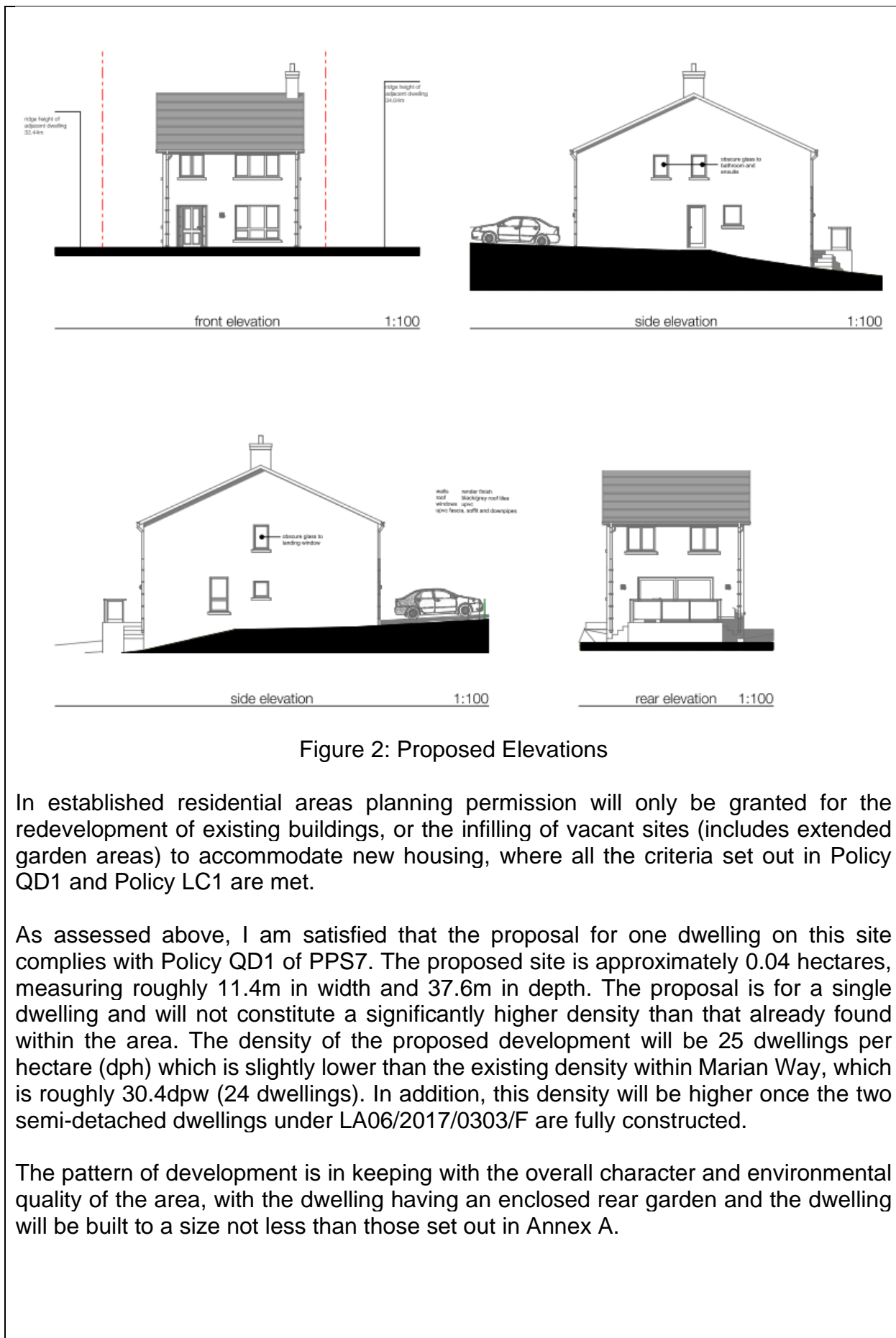


Figure 2: Proposed Elevations

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (includes extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 and Policy LC1 are met.

As assessed above, I am satisfied that the proposal for one dwelling on this site complies with Policy QD1 of PPS7. The proposed site is approximately 0.04 hectares, measuring roughly 11.4m in width and 37.6m in depth. The proposal is for a single dwelling and will not constitute a significantly higher density than that already found within the area. The density of the proposed development will be 25 dwellings per hectare (dph) which is slightly lower than the existing density within Marian Way, which is roughly 30.4dph (24 dwellings). In addition, this density will be higher once the two semi-detached dwellings under LA06/2017/0303/F are fully constructed.

The pattern of development is in keeping with the overall character and environmental quality of the area, with the dwelling having an enclosed rear garden and the dwelling will be built to a size not less than those set out in Annex A.



## Residential Amenity

The proposed design and layout have been assessed and I am satisfied that there will be no unacceptable adverse effect on existing or proposed properties. The main dwellings to consider are No. 3 and 5 Marian Way.

The first-floor gable windows on the proposed dwelling will serve bathrooms and a hall, which will be conditioned to be obscure glazed. As the dwelling is set-back on the plot, the 1<sup>st</sup> floor rear windows will only have views over the rear portions of neighbouring gardens of No. 3 and 5. I am therefore satisfied that there will be no overlooking or loss of privacy caused to neighbouring properties. There are no properties to the rear of the site and the front 1<sup>st</sup> floor windows will overlook the public street.

In relation to overshadowing and dominance, there is approximately 3.89m from the gable elevation of No. 5 Marian Way and the proposed gable elevation of this dwelling. There is approx. 4.26m of separation distance from the gable of No. 3. There are no ground floor windows on the gable elevations of these properties that will be impacted by overshadowing/loss of light. As the dwelling is stepped back and projects further to the rear than the adjacent dwellings, the agent has carried out a light test/overshadowing assessment on the proposed block plan as shown in Figure 1 above. This indicates that there will be no unacceptable overshadowing caused to the nearest ground floor windows of the adjacent properties. I do not consider the dwelling will appear dominant or over-bearing given the proposed separation distances.

It has been indicated on the submitted site layout plan that the new boundaries with No. 3 and 5 will be defined by a 1.8m high timber fence. This would be subject to a condition requiring the fence to be erected prior to the occupation of the dwelling.

A raised terrace is proposed to the rear of the dwelling, to allow for a level seating area. As this dwelling is set-back, this terrace will only overlook the rear portions of the adjacent neighbouring gardens. As such I am satisfied that the proposed terrace will not result in any overlooking or loss or privacy.

## Trees, Archaeological or other Landscape Features

The site is not subject to a Tree Preservation Order (TPO). The site has been largely cleared of vegetation, with the existing hedge to be removed along the boundary shared with No. 3 Marian Way and replaced with a 1.8m high timber fence. The proposed block plan indicates that two trees will be retained on the site. As the surrounding area is residential in nature, there is a mixture of hedges, fencing and walls defining the curtilages of the surrounding properties. I am therefore of the opinion that the removal of this hedge along the boundary with No. 3 Marian Way will not have a significant detrimental impact upon the character of the area.

As the site within the consultation zone for an ecclesiastical site, HED was consulted on the proposal and made the following comments:

*'Historic Environment Division (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPSS and PPS 6 archaeological policy requirements.'*

### **Provision of Private Amenity Space**

Creating Places states that private amenity space should be around 70sqm per house. The proposed dwelling will have over 150sqm of private amenity space, which will be screened by proposed fencing to the rear boundaries.

### **Road Safety and Parking Provision**

The proposed dwelling will create a new driveway off Marian Way. Two in-curtilage parking spaces will be provided. A number of the neighbours have objected to the proposal based on existing parking issues along Marian Way due to the narrow nature of the road. It was highlighted and evident on site that existing residents park on the north-western side of the road as in-curtilage parking is not available to them.

A parking survey was submitted and DfI Roads was consulted and offered no objections subject to conditions. The following was stated within their response:

*'Parking survey and objector's comments have been noted. DFI Roads has carried out additional parking inspections and is content with the parking arrangements both existing and proposed.'*

The proposal will therefore not prejudice road safety or significantly inconvenience the flow of traffic.

### **Security From Crime**

I am satisfied that the development is designed to deter crime and promote personal safety. The dwelling is orientated to ensure supervision of the main driveway and the rear of the site will be enclosed and supervised from rear windows.

### **Designated Sites and Natural Heritage**

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. The site is within Strangford and Lecale Area of Outstanding Natural Beauty (AONB) but not within any nature conservation designated site. The closest watercourse to the site is Portaferry Stream, Watercourse Number: U3602, which runs 78 m to the north-west of the rear boundary beyond the Council recycling centre alongside Coach Road. There is no hydrological connectivity between the pending application site and the designations.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). SES completed HRA Stage 1 screening and assessed no likely significant effects to the features of any European Site.

In terms of protected and priority species, an ecologist report was submitted and NIEA: NED have been consulted to provide any relevant comments. The findings of the report are summarised below:

- No habitats of significant value or protected under PPS2 occur on the site or would be at risk were the dwelling is to be constructed.
- The park area behind the house was not searched (by an ecologist) but the chance of a sett behind the garden fence with tunnels extending up the garden towards the proposed development area is negligible. Badger sets are likely in some of the copses in farmland to the north of Coach Road.
- There is zero chance of species protected under Schedule 8, part 1 of the Wildlife (NI) Order, 1985 occurring on this site or at risk from the proposed development.
- No potential legally controlled non-native invasive species were evident in a comprehensive set of photographs provided by the applicant, and there is no particular reason to suspect that there are such species here.

The following comments were provided by NED when asked to review the ecologist's report:

*'NED acknowledges receipt for a letter from the Ecologist published to the Planning Portal on the 4 August 2023 and has considered the contents. Explanatory note NED requested that clarification is sought from the Ecologist with regards to the likely impact of badger setts within 25m of the proposed development, due to the Representation letters submitted. NED has reviewed the assessment by the Ecologist and advises that the Planning Authority is aware of the new NIEA badger standing advice when carrying out their site visit.'*

Policy NH 6 relates to Areas of Outstanding Natural Beauty and states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and a list of criteria are met.

Due to the site being located in Strangford and Lecale AONB a Design an Access Statement was submitted. The siting and design of the proposed dwelling is not considered to have an adverse impact on the character of the AONB. The site is located within an existing residential area and the design of the dwelling is sympathetic to the appearance of the surrounding dwellings.

### **Services**

Consultation has been carried out with NI Water. An assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. The applicant is encouraged to engage with NI Water to discuss potential solutions.

### **5. Representations**

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

A total of 22 objections from 9 different addresses were received from elected representatives and residents of the following address points: 2, 4, 5, 6, 8, 9, 14 and 23 Marian Way. The following matters were raised:

### **Design, Visual Impact and Impact on Character of the Area**

- One objector stated that the proposal does not accommodate or consider the topography of the site with an elevated rear decking required to deal with the level change. In addition, several objectors stated that the scale, massing and proportion of the proposal are not in keeping with the local character of the area, as the locality comprises of early 1960 houses, with wet dash rendered finishes clipped eaves, chimneys flush with the gable, double fronted, in places single flat roofed bays to the front entrance. It was also highlighted that there are no detached units within the locality.
- It was stated that the setback from the front building line is inappropriate, with it additionally mentioned that there is an inappropriate level of massing as the house extends significantly beyond the build line of the neighbouring houses at the back of the building.
- One objector stated that the street is very cramped with the latest approvals granted and the density has got to an extent the street & its infrastructure was never designed to accommodate. It was stated specifically that this will be setting a precedent for town cramming more extensively than it already has done so in this area.
- It was mentioned that the large side gardens contributed to a distinct detached settlement pattern and provided relief to the existing housing density establishing a leafy/green character with afforded perspectives/views towards the local woodland. One objector commented that the area is now significantly more urban in nature, with a harmful shift in the ratio of hard landscaping to soft landscaping / garden areas; there is a significant loss of passive amenity, residential privacy, and overall, the streetscape has been transformed detrimentally to give the impression of an uninterrupted linear typology.
- A number of people mentioned this proposal represented garden grabbing.

### **Response**

- These matters have been addressed above under 'Design, Visual Impact and Impact on Character of the Area'. As previously stated, a detached dwelling on this plot allows for greater separation distances (side-to-side) between the adjacent properties, therefore will not appear 'hemmed' into the plot. The proposed design is in-keeping with the immediate dwellings with similar finishes and materials used. Please see the images below showing the different house types currently located along the street:



- In relation to town cramming and density, it has been calculated that the density of the proposed development will be 25 dwellings per hectare (dph) which is slightly lower than the existing density within Marian Way, which is roughly 30.4dpw (24 dwellings).
- In relation to the side garden providing relief, a precedent has been set with the approvals referenced in the planning history section.
- The reference to 'garden grabbing' is not a material consideration – this term is not referenced within NI planning policy.

### **Residential Amenity**

- Several objectors stated that the proposed dwelling would result in overshadowing, overlooking, loss of privacy and dominance issues. The specific dwellings mentioned that were to be affected included No. 5 and No. 7.
- The specific comments in relation to No. 5 included the following:
  - The level change and close proximity to the neighbouring boundary creates overlooking issues and loss of amenity as the view from higher level is directly into the kitchen/living spaces.
  - Overlook rear garden of 5 Marion Way - This loss of privacy is heightened by the location of the dwelling situated right up next to boundary creating loss of light, overshadowing dominance & overlooking issues.
- It was also mentioned that the loss of the green, breathing space has a negative impact on residents' enjoyment and quality of life.

### **Response**

- The above matters have been addressed in detail under 'Residential Amenity' within the main assessment. It must be noted that any changes to the site

levels are minor, with the proposed plans indicating that the existing levels to the side and rear of the propose dwelling will be maintained. As can be seen in the proposed plans, the ridge level will drop down from No. 3 and will only sit approx. 1m above the ridge of No. 5. The light test assessment has been carried out and indicates there will be no significant overshadowing caused to No. 3 or No. 5. Overlooking and loss of privacy has been well considered and several windows will be conditioned to be obscure glazed.

- In relation to the loss of green space, this area formed part of the private side garden of No. 5.

### **Submitted Plans**

- Reference was made to the plans not being accurate and with finished floor levels not being indicated. The agent has amended the site plan with DRG 03C the most up-to-date plan now available. Comments received in relation to this plan include the following:
  - FFL of adjacent neighbours not provided and adjacent dwelling not massed correctly misleading representation of context on drawings.
- One objector stated that the following plans should be requested: Existing survey/levels, Proposed levels FFL/ridge height annotated on drawings, Accurate Streetscape, Site sections which include neighbouring dwellings.
- The neighbour at No. 5 Marian Way specifically asked for an existing survey by an independent consultant to be requested with existing FFLs and more importantly boundaries, ground level & extended kerb lines.

### **Response**

- The submitted plans are sufficient to assess and determine the impact a new dwelling will have within this location. The existing and proposed site levels are shown on DRG 03C, along with the finished floor level. I do not consider it appropriate to ask for any further plans or surveys based on the concerns highlighted by objectors.

### **Parking & Access**

- One objector highlighted that the recent adjacent development in which the applicant references to justify the substandard parking provision afforded in the design is a completely different house type with reduced number of occupancy.
- It was stated that the proposed driveway would completely eradicate the existing parking provision for 2-3 existing dwellings/residents which is at a current rate of less than one space per house as the provision just simply is not there. It was further highlighted that some of the spaces the new access and in-curtilage parking would displace are used currently by elderly residents with limited mobility to access their homes.
- Several comments were made in relation to the existing road, stating that there is congestion on the street with the two-way traffic flow over one lane due to parking and the limited width of road that is available. It was specifically highlighted that the road itself is substandard at sub 5m and was never designed for the increasing density provided by this proposal & the applications referenced in the DAAS.

- One objector stated that parking survey provided does not identify existing development and parking conditions and uses an outdated OS map. It was further stated that the issues highlighted in the parking analysis provided in support of the objectors have not been addressed in the re-submission.
- Comments were made in relation to the sightlines for the new access and driveway and how existing thick hedgerows from the adjacent properties would impede visibility alongside dense on street parking.
- It was also stated that the new driveway would go over the footpath and this puts pedestrians and children at serious risk who use the footpath daily as the street connects to a park and a football field.

#### Response

- These matters have been addressed above under 'Road Safety and Parking Provision'. A parking survey was submitted and DFI Roads was consulted on the proposal, and responded stating that they had reviewed the parking survey and objections from the neighbours and offered no concerns in relation to road safety or parking provision.

#### **Impact on Natural Heritage**

- The objectors stated that the proposed site contains mature gardens/hedgerows and trees which accommodate the migration patterns of badgers.
- One objector stated that there are a number of mature trees on the development site and neighbouring boundaries annotated to be retained and that the development proposed is within the root protection zones of these trees which may cause serious harm. It was stated that a tree survey should be requested to demonstrate the condition of the trees, ascertain the impact of development on the condition including mitigation measures were required to avoid further decay or harm.
- It was mentioned that the trees and those in the vicinity also have bat roost potential at night bats can be seen within the locality again the mature garden of the site and vegetation.
- It was highlighted that the removal of native hedgerow boundaries will destroy existing natural habitats.

#### Response

- NIEA: NED are the experts on biodiversity matters and have been consulted and offered no objections or conditions to be included.
- The landscaping which has been removed, including boundary hedges, trees and vegetation, is not protected meaning the landowner can remove these without consent.
- A tree survey will not be requested given the site is not subject of a TPO or located within a conservation area.

#### **Other Points**

- One objector stated that the development is located close to retaining structures and requested that DFI road service review to ensure there is no risk of collapse during construction by way of conditioning/requesting a

geotechnical survey & PRA. No reference has been made to ascertain what these retaining structures are or where they are located in relation to the site.

- One objector claimed there could be an easement running across this garden. This is not a planning issue
- It was referenced that the site had been cleared, with the developer digging and removing existing vegetation, trees, destroying mature gardens and as a result has also changed the levels of the site. It has been noted that development works have started on site and the information provided has been reviewed by the Council’s enforcement team. The works were brought to the attention of the agent who was advised that any unauthorised works are carried out at the risk of the developer. In this instance the agent has advised the Council that works have been started for a boundary wall and groundworks/landscaping works which would be permissible under permitted development. There is no breach of planning control if a person changes ground levels by removing or distributing soil within their own property.
- It was stated that the sightlines may encroach into third party land. If so, the application redline would need to be revised and notice served to neighbours. The site location plan indicates that the sightlines will go over the public footpath and road. The Council cannot become embroiled in landownership disputes and has queried the veracity of the certificate due to the objector’s concerns. If the objectors do legally own any of the land, then they can prohibit the developer from developing.
- One objector stated that there is a public right of way within the red line which encompass an extent of the public footpath and should be annotated in green with notice serviced to DFI via a P2A form. I have checked the Council’s GIS and no public right of way is shown.
- Queries were made in relation to ownership of the hedgerow boundary to be removed. This is not a planning issue.

**6. Recommendation**

**Grant Planning Permission**

**7. Conditions**

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

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



2011.

2. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 03C prior to the commencement of any development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users

5. The first-floor windows as highlighted in yellow on the stamped approved DRG 3C: Proposed Elevations and Site Plan, shall comprise of obscure glazing and shall be non-opening (unless the parts of the window which can be opened are more than 1.7m from the floor of the room in which they are installed). The obscure glazing must be fitted prior to the occupation of the dwelling and must be retained in perpetuity thereafter.

Reason: To protect the private amenity of neighbouring properties.

6. All hard and soft landscape works shall be carried out in accordance with DRG 3C: Proposed Elevations and Site Plan. The works shall be carried out during the first available planting season after the occupation of any part of the dwelling.

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

7. 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.

- 8. If any retained tree or hedge is removed, uprooted or destroyed or dies within 5 years from the date of commencement of the development it shall be replaced within the next planting season by another tree or hedge in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

- 9. A new 1.8m high close boarded fence shall be erected along the boundary with No. 3 Marian Way as indicated on DRG 03C, prior to the occupation of the dwelling hereby approved.

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

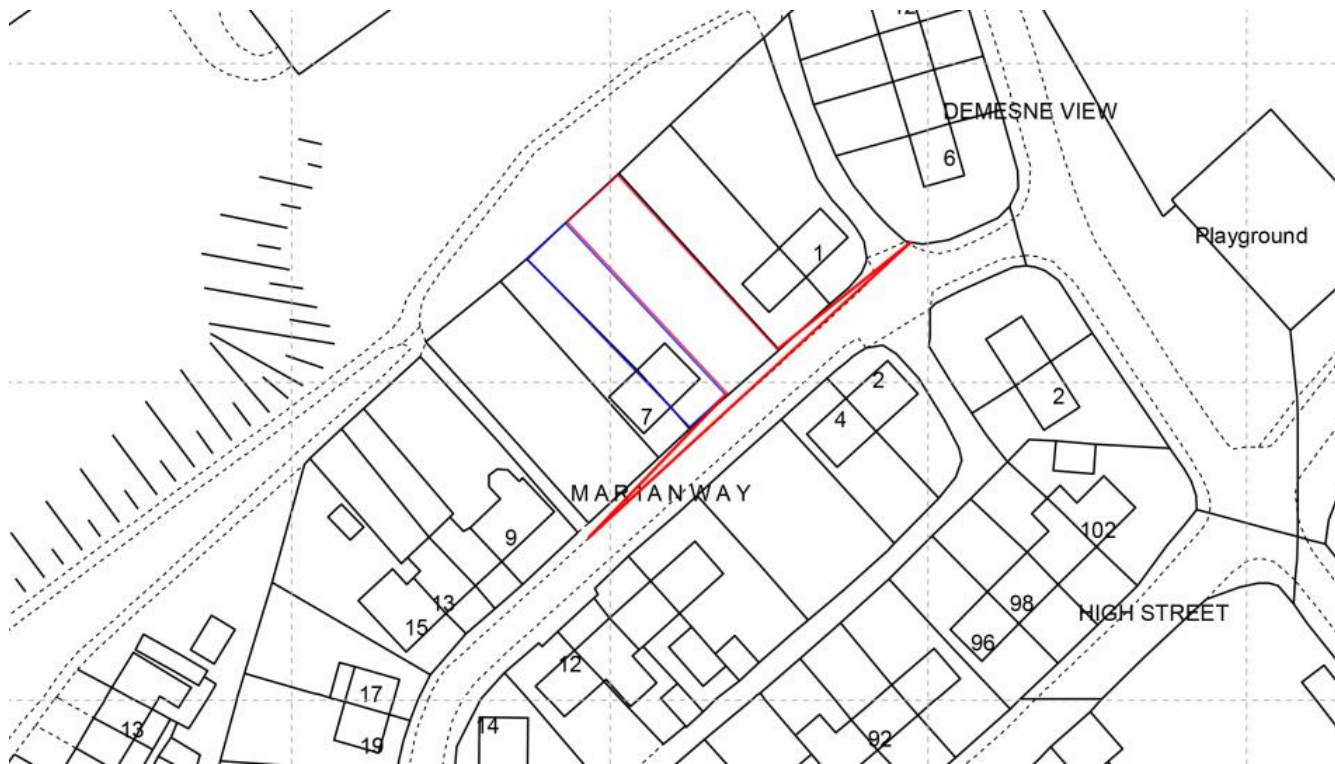
- 10. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority.

Reason: To ensure no adverse effect on the water environment.

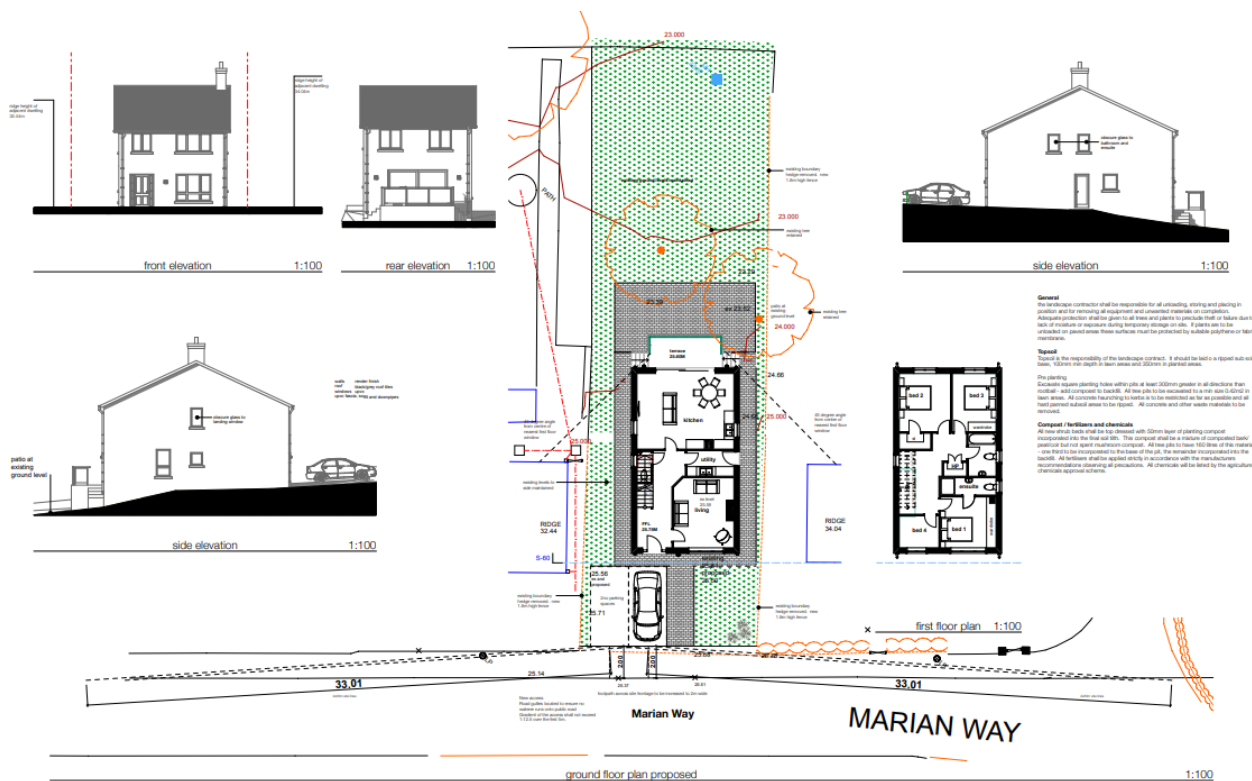
**Informative**

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

### Appendix One: Submitted Plans



DRG 01: Site Location



DRG 02: Proposed Site Plan and Elevations

**Appendix Two: Site Inspection Photographs**



No. 1 & 3 Marian Way



View of site from North-East side of Marian Way



View of site from the pavement



No. 5 Marian Way with the site shown to the right



Existing site shown to be overgrown – July 2024



Foundations built for planning application ref. LA06/2017/0303/F




View of Marian Way from North-East

## ITEM 4.3

### Ards and North Down Borough Council

Application Ref	LA06/2024/0398/F
Proposal	Installation of a ball backstop fence at the western tip of the softball field.
Location	Grass Sports pitches adjacent to Ward Arras Pavilion Ward Park, approximately 55m north of 2a Gransha Road, Bangor  DEA: Bangor Central
Committee Interest	Application made by the Council
Validated	30/05/2024
Summary	<ul style="list-style-type: none"> <li>• No objections or other representations received.</li> <li>• No consultations required.</li> <li>• Site lies within a proposed Area of Townscape Character; however, no adverse visual impact</li> <li>• No loss of open space.</li> <li>• No impact on existing trees or residential amenity.</li> <li>• Scale, size and materials acceptable</li> </ul>
Recommendation	<b>Approval</b>
Attachment	Item 4.3a – Case Officer Report



<b>Development Management Case Officer Report</b>			
<b>Reference:</b>	LA06/2024/0398/F	<b>DEA:</b> Bangor Central	
<b>Proposal:</b>	Installation of a ball backstop fence at the western tip of the softball field.		
<b>Location:</b>	Grass Sports pitches adjacent to Ward Arras Pavilion Ward Park, approximately 55m north of 2a Gransha Road Bangor		
<b>Applicant:</b>	Ards and North Down Borough Council		
<b>Date valid:</b>	30.05.2024	<b>EIA Screening Required:</b>	No
<b>Date last advertised:</b>	13.06.2024	<b>Date last neighbour notified:</b>	30.05.2024
<b>Letters of Support: 0</b>		<b>Letters of Objection: 0</b>	<b>Non-committal: 0</b>
N/A			
<p><b>Summary of main issues considered:</b></p> <ul style="list-style-type: none"> <li>• Impact on amenity of neighbouring dwellings;</li> <li>• Impact on appearance of the proposed Bangor Central Area of Townscape Character</li> </ul>			
<p><b>Recommendation: Grant Planning Permission</b></p> <p><b>Report Agreed by Authorised Officer</b></p>			
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://planningssystemni.gov.uk">Northern Ireland Public Register (planningssystemni.gov.uk)</a> using Public Access</p>			

## 1. Site and Surrounding Area

The site is located within the Ward Park playing fields for football, cricket and softball. The larger area is bounded by residential dwellings to the north and east, the Bangor Golf Club to the north-east and the Gransha Road to the south. To the west are tennis courts and Ward Park paths which lead to the duck pond and play park.

The site is located in the south-west corner of the playing fields and is flat, open to the north and east, with a backdrop of mature trees to the south and south-west. As seen in the aerial photo the site is located in an area where balls will be pitched to the batter.

## 2. Site Location Plan



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### 3. Relevant Planning History

No relevant planning history.

### 4. Planning Assessments

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

- Ards & North Down Area Plan 1984-1995
- Draft Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Addendum to Planning Policy Statement 6: Areas of Townscape Character
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

#### **Principle of Development**

The application site is located within the settlement of Bangor, as defined within the extant Ards and North Down Area Plan and the proposed town boundary as outlined in draft BMAP.

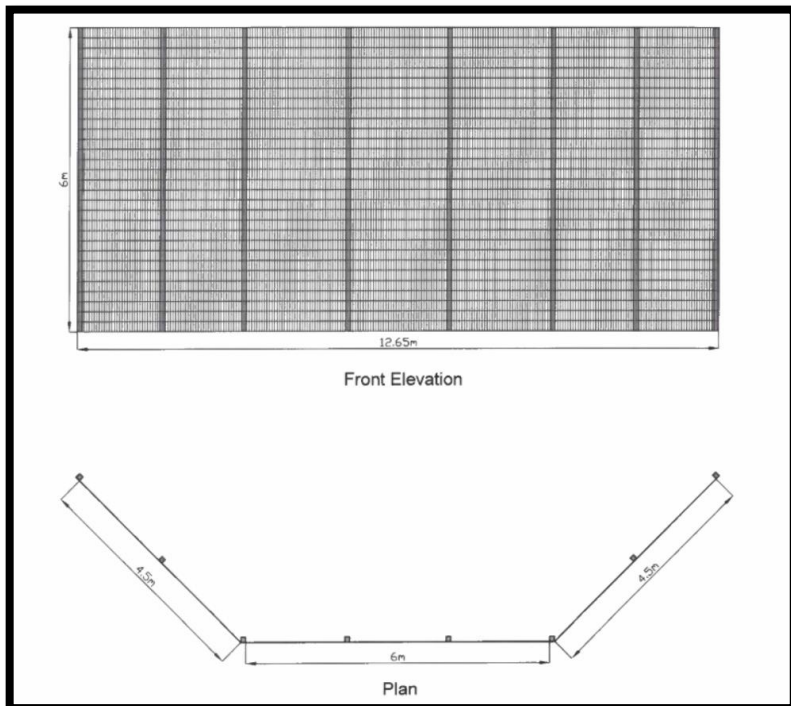
It is of note that the adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgment in the Court of Appeal delivered on 18th May 2017.

In context of the same, the North Down and Ards Area Plan 1984-1995 (NDAAP) therefore remains the statutory development plan for the area with provision of the draft BMAP document remaining a material consideration.

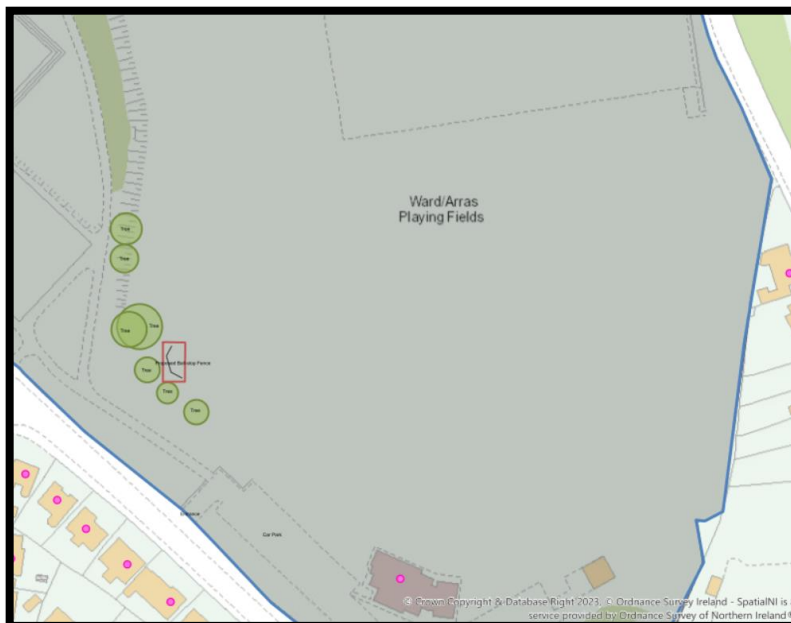
The site is situated within the proposed Bangor Central Area of Townscape Character (ATC). The proposed ATC designation in draft BMAP is a material consideration relevant to this application.

**Proposal**

It is proposed to erect a fence to stop softballs from being hit beyond the boundaries of the existing pitches. The pitches are used for a softball team and are in close proximity to the Gransha Road and public amenity space of Ward Park. The fencing will prevent the softballs being hit towards the busy road and paths around the Ward Park area.



**Proposed fencing**



**Location of fencing**

The fencing is to be green coloured metal mesh and be vibration and tamper resistant.

## Visual Impact

The site is located within Ward Park which is used for various activities and maintained by Ards and North Down Borough Council. The larger Ward Park area is generally flat with grass pitches used for football, cricket and softball. To the south-east of the site there is a building used for changing rooms and a car park associated with the building and playing fields. To the west are tennis courts and Ward Park duck pond and park area. To the south is the Gransha Road which is lined with residential dwellings.



View from the pitches towards where the fencing will be located.

The area under consideration is flat and laid in grass, there are mature trees to the west and south of where the fencing will be erected. The trees are in a “C” shape and will provide screening from views when travelling along the Gransha Road in either direction. Beyond the pitches of Ward Park to the north and east are domestic dwellings which together with Bangor Golf club to the north-east, line the boundaries of the larger Ward Park area. The dwellings are all over 200m from the site and the rear gardens share the boundary with Ward Park. Any views of the proposed fencing from these dwellings will have the backdrop of the trees.



View from the east of where the fencing will be located.

### **Impact of Development on Surrounding Area and proposed ATC**

As prevailing policy suggests, the test to be applied regarding ATCs is that development does not result in harm to the character of the ATC as a whole.

As the site is located within a proposed ATC it is a material consideration and there will be no loss of open space.

As was clear from my site inspection, the area of open space which has been created is enclosed and well maintained. Whilst it could not be said that, in its current state, the site contributes to the ATC, the subject area of open space does not detract from its overall appearance either.

As presented, the proposal to erect a fence for soft ball games in an area of open space which will have a negligible impact on the surrounding area or proposed ATC and will ensure that the area of open space will continue to work in tandem with the surrounding public paths and nearby road network. In my professional judgement then, I see no reason to find the current proposal contrary to policy and subject to appropriate conditions, I believe that the proposal to retain the site as an area of open space complies with prevailing planning policy.

### **Designated Sites/ Other Natural Heritage Interests**

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected Habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure that appropriate weight is attached to designated sites of international, national and

local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

**Policy NH 2** states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. The agent submitted an NI Biodiversity checklist with the application, this was considered during my site inspection. I carried out an extensive investigation of the site. It is my planning judgment that this development will not harm a species protected by law.

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

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

As discussed above I have carried out a site inspection to which I was not aware of any potential roosting areas or foraging areas. It is my planning judgment that this development abides by this policy.

### **Impact on Neighbouring properties**

The site is located within the Ward Park playing fields which has a long-established recreation use in this area. There are domestic dwellings to the south, north and east of the site and due to the separation distances and the nature of the proposed development, it is my planning judgment that the proposed development will have no detrimental impact on the amenity of the adjacent dwellings. The closest dwellings are to the south, approximately 55m away and there is a busy road between the site and the dwellings.

## **5. Consideration of Representations**

The proposal has been advertised in the local press and neighbours have been notified as per the Section 8 of the “The Planning (General Development Procedure) Order (Northern Ireland) 2015”; No letters have been received.

## 6. Recommendation

The proposal is considered acceptable and would not detrimentally impact on the character or appearance of the proposed ATC designation or result in a detrimental impact on the setting or character of the surrounding area. Approval is therefore recommended.

### Grant Planning Permission

## 7. Conditions

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

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

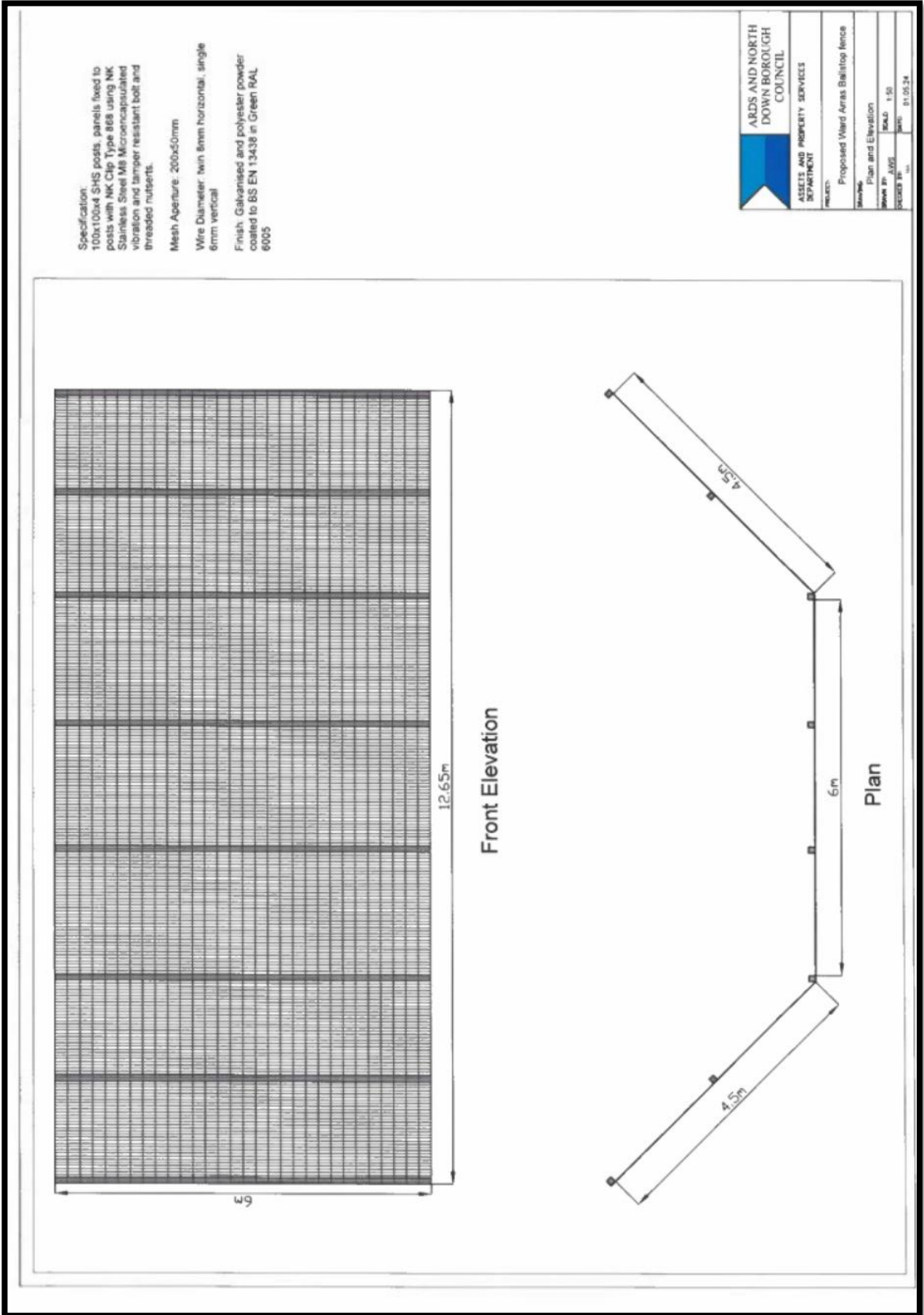
## Informative

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Site location Map



Proposed fencing

**Photos of site**



**View towards Gransha Road**



**View towards site from car park**



**View towards tennis courts**



**View towards Gransha Road**




**View towards Gransha Road and Car Park**

## ITEM 4.4

## Ards and North Down Borough Council

Application Ref	LA06/2024/0603/LBC
Proposal	1.1m pedestrian railing at entrance to match existing railings to the SW.
Location	Market House, The Square, Portaferry DEA: Ards Peninsula
Committee Interest	Application made by the Council
Validated	10/07/2024
Summary	<ul style="list-style-type: none"> <li>• The Market House is a Grade B+ listed building.</li> <li>• Ongoing overall public realm upgrades - now recognised that existing levels around the eastern corner of the Market House are not adequate, with a 1:9 slope leading up from a pedestrian crossing point on The Square towards an existing entrance door.</li> <li>• Solution to above - New pedestrian railing at the Market House entrance to guide users towards a gentler gradient.</li> <li>• No objections or other representations received.</li> <li>• Consultees – HED and Council's Planning Conservation Officer- no objections.</li> <li>• Proposal complies with the SPPS and PPS 6 – Planning, Archaeology &amp; Built Heritage as sympathetic in nature, appropriate materials and detailing and comprises minor works.</li> </ul>
Recommendation	<b>Grant Consent</b>
Attachment	Item 4.4a – Case Officer Report

<b>Development Management Case Officer Report</b>				
<b>Reference:</b>	LA06/2024/0603/LBC	<b>DEA:</b> Ards Peninsula		
<b>Proposal:</b>	1.1m pedestrian railing at entrance to match existing railings to the SW.			
<b>Location:</b>	Market House, The Square, Portaferry			
<b>Applicant:</b>	Ards and North Down Borough Council			
<b>Date valid:</b>	10/07/2024	<b>EIA Screening Required:</b>	N/A	
<b>Date last advertised:</b>	25/07/2024	<b>Date last neighbour notified:</b>	N/A	
<b>Letters of Support : 0</b>		<b>Letters of Objection: 0</b>		<b>Petitions: 0</b>
<b>Consultations – synopsis of responses:</b>				
Historic Environment Division		No objection.		
Conservation Officer		No objection.		
<b>Summary of main issues considered:</b>				
<ul style="list-style-type: none"> <li>• Impact of proposal on the listed building;</li> <li>• Impact of proposal on the setting of listed building;</li> <li>• Impact of proposal on the Conservation Area.</li> </ul>				
<b>Recommendation: Grant Consent</b>				
<b>Report Agreed by Authorised Officer</b>				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://submissions.planningsystemni.gov.uk/app/applications">https://submissions.planningsystemni.gov.uk/app/applications</a>				

## 1. Description of Site and Surrounding Area

The application site is located at the Market House, at The Square, located within the designated settlement limit of Portaferry as per the Ards and Down Area Plan 2015. The application site is located within the Strangford and Lecale Area of Outstanding Natural Beauty, Portaferry Conservation Area and within an Area of Archaeological Potential.



Front of building

The Market House is a Grade B+ listed building which occupies a commanding and prominent location within the centre of Portaferry. The building, constructed in 1752, is laid out as a typical Irish market house with an arcaded open-plan ground floor and an open plan hall/courthouse to the first floor.



Rear of building

The building has a hipped roof, and the façade is finished in roughcast render with brick detailing. The front elevation is symmetrical, with two arched openings to the ground floor which are now filled in with semi-circular windows. There are panelled doors on either side of the arches and four sash windows above the Georgian panes. The rear elevation contains eight timber painted sash windows, overlooking a cobbled area which includes street furniture, planting, railings and a water fountain. Other external finishes include Bangor blue slates and cast-iron guttering. The architectural importance of the building is further enhanced with the clock faces to the central gables and the bell to the northeast gable.

The area immediately surrounding the building is landscaped with paving, stone cobbles, cast iron bollards and trees with grill surroundings. Two/three storey terraced shops and dwellings surround the square and face in towards the Market House. The Credit Union building, located to the south, is also prominent within The Square. Given the town centre location, the surrounding area is predominantly commercial in nature.



**2. Site Location Plan**



**3. Relevant Planning History**

Whilst the application site has a long-established planning history, no elements of planning history are directly pertinent to the assessment of this Listed Building Consent application, although it is acknowledged that the proposal is submitted as part of the wider works to improve the public realm:

Planning Ref: LA06/2020/0656/LBC  
 Address: 8 Ferry Street, 23-24 The Square, Market House, The Square and The Stables Visitor Information Centre  
 Proposal: Replacement of existing wall mounted lamps with new LED lanterns in the same 3 locations. Installation of new LED lantern on Visitor Information Centre southeastern elevation.  
 Decision: Consent Granted (02/03/2021)

Planning Ref: LA06/2019/1267/F  
 Address: The Square, High Street; The Ropewalk, Church Street; Meetinghouse Street, Castle Street and Ferry Street including junctions with The Strand, Portaferry.  
 Proposal: Public realm improvement scheme comprising upgrading of existing paving and kerbing; installation of new street furniture, seating, streetlights, litter bins, planters and cycle stands; reconfiguration of existing car parking; relocation of existing bus shelter; and all associated works.  
 Decision: Permission Granted (05/03/2021)

**4. Planning Policy Framework**

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

- Ards & Down Area Plan 2015;
- Strategic Planning Policy Statement for Northern Ireland: Paragraphs 6.12 (setting) and 6.13 (Listed Buildings);
- Planning Policy Statement 6: Planning, Archaeology & the Built Heritage:

- Policy BH 8: Extension or Alteration of a Listed Building
- Policy BH 11: Development affecting the Setting of a Listed Building;
- Policy BH 12: New Development in a Conservation Area;
- Portaferry Conservation Area Design Guide.

**Principle of Development**

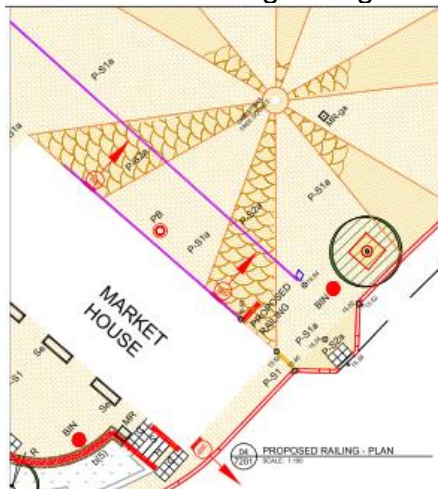
Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in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

The Ards and Down Area Plan 2015 acts as the LDP for this area, with the application site located within the designated settlement limit of Portaferry. The application site is located within the Strangford and Lecale Area of Outstanding Natural Beauty, Portaferry Conservation Area and within an Area of Archaeological Potential.

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

Existing policy provisions that have not been cancelled by the SPPS are to remain a material consideration and are considered below.

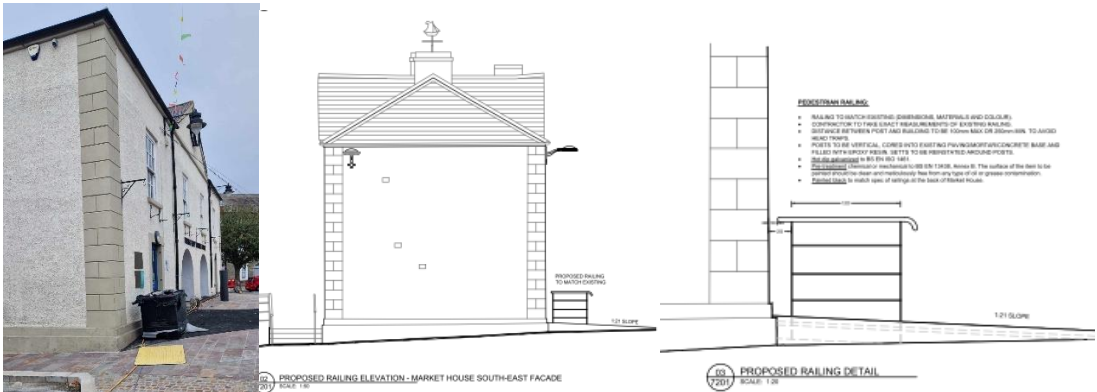
The application site, The Market House, is a Grade B+ listed building of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011. The application seeks Listed Building Consent for the installation of 1.1m pedestrian railing at entrance to match existing railings to the southwest.



Proposed railing plan



Existing elevation and proposed elevation of railing



Existing side profile of building and proposed side profile including railing

The proposed railing matches existing railing to the southwest in terms of materials, colour and dimensions. This ensures visual integration of the proposed pedestrian railing within the immediate vicinity of the listed building and surrounding area.



Rear of building with existing railing to the southwest – proposal shall match this

Historic Environment Division (HED) consultation response stated that the works are deemed to be sympathetic in nature with use of appropriate materials and detailing, and minimal intervention to existing building complying with the SPSS (paragraphs 6.12 and 6.13), and policies BH 8: Extension or Alteration of a Listed Building and BH 11: Development affecting the Setting of a Listed Building of PPS 6.

HED further stated that the application site is located within the Portaferry Conservation Area and deferred comment to the Council’s conservation officer to consider any impact.

The Council’s Conservation Officer’s response outlined the proposal comprises minor development which will have no adverse impact upon either the immediate surroundings or the wider extent of the conservation area.

Railings are an accepted and expected piece of street furniture in urban areas and there is already a much larger section of similar railing erected to the southwest of the building. It is in the public interest to ensure safe access to this popular and well-used community building for all members of community, including those with a disability.

Holistically considered, the proposed rail is minor in scale, with the works to facilitate an improvement of public access to a public building for the benefit of all members of the community in the public interest, with the design acceptable for the setting of the listed building and immediate and wider Conservation Area.

**5. Consideration of Representations**  
 No letters of representation have been received.

**6. Recommendation**  
**Grant Consent**

**7. Conditions**  
 1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

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





Site Photos:



Front of application building



Looking to the southwest rear of building



Looking to the southeast rear of building



Looking towards location of proposed railing



Unclassified

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**ITEM 5****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 September 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	19 August 2024
File Reference	160051
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below: Not applicable
Subject	Update on Planning Appeals
Attachments	Item 5a - 2022/A0192 PAC decision

**Appeal Decisions**

- The following appeal was dismissed on 9 August 2024.

PAC Ref	2023/L0012
Council Ref	LA06/2022/0521/LDP
Appellant	Greenbay Apartments Ltd
Subject of Appeal	Refusal of a Certificate of Lawfulness of Proposed Use or Development – Commencement of development in the form of construction of foundations and the establishment of sight lines to satisfy conditions 1 and 2 on planning permission X/2008/1064/F.
Location	84 Warren Road, Donaghadee

## Not Applicable

114

The main issue of this appeal against the Certificate of Lawfulness for a Proposed Development (CLOPUD) is whether the development has commenced in accordance with planning permission X/2008/1064/F prior to its expiration. Full planning permission X/2008/1064/F was granted on 21st July 2010 for the demolition of a former care home and the development of 26 2-bedroom apartments in three blocks with associated landscaping and car parking.

The Council accepted that foundations were laid prior to the expiration of the above permission however there was one pre-commencement condition (condition 2) applied to the planning permission.

Condition 2 of planning permission X/2008/1064/F stated that the vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted. The reason stated was to ensure that there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Until the pre-commencement conditions have been satisfied the Council argued that a decision cannot be lawful.

There is also a speed sign and electricity pole, which are considered to obstruct visibility as it is located within the area for the visibility splays.

The Commissioner considered whether the condition went to the heart of the planning permission, as is set out in case law (The Whitley Principle). She did not accept the presence of the 11m long pavement surfacing as a significant betterment for pedestrians as there was no distinction in the surfacing materials (apart from a dropped kerb) giving little awareness of the presence of a vehicular access leading to serious concerns of road safety.

The Commissioner agreed with DfI Roads position that the location of the speed sign could require a vehicle to drive around it into oncoming traffic exiting the site, compromising road safety.

Finally, the Commissioner did not agree or accept that the Whitley principle had been applied in an 'over-rigid, overly literal' manner by the Council. She concluded that the pre-commencement condition 2 had not been discharged as required, and therefore the planning permission has not lawfully commenced.

The Commissioner's detailed report is found under Item 5A.

**New Appeals Lodged**

2. The following appeal was lodged against the refusal of planning permission on 16 August 2024.

Not Applicable

115

PAC Ref	2024/A0055
Council Ref	LA06/2022/0267/F
Appellant	Mr James Overton-White
Subject of Appeal	Dry storage unit (Use Class B4) (Retrospective) & replacement of entrance gate at existing builder's storage yard as per confirmed lawful use of land under ref LA06/2021/1233/LDE (Re-determination of planning application).
Location	7 Glenburn Park, Bangor

Details of appeal decisions, new appeals and scheduled hearings can be viewed at [www.pacni.gov.uk](http://www.pacni.gov.uk).

### RECOMMENDATION

It is recommended that Council notes the report and attachment.



# Appeal Decision

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 92 Ann Street  
 BELFAST  
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<b>Appeal Reference:</b>	2023/L0012
<b>Appeal by:</b>	Greenbay Apartments Ltd
<b>Appeal against:</b>	Refusal of a Certificate of Lawfulness of Proposed Use or Development
<b>Development:</b>	Commencement of development in the form of construction of foundations and the establishment of sight lines to satisfy conditions 1 and 2 on planning permission X/2008/1064/F
<b>Location:</b>	84 Warren Road, Donaghadee
<b>Planning Authority:</b>	Ards and North Down Borough Council
<b>Application Reference:</b>	LA06/2022/0521/LDP
<b>Procedure:</b>	Hearing on 24 <sup>th</sup> July 2024
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 9 <sup>th</sup> August 2024

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issue in this appeal is whether the development has commenced in accordance with planning permission X/2008/1064/F prior to its expiration.
3. Section 170 of the Planning Act (Northern Ireland) 2011 makes provision for the issuing of a certificate of lawfulness for a proposed use or development. Section 170(1) states that if any person wishes to ascertain whether any proposed use of buildings or other land or any operations proposed to be carried out in, on, over or under land, would be lawful, that person may make an application for the purpose to the appropriate council specifying the land and describing the use or operations in question. The application was made in accordance with Section 170 of the Act and was refused on 28<sup>th</sup> September 2023. This appeal was made under Section 173 of the 2011 Act.
4. Full planning permission X/2008/1064/F was granted on 21<sup>st</sup> July 2010 for the demolition of a former car home and the development of 26 2-bedroom apartments in three blocks with associated landscaping and car parking. Condition 1 of the planning permission stated that the permitted development was to begin before the expiration of 5 years from the date of the permission.
5. The Council accepted that the laying of foundations on the appeal site occurred prior to the planning permission expiring. However, one pre-commencement condition (condition 2) was applied to the planning permission. Condition 2 of planning permission X/2008/1064/F stated that the vehicular access, including

visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted. The reason stated was to ensure that there is a satisfactory means of access in the interests of road safety and the convenience of road users. The Council argued that in order for the development undertaken to be lawful, the requirements of the pre-commencement condition have to be met in accordance with the approved plans before the expiration of the planning permission and prior to the foundations being laid. Until pre-commencement conditions have been satisfied, the Council consider that a planning permission cannot be considered to have been lawfully commenced.

6. Dfl Roads inspected the appeal site on 29<sup>th</sup> June 2022 to assess whether or not the access had been constructed in accordance with condition 2. They advised the Council that the approved access had not been constructed in accordance with the approved plans as the road speed sign and electricity pole remain in the location of the approved access/visibility splays and are physical and visual obstructions. They considered that the presence of the speed sign within the location of the approved access road means that vehicles accessing/egressing the appeal site would be left with no alternative but to take evasive action to drive around it into the oncoming traffic to evade collision. The electricity pole was considered to obstruct visibility as it is located within the area for the visibility splays. The Council highlighted that it did not appear that the approved access was utilised by construction vehicles as orthophotography (circa 2016) showed the long-established existing access in use at the time the foundations were laid. As the site was only acquired by the appellant in 2021, they were not aware of which access was used when the foundations were laid. The Council acknowledged that while there is no requirement on construction vehicles to use the approved access, they considered that the use of the established access serves to demonstrate that the approved 'access' is likely to be unsafe for vehicular use.
7. In addition to the concern in relation to the presence of the telegraph pole and speed sign, the Council stated that the radii of the access has not been developed. While the appellant argued that the visibility splays and forward sight line are in place, the Council considered that there would first need to be an access developed for this to be the case. Although part of the boundary wall was removed, the Council did not accept that some minor ground works, including replacing footpath slabs with concrete and part of the grass verge with gravel within the general position of the approved access, constitutes the development of the approved access. Despite the works undertaken, they were concerned that pedestrians on the footpath seeking to cross the approved 'access' may not perceive it as an access as there is no kerb defining the radii or noticeable road surfacing works and no real indication that the works undertaken form an access. They considered that the 'access' poses a safety risk for pedestrians; this view was shared by Dfl Roads. Should a Certificate of Lawfulness for a Proposed Use or Development be granted, they considered that there would be no legal requirement for the appellant to complete the vehicular access as approved as those works undertaken would be deemed lawful and acceptable. They stated that enforcement action could therefore not be taken to rectify the currently unsafe access.
8. As Condition 2 was stipulated for road safety reasons, the Council therefore considered that it goes to the heart of planning permission X/2008/1064/F and

should therefore be complied with. In light of the non-compliance with condition 2, the Council considered that the foundations laid on site are unlawful.

9. Condition 3 stated that the area within the visibility splays and any forward sight line shall be cleared to provide a level of surface no higher than 250mm above the level of the adjoining carriageway before the development is occupied. The appellant considered there to be an inconsistency and a tension between conditions 2 and 3 of planning permission X/2008/1064/F. They considered that condition 3 does not require the removal of the telegraph pole or speed sign until prior to the development being occupied. The Council's position however is that condition 2 required the implementation of the access before the other works occurred and as it is not in place then condition 3 cannot be fulfilled.
10. The Whitley principle (*Whitley & Sons Co Ltd v Secretary of State for Wales (1992) 64 P & CR 296*), which has some limited exceptions which do not apply in the current appeal, asserts that for a planning permission to be lawfully implemented, the developer must ensure that any pre-commencement conditions are complied with. The Whitley principle was further examined in *Hart Aggregates Ltd v Hartlepool BC [2005] EWHC 840 (Admin)* where the court ruled that this principle does not apply to all conditions but only to those which go to the heart of the permission. *Greyfort Properties Ltd V SOS for Communities and Local Government (2011) EWCA Civ 908 (2012)* endorsed the Hart Aggregates approach in terms of the need to avoid an unduly rigid application of the Whitley principle where it would produce absurd results that are contrary to the underlying purpose of policy or legislation. The parties also referred to *River Faughan Anglers Ltd v Derry City and Strabane District Council [2018] NIQB 87* which also reinforces against an overly rigid or literal application of the Whitley principle. This latter case is however distinguishable from the current appeal. It related to two inter-related planning applications, involving the same planning applicant and agent, lodged within days of each other and subjected to almost identical suites of planning conditions. However, one planning condition on the first planning approval dated 2<sup>nd</sup> March 2009 required that the vehicular access be provided prior to the commencement, operation or any works or other development permitted whereas the second planning approval dated 11<sup>th</sup> March 2009 employed the terminology '...prior to the commencement or occupation or any works or other development hereby permitted'. The wording of the two conditions was not found to be identical, giving rise to obscurity and ambiguity. The judgement stated that this 'consideration alone divests both conditions of the clarity necessary to be classified conditions precedent'. Furthermore, it was added that any attempt to rationalise the difference in wording would be beset with speculation. The court therefore rejected the discrete attack on the lawfulness of the 2011 works.
11. Irrespective of the laying of foundations, pre-commencement condition 2 of planning permission X/2008/1064/F requires that the vehicular access, including the visibility splays and any forward sight line, shall be provided in accorded with the approved plans. Whilst the conditions did not stipulate details such as the surfacing and materials to be used in constructing the access, the approved parking plan drawing received by the Council on 3<sup>rd</sup> September 2009 annotated the need for the 8m radius at the access point, new dropped kerbs, that the telegraph pole and speed sign were to be resited clear of the sightline and the existing entrance was to be closed up to the satisfaction of the then DRD Roads Service. Although the appellant argued that the drawings are not as detailed as

one would expect if submitted today, I accept Dfl Roads' position stated at the hearing that most drawings which they assess are still of a similar standard and that it is expected that radii would be kerbed without the defining product having to be specified. It was suggested by the appellant at the hearing that demarcating the radii of the access with paint as opposed to kerbs would be sufficient however, even if it was, this was not done.

12. I am not persuaded that the presence of the 11m long pavement surfacing is a significant betterment for pedestrians. Despite the presence of a drop kerb along the edge road and its positioning, the removal of a substantial section of the roadside wall and lack of noticeable distinction in the surfacing materials contributes to there being little awareness that this is indeed a vehicular or pedestrian access point that has to be negotiated. This would materially impact road safety by posing a hazard for those crossing the access point or entering/exiting the site. At the hearing it was also acknowledged by the appellant that the required visibility splay of 4.5m x 90m to the south-east of the opening is not in place with 3.35m x 90m being provided when account is taken for the telegraph pole. I accept that the presence of the gravel stones along the opening could pose a further potential hazard should they fall onto the public road and that Dfl Roads would be liable for any claim/s if anyone was injured due to their presence.
13. Paragraph 4.1 of Development Control Advice Note 15 (2<sup>nd</sup> Edition) Vehicular Access Standards states that the retention of a single slender pole or column may be permitted at the discretion of the Council as long as visibility is not materially affected. It is acknowledged that the appeal site is located where the pedestrian footpath is of a generous width. However, although the speed sign is slender, where the appeal site is located vehicular traffic would be preparing to transition from 30mph to 40mph on a relatively straight stretch of an A Class road. It was argued by the appellant that the telegraph pole sits behind the radii however Dfl Roads presented persuasive evidence that the pole could hinder visibility of a motorcycle for those emerging from the site onto this busy road where traffic is increasing in speed.
14. Although the speed sign is to be moved at a future date, it is still within the area where the access is to be located. The appellant calculated at the hearing that there would be approximately 7.4m and 4.7m either side of the speed sign along the access opening. The access driveway would however only be 4.8m wide and the radii is not in place. The sign would be within the side of the access where a vehicle would enter the site. Despite being slender, I accept Dfl Road's argument that the positioning of the sign could require a vehicle to drive around it into oncoming traffic exiting the site. The appellant accepted at the hearing that, with the sign in place, the new access would prevent the two-way flow of traffic entering and exiting the site. This would compromise road safety. A larger vehicle seeking to enter the site may also have to cross the middle of the Warren Road carriageway. It is acknowledged that there is a chevroned central area in the middle of the carriageway however traffic travelling in either direction along the Warren Road would not anticipate such a manoeuvre. This would materially compromise road safety causing a slowing of traffic and potentially rearend shunts of vehicles along the Warren Road. The appellant suggested that the existing and new accesses could both be utilised and that drivers of large vehicles could check with the site manager as to which access to use prior to entering the site.

However, this could result in such vehicles blocking the A Class Warren Road as the hard-shoulder area is on the other side of the carriageway. The long-established access to the site is also of quite a restrictive width, is adjacent to a neighbouring property's entrance and the development was not approved to have two access points.

15. Numerous planning appeal decisions were also presented by the appellant. In appeal 2020/E0007 however the approved access was substantially complete with most of the required work carried out in accordance with the approved plans and it was evident as an access. It was also for a farm dwelling located along a lightly trafficked road in the countryside which is not comparable to an urban residential development. The level of obstruction of the telegraph pole along the narrow, lightly trafficked rural road was judged not to be so great to lead to the conclusion that the approved access had not been provided or was dangerous to the point of being entirely unacceptable. In fact, in 2020/E0007 the Commissioner found that the use of the word 'shall' is standard in conditions requiring something to be done and did not concur that it was advisory in nature or open to flexible interpretation. Appeal 2021/A0154 related to the variation of a condition in relation to the construction of a right turning lane. In this appeal the parties agreed that the need for the right turning lane would arise from the occupation of the houses rather than their construction. The road improvements would still be implemented before construction of further dwellings and well in advance of what would be required under supplementary planning guidance when 30 dwellings are occupied. The access arrangements in place were found to be more than adequate to accommodate construction vehicles. DfI Roads accepted that the requisite visibility splays had been provided at the new entrance. The proposal was therefore judged not to be detrimental to road safety.
16. Case 2018/E0031 related to an appeal against an enforcement notice where it was concluded that discrepancies in the work undertaken compared to the approved plans was insignificant and did not go to the heart of the planning permission. Planning appeal 2019/E0046 related to a tension between an outline planning permission and reserved matters planning permission with it being determined that the latter imposed a more stringent timescale for the completion of the access works than what was stated at the outline planning permission stage. The access in that appeal was said to have been governed by specified conditions in the outline planning permission which had been complied with. The main issue in Appeal 2022/E0003 was the protection of trees and hedgerows on the appeal site. The outline planning permission had no conditions attached requiring their retention. There was a lack of coherence and clarity in the relevant drawings in terms of the identification of any trees or hedges to be retained. The Reserved Matters planning permission did not require a tree survey to ascertain if any development or foundations would adversely impact on the root protection zones or crown spreads of the relevant trees. Given that there was another condition requiring the retention of the natural boundaries of the appeal site the condition was found to be unnecessary. The Commissioner was also satisfied that the access was completed in accordance with the relevant condition and works in relation to the erection of the building were undertaken prior to the expiry of the relevant planning permissions.
17. Planning appeal 2022/E0015 related to the development of two dwellings with one of the main issues relating to the protection of trees. It was found that a planning



condition was not triggered as underground services did not pass through the tree protection area risking damage to the trees. It was also concluded that the relevant planning conditions did not expressly prohibit any development taking place before the required actions were carried out. Another planning condition was found to be imprecise and unreasonable, not meeting the legal tests for a condition. The protected trees remained unaffected by the previous building works within the appeal site. In appeal 2022/E0016 the Commissioner was satisfied that the required visibility splays were in place prior to the commencement of the development. It was concluded that the works would only become necessary after the use of the site for touring caravans became operational and it was only then that a road safety issue would occur. It was found that there was no express prohibition on development taking place prior to the method of sewerage disposal being agreed in writing and consent to discharge being granted. Also, the planning condition in question was subject to a granted Section 54 planning application. In my view, all these cases are distinguishable from the subject appeal.

18. Although it was argued that it was not conditioned that the access should be retained in perpetuity and that enforcement action could not be taken if for example it was removed or obstructed during the construction period, these are scenarios that have not arisen. What enforcement action is taken, should they occur, is a matter for the Council. I do not agree that the occupation of the development, referred to in condition 3 of planning permission X/2008/1064/F, would be the trigger for the provision of the vehicular access including the visibility splays. Rather, condition 3 ensures the clearance of the visibility splays and forward sight distance.
19. Given the road safety implications identified in this appeal, I consider that condition 2 is a true condition precedent which goes to the heart of planning permission X/2008/1064/F and has not been sufficiently complied with. I do not accept that this can be satisfactorily resolved directly with DfI Roads at a later date or by the erection of signage stating that construction is occurring on site. As per paragraphs 5.66 and 5.67 of the Strategic Planning Policy Statement, as this matter can be addressed by the fulfilment of the imposed planning condition, a planning agreement is not considered to be appropriate in this instance. At any rate, the appellant's suggestion at the hearing of a planning agreement only related to the removal of the speed sign and not to the other aspects of concern. My approach is similar to that adopted in appeal 2020/E0039 raised by the Council whereby it was also found that as the vehicular access and visibility splays were not provided in accordance with the planning approval prior to the foundations being excavated, the pre-commencement conditions had not been discharged and the permissions had not been commenced lawfully. I do not accept that the Whitley principle has been applied in an 'over-rigid, overly literal' manner by the Council. As pre-commencement condition 2 has not been discharged, the planning permission has therefore not lawfully commenced.
20. Accordingly, I am satisfied that the Council's refusal of this Certificate of Lawfulness of Proposed Use or Development is well founded, and the appeal is dismissed.

**COMMISSIONER DIANE O'NEILL**

2023/L0012

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**List of Documents**

Planning Authority  
(Ards and North Down Borough Council):-

Statement of Case PA 1

Appellant (Donaldson Planning-agent):-

Statement of Case A 1

**List of Appearances**

Planning Authority  
(Ards and North Down Borough Council):-

Ms Gail Kerr  
Ms Emma Farnan  
Mr Jason Killen (DfI Roads)

Appellant:-

Mr William Orbinson QC  
Mr David Donaldson  
(Donaldson Planning)  
Mr Brian Speers (solicitor)  
Mr Colin Magee (appellant)  
Mr Mark Hardy (Donaldson  
Planning)

Unclassified

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

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 September 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Finance
Date of Report	15 August 2024
File Reference	FIN45
Legislation	Section 5 Local Government Finance Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below:
Subject	Planning Service Budgetary Control Report - July 2024
Attachments	none

The Planning Service's Budgetary Control Report covers the 4-month period 1 April to 31 July 2024. The net cost of the Service is showing an underspend of £2k (0.4%) – box A on page 2.

**Explanation of Variance**

The Planning Service's budget performance is further analysed on page 2 into 3 key areas:

Report	Type	Variance	Page
<b>Report 2</b>	Payroll Expenditure	£82k favourable	<b>2</b>
<b>Report 3</b>	Goods & Services Expenditure	£0.3k favourable	<b>2</b>
<b>Report 4</b>	Income	£80k adverse	<b>2</b>

Not Applicable

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## Explanation of Variance

The Planning Service's overall variance can be summarised by the following table: -

Type	Variance £'000	Comment
Payroll	(82)	Vacant posts include HPTO, PTO and SPTO. The HPTO & PTO expected to be filled in August with the SPTO post to be recruited.
Income	80	Mainly Planning application fees. No major applications received yet this year.

REPORT 1 BUDGETARY CONTROL REPORT					
Period 4 - July 2024					
	Year to Date Actual £	Year to Date Budget £	Variance £	Annual Budget £	Variance %
<b>Planning</b>					
730 Planning	589,244	591,500	(2,256)	1,740,400	(0.4)
<b>Total</b>	<b>589,244</b>	<b>591,500</b>	<b>A (2,256)</b>	<b>1,740,400</b>	<b>(0.4)</b>
REPORT 2 PAYROLL REPORT					
	£	£	£	£	%
<b>Planning - Payroll</b>					
730 Planning	758,731	840,800	(82,069)	2,522,500	(9.8)
<b>Total</b>	<b>758,731</b>	<b>840,800</b>	<b>(82,069)</b>	<b>2,522,500</b>	<b>(9.8)</b>
REPORT 3 GOODS & SERVICES REPORT					
	£	£	£	£	%
<b>Planning - Goods &amp; Services</b>					
730 Planning	70,424	70,700	(276)	367,500	(0.4)
<b>Total</b>	<b>70,424</b>	<b>70,700</b>	<b>(276)</b>	<b>367,500</b>	<b>(0.4)</b>
REPORT 4 INCOME REPORT					
	£	£	£	£	%
<b>Planning - Income</b>					
730 Planning	(239,911)	(320,000)	80,089	(1,149,600)	25.0
<b>Totals</b>	<b>(239,911)</b>	<b>(320,000)</b>	<b>80,089</b>	<b>(1,149,600)</b>	<b>25.0</b>

## RECOMMENDATION

It is recommended that the Council notes this report.

Unclassified

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**ITEM 7****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 September 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	19 August 2024
File Reference	160051
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Planning Statistics April 2023 - March 2024
Attachments	Item 7a - Statistical Bulletin

The purpose of this report is to update Members on the publication by DFI of the annual finalised results of Northern Ireland planning statistics April 2023 – March 2024 issued on 01 August.

The bulletin is attached, and the press release and detailed tables can be viewed on the Department's website here: <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2023-march-2024>

The report advises that the transfer to the new planning portals will have impacted on planning activity and processing performance; this should be borne in mind when making comparisons with other time periods. The reporting of data relating to the number of enforcements concluded and processing times has recommenced in this report.

Not Applicable

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### Applications in the Major category of development

The following table details the performance for Ards and North Down against the statutory performance indicators.

Majors	Received	Decided	Approved	Withdrawn	Average Processing Time (target 30 wks)
Quarter 1	1	1	1	0	93.2
Quarter 2	1	0	0	0	-
Quarter 3	3	2	2	0	78.7
Quarter 4	2	3	3	0	96
<b>Total</b>	<b>7</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>84.7</b>

The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

#### Majors - Quarter 1

LA06/2021/0917/F was decided for 58no dwellings at Ardara in Comber. The application, on land zoned for housing within the Ards and Down Area Plan, was submitted 28 June 2021.

All of the consultees required submission of additional information and amended designs, which required re-advertising and re- neighbour notification and the carrying out of further consultation and all subsequent further objections assessed.

There were NI Water issues which required a separate legal agreement required to be drafted by the Council's Planning lawyers and then executed between the Council and the applicant and sealed by the Council.

The last information submitted by the applicant was November 2022 and the application was presented to Planning Committee on 06 December 2022 with a recommendation of approval, subject to execution of the legal agreement referred to above. The legal agreement was given approval to be signed and sealed at the Council meeting on 26 April 2023. The agreement was then signed and sealed once the call-in period had expired, and the decision notice was issued dated 17 May 2023 (processing time 93.2 weeks)

#### Majors - Quarter 3

LA06/2021/0061/F for proposed residential development for 188 dwellings, open space (including NS 43), landscaping, children's play area, next phase of the distributor road, internal road network, SuDS Pond, and all associated site and access works and proposed amendment of the section 76 planning agreement for the Rivenwood housing development in Newtownards was approved at Planning Committee meeting in October and decision issued on 03 November. This application was for the development of phases 3a and 3b of the NS20 zoning.

Not Applicable

127

LA06/2023/1959/F was decided for the erection of new arrival and welcome building (Culture Hub), collection & exhibition building (Industry Zone), staff and volunteer hub and other extensive works at Cultra Folk Museum. The application was submitted on 23 June 2023 and was approved at Planning committee meeting on 05 December 2023 subject to NIEA responses (processing time 20 weeks).

#### **Majors – Quarter 4**

LA06/2021/0118/F was decided for a housing development of 98 units and detached garages and extension to footpath on Shore Road at St Andrews housing development in Ballyhalbert.

The application was presented at planning committee meeting on 07 November 2023. The motion to grant permission, subject to conditions, was carried by members of the Committee following which negotiations were required for the inclusion of a playpark which the developer agreed to and required re-neighbour notification and re-advertising.

The application was brought back to the Planning committee meeting in February 2024 and the decision notice issued on 13 February (processing time 144 weeks).

LA06/2022/0873/F was decided for the relocation and redevelopment of Bangor Central Integrated Primary School on vacant site North of Balloo Road, Bangor, to provide a new 22 class primary school building and recreational areas. The application also included a new vehicular access with right turn lane off Balloo Road, internal vehicular configuration and site layout to include car parking, car and bus pick up/drop off areas and pedestrian crossing points.

This application was subject to a significant number of objections in relation to intensification of traffic in the area. There were also NI Water capacity issues on site which required an off-site solution to be found by the developer in liaison with NI Water which required a legal agreement to be drawn up (processing time of 62 weeks).

LA06/2023/2434/F - Proposed residential development of 95 dwellings (reduction in density from 108 dwellings approved under LA06/2019/0603/F) to include roads, parking, infrastructure, landscaping and retention of Bawn Wall. Vehicular access to site will be from Castlebawn Drive.

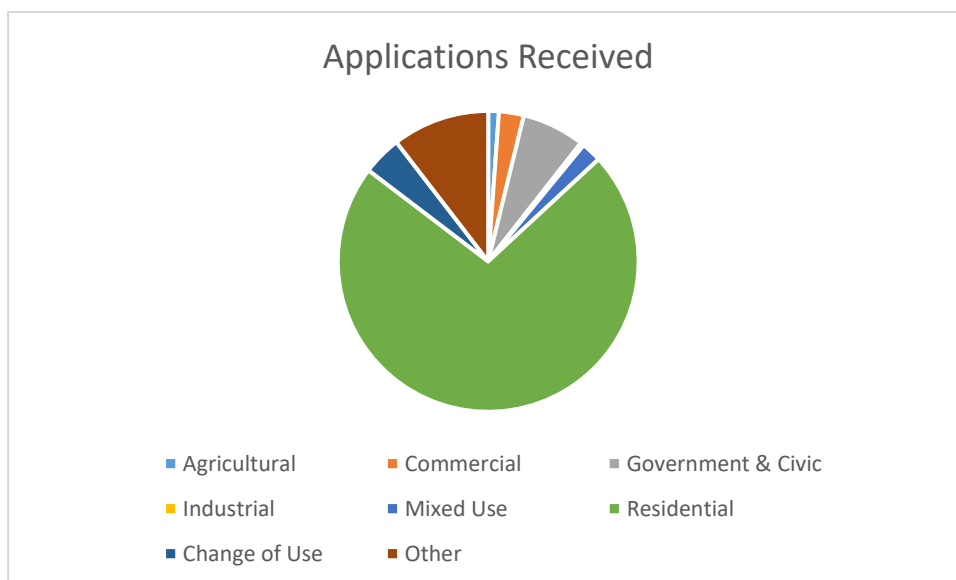
The above application for social housing which was subject to funding deadlines was presented at Special Planning committee meeting on 21 March 2024 with a processing time of 16.3 weeks.

Not Applicable

**Applications in the Local category of development**

Locals	Received	Decided	Approved	Average Processing Time (target 15 wks)
Quarter 1	201	248	225	51.0
Quarter 2	184	190	175	14.6
Quarter 3	180	187	176	17.2
Quarter 4	217	186	156	17.1
<b>Total</b>	<b>782</b>	<b>838</b>	<b>732</b> (97% approval rate)	<b>16.0</b>

Of the application received during this time period, the development types were as follows:



**Householder Development**

Of the local applications determined above, 333 applications fell within the 'householder development' category of development, i.e. applications for alternations to an existing dwelling such as extensions, conservatories, loft conversions, or outbuildings within the boundary of a dwelling. Planning Service operates an internal target of 65% of householder development proposals being processed within 8 weeks.

In 2023-2024, 223 applications were determined within 8 weeks (67%) whilst of the 353, 290 were determined within the statutory target of 15 weeks (87%).



Not Applicable

129

**Additional Activity**

In addition to the above planning applications, it is important to draw attention to additional work carried out within the Development Management Section which is not reported upon. Additional activity details the "non-application" workload of the Planning Service, and includes Discharge of conditions, Certificates of Lawfulness (Proposed & Existing), Tree Preservation Orders (TPOs)/ Consents to Fell Trees in Conservation Area, Pre-Application Discussions (PADs), Proposals of Application Notice (PANs) and Non-Material Changes. Preparation of Statements of Case for appeals and attendance at hearings is not detailed.

<b>Type</b>	<b>Received 01/04/23 – 31/03/2024</b>	<b>Determined - by 31/03/2024</b>
Discharge of Condition	78	65
Certificate of Lawfulness	46	30
Non-Material Change	46	39
Pre-Application Discussion	37	
Proposal of Application Notice	5	
TPO	55	27

For PADs and PANS, only the received cases are included in the table as it is not considered appropriate to report on decided/withdrawn cases or processing times for these types of activity.

**RECOMMENDATION**

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



Northern Ireland  
Statistics and Research Agency  
Gníomhaireacht Thuaisceart Éireann  
um Staitisticí agus Taighde



Department for  
**Infrastructure**

An Roinn  
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# NORTHERN IRELAND PLANNING STATISTICS

## Annual Statistical Bulletin 2023/24

### April 2023 to March 2024



Theme: People and Places  
Coverage: Northern Ireland  
Frequency: Annual  
Date of Publication: 1 August 2024

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## Key points

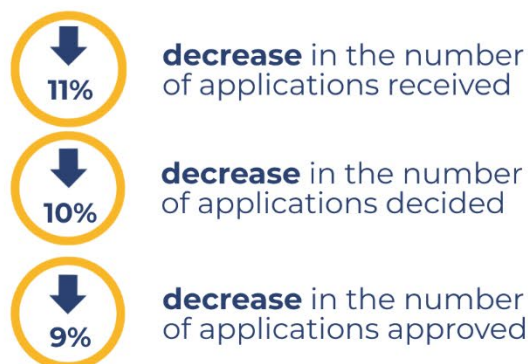
- There were 10,025 planning applications received in Northern Ireland (NI) during 2023/24; an 11% decrease from the previous financial year. This comprised of 9,870 local, 154 major and one regionally significant application.
- A total of 9,734 planning applications were decided during 2023/24; a decrease of 10% from the previous financial year. Decisions were issued on 9,595 local and 139 major applications during 2023/24.
- The average processing time for local applications brought to a decision or withdrawal during 2023/24 was 20.8 weeks across all councils. This exceeds the 15 week target and represents an increase of 1.8 weeks from the same period a year earlier. Three of the 11 councils met the 15 week target in 2023/24.
- The average processing time for major applications brought to a decision or withdrawal during 2023/24 was 46.5 weeks across all councils. While exceeding the 30 week target, this represents a decrease of 11.3 weeks compared with the same period a year earlier. Three of the 11 councils met the 30 week target in 2023/24.
- Across councils 76.4% of enforcement cases were concluded within 39 weeks during 2023/24. This represents an increase from the rate recorded in 2022/23 (74.2%) and meets the statutory target of 70%. Individually, seven of the 11 councils met the target in both 2022/23 and 2023/24.

## Overall planning applications

### Applications received, decided & approved



### Comparing 2023/24 with 2022/23:

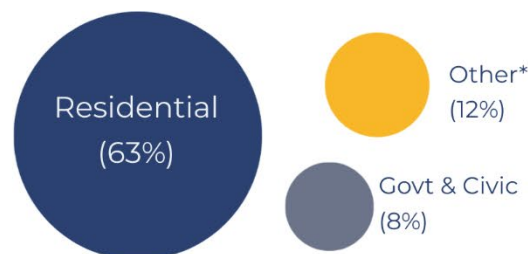


## Applications received 2023/24

A total of 10,025 planning applications were received during 2023/24:



### 3 largest development types



\*Other includes work to facilitate disabled persons, signs/advertisements & listed buildings

## Planning statutory targets 2023/24

### Average processing times (weeks) - major



### Councils within major target



### Average processing times (weeks) - local



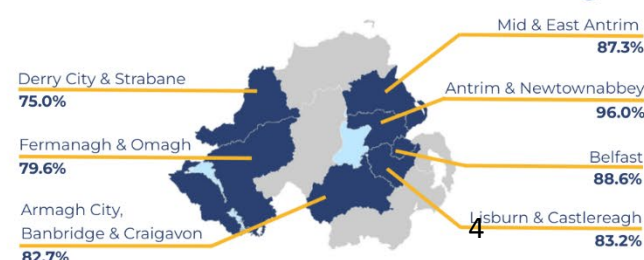
### Councils within local target



### % of enforcement cases concluded within 39 weeks



### Councils within enforcement target



# Northern Ireland Planning Statistics: Annual Statistical Bulletin 2023/24

## Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure for 2023/24.

Figures for 2023/24 are now final and will not be subject to further scheduled revisions. Enforcement figures for 2022/23 are now published in full within the [accompanying excel tables](#) and are now final.

The records of all planning applications from 1 April 2023 to 31 March 2024 were transferred in May 2024 from live databases. This included all live planning applications in the Northern Ireland and Mid Ulster Planning Portals. The data were validated by Analysis, Statistics and Research Branch (ASRB). Local councils and the Department were provided with their own headline planning statistics as part of the quality assurance process. Once validations were complete, final extracts were taken in July 2024.

Detailed notes on the background of NI Planning Statistics and user guidance for this publication can be found [here](#).

## Future releases

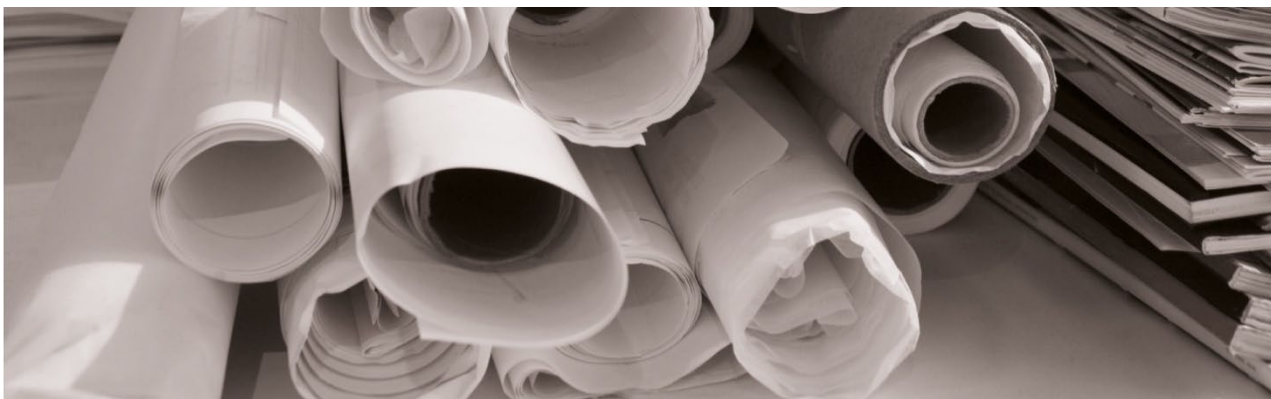
The next report will be a quarterly report covering the period 1 April to 30 June 2024. This quarterly report is planned for release in September 2024. The next annual report covering 2024/25 is planned for release in July 2025. See [GOV.UK](#) Release Calendar and [upcoming statistical releases](#) on the Department's website for future publication dates.

## Northern Ireland regional planning IT systems

In 2022, two new planning portals were introduced; the [Northern Ireland Planning Portal](#) for 10 councils and the Department for Infrastructure, and the [Mid Ulster planning portal](#). The transfer to the new planning portals will have impacted on planning activity and processing performance; this should be borne in mind when making comparisons with other time periods. The reporting of data relating to the number of enforcements concluded and processing times has recommenced in this report. Enforcement data for 2022/23 and 2023/24 is fully published in the accompanying excel tables.

## Alternative formats

This document may be made available in alternative formats, please contact us to discuss your requirements. Contact details are available on the cover page of this report.



## Chapter 1:

# Overall Northern Ireland planning activity

In 2023/24 the volume of planning applications received and processed (i.e. decided or withdrawn) was the lowest since the series began in 2002/03. The number of enforcement cases opened and closed during 2023/24 was the lowest annual figures recorded since 2015/16.

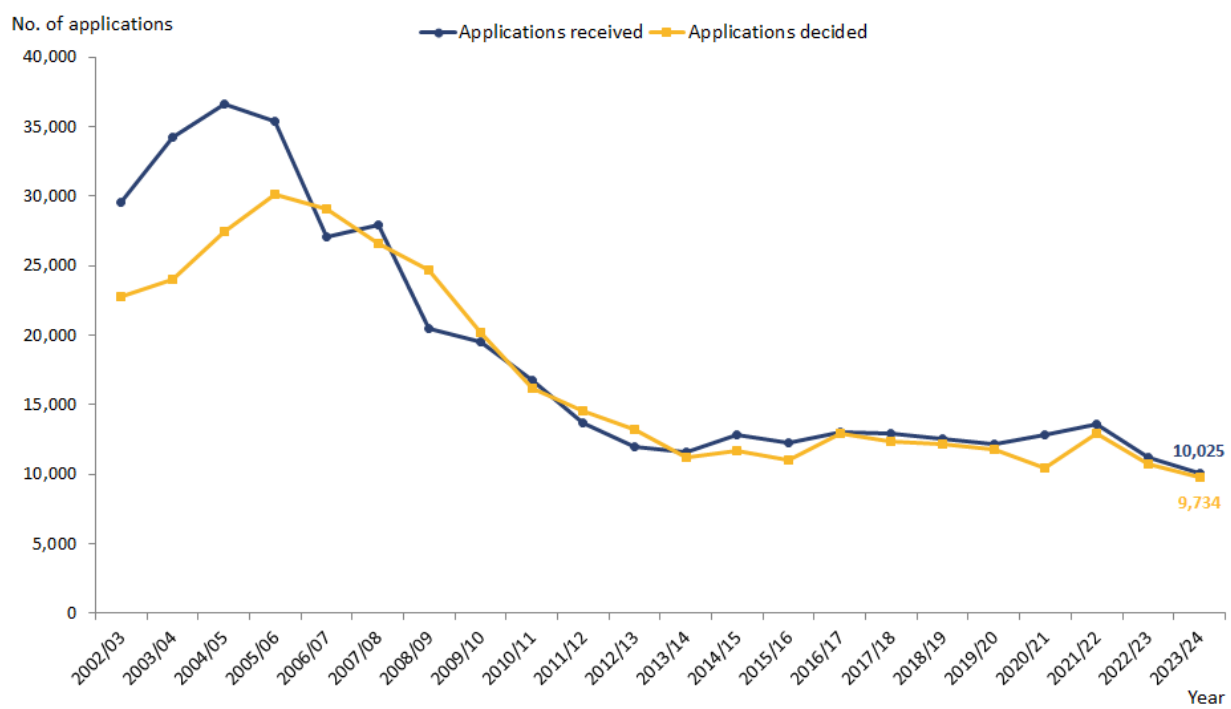
There have been some key events in recent years that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the planning system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022. All these factors should be borne in mind when interpreting these figures and when making comparisons with other time periods.

### Applications received

The number of planning applications received in Northern Ireland (NI) by councils and the Department in 2023/24 was 10,025; a decrease of 10.6% from the previous financial year (11,217) and the lowest level on record. See Figure 1.1 and [Refer to Tables 1.1, 1.2.](#)

Almost three-quarters of the planning applications received in 2023/24 were for full planning permission (74.5%); a decrease on the proportion reported for 2022/23 (75.5%).

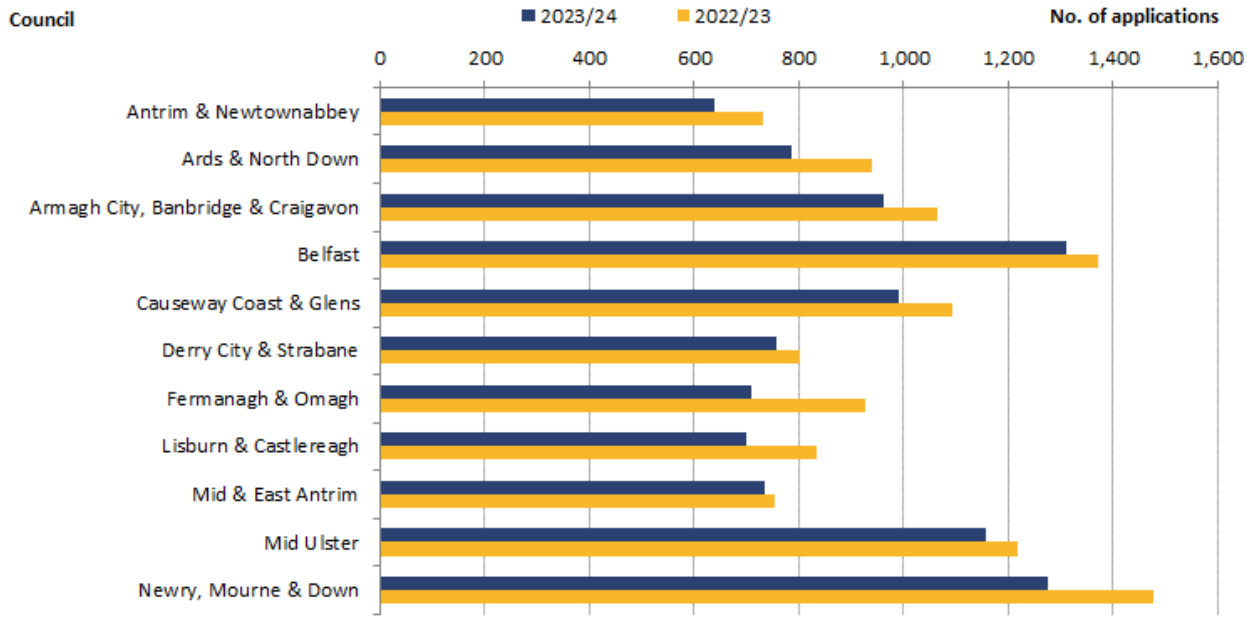
Fig 1.1 NI planning applications, annually, 2002/03 to 2023/24



All councils reported a decrease in the number of planning applications received in 2023/24 compared with the previous quarter, with the greatest decrease in Fermanagh and Omagh (-23.5%).

During 2023/24, the number of planning applications received varied across councils, ranging from 1,311 in Belfast (accounting for 13.1% of all applications received across NI) to 639 in Antrim and Newtownabbey (6.4% of all applications received). See Figure 1.1 and [Refer to Tables 1.1, 1.2.](#)

Fig 1.2 Applications received by council, 2022/23 & 2023/24





### Applications decided

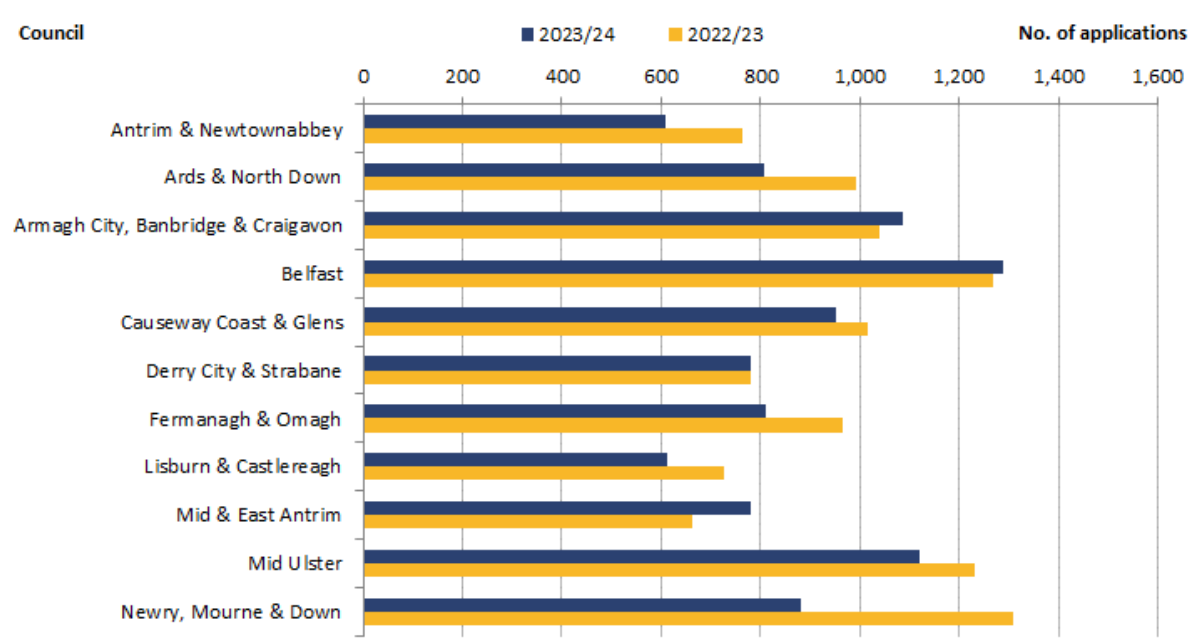
The number of planning decisions issued by councils and the Department in 2023/24 was 9,734; a decrease of 9.6% from the previous financial year (10,771) and the lowest level on record. See Figure 1.1 and [Tables 1.1, 1.2.](#)

Almost three quarters of planning decisions in 2023/24 (74.8%) were for full planning permission. This was a decrease from the proportion recorded for the previous financial year (75.2%).

Across councils the number of decisions issued during 2023/24 ranged from 1,289 in Belfast (accounting for 13.2% of all decisions across NI) to 609 in Antrim and Newtownabbey (6.3% of all decisions).

Seven of the 11 councils reported a decrease in the number of applications decided in 2023/24 when compared with the previous year, with the greatest decrease recorded in Newry, Mourne and Down (-32.6%). See Figure 1.3 and [Table 1.2.](#)

Fig 1.3 Applications decided by council, 2022/23 & 2023/24



In 2023/24, 569 applications were withdrawn, this was similar to the number withdrawn in the previous year (565).

### Approval rates

The overall Northern Ireland approval rate for all planning applications was 95.5% in 2023/24. This was similar to the rate in 2022/23 (95.3%). [Refer to Table 1.1.](#)

Approval rates varied across councils during 2023/24, from 99.2% in Mid Ulster to 89.3% in Antrim and Newtownabbey. These rates are dependent on many factors and care should be taken in making any comparisons. [Refer to Table 1.2.](#)

## Live applications

There were 7,869 live applications in the planning system across NI at the end of March 2024, a decrease over the year from the end of March 2023 (8,092).

Three in every ten live applications at the end of March 2024 were over one year old (30.3%); an increase from the proportion reported at the end of March 2023 (25.8%). [Refer to Table 1.3.](#)

## Departmental activity

There were seven applications received by the Department in 2023/24, up from the two received during 2022/23. Four applications were decided during the year, compared with 15 decided in the previous year. No departmental applications have been withdrawn since Q1 2022/23. At the end of March 2024 there were 22 live Departmental applications; 15 out of the 22 were in the planning system for over a year.



**It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.**

Of the five RSD applications live in the planning system at the end of March 2024, three have been progressed to ministerial recommendation but the 30 week period for recommendation/withdrawal has been exceeded. Of the remaining two awaiting ministerial recommendation, the 30 week period has been exceeded for one of them.

## Development type

Most planning applications received and decided in NI are for residential development. Residential applications accounted for over three-fifths (6,307; 62.9%) of applications received in 2023/24, followed by 'Other' (1,174; 11.7%) and 'Government and Civic' (821; 8.2%).

The top three development types decided in 2023/24 were 'Residential' (6,156), 'Other' (1,226) and 'Government and Civic' (782). [Refer to Tables 5.1, 5.2.](#)

## Renewable energy activity

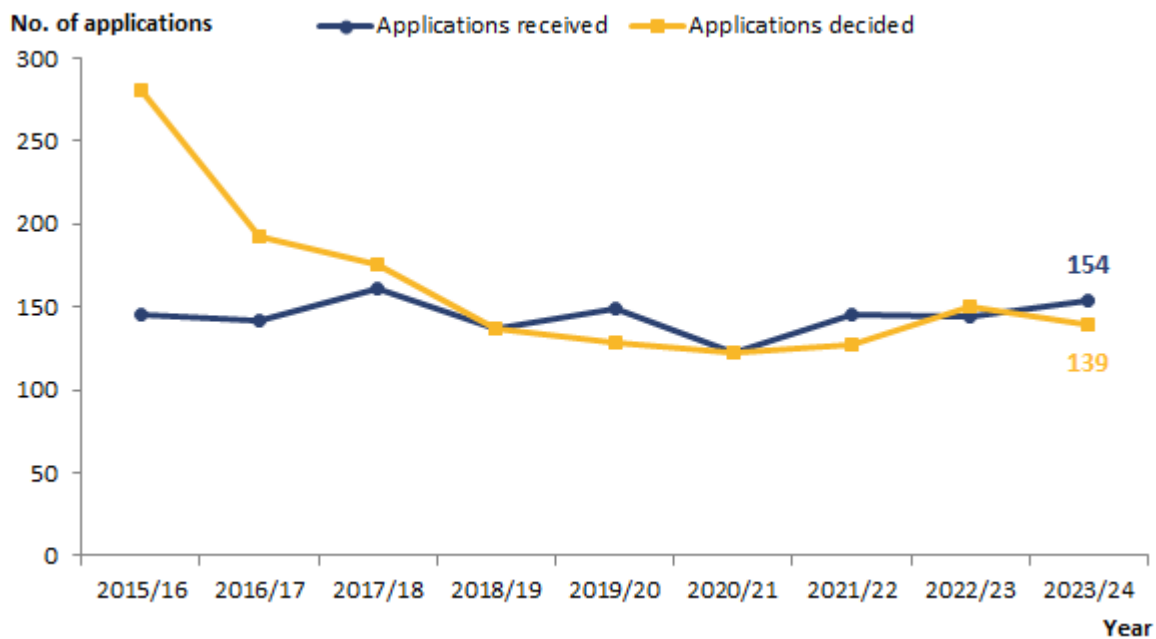
There were 126 renewable energy applications received in 2023/24; a slight increase from the previous year (121). Eighty-seven renewable energy applications were decided during 2023/24; this compares to 82 in 2022/23.



## Chapter 2: Major development planning applications

Major Developments have important economic, social, and environmental implications. Most major applications are multiple housing, commercial, and government and civic types of development. A total of 154 major planning applications were received in NI during 2023/24; up from the previous year (144). [Refer to Table 3.1.](#)

Fig 3.1 Major development applications, annually, 2015/16 to 2023/24



During 2023/24, 139 major planning applications were decided; down from the 150 decided in the previous year (Figure 3.1). The approval rate for major applications decided upon in NI during 2023/24 was 98.6%. [Refer to Tables 3.1, 3.2.](#)

### Major planning applications statutory target

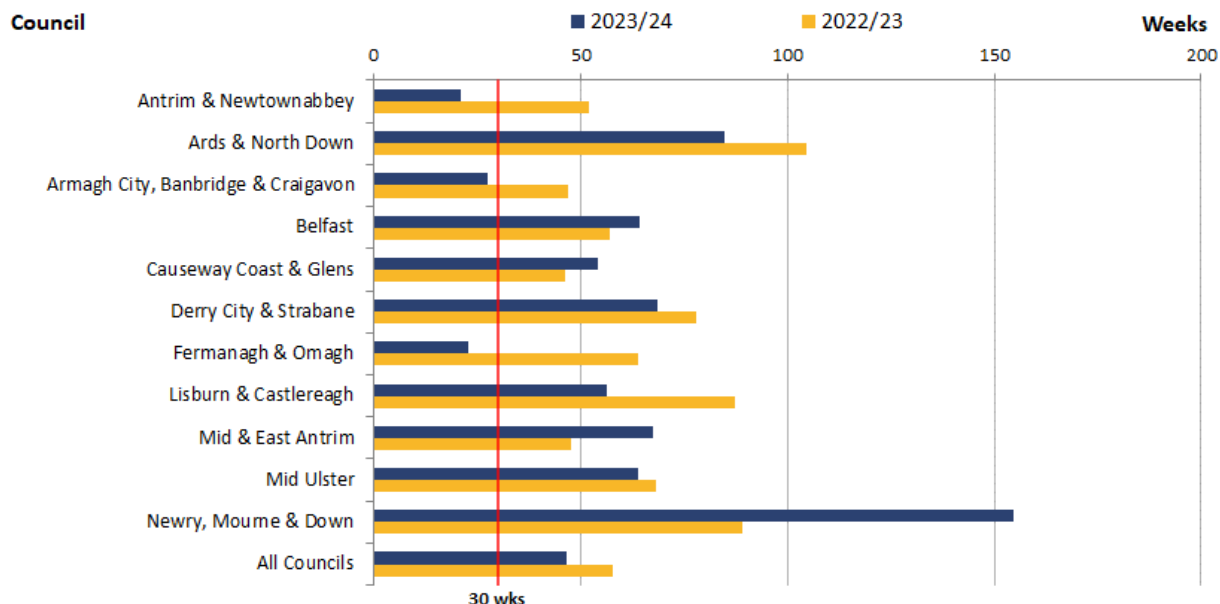


It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.

Figure 3.2 presents annual average processing times for major applications. The average processing time for major applications brought to a decision or withdrawal during 2023/24 was 46.5 weeks across all councils. While exceeding the 30 week target, this represents a decrease of 11.3 weeks when compared with 2022/23 (57.8 weeks).

The processing time in 2023/24 (46.5 weeks) for major planning applications is the second lowest annual processing time recorded across the series since reporting started in 2015/16.

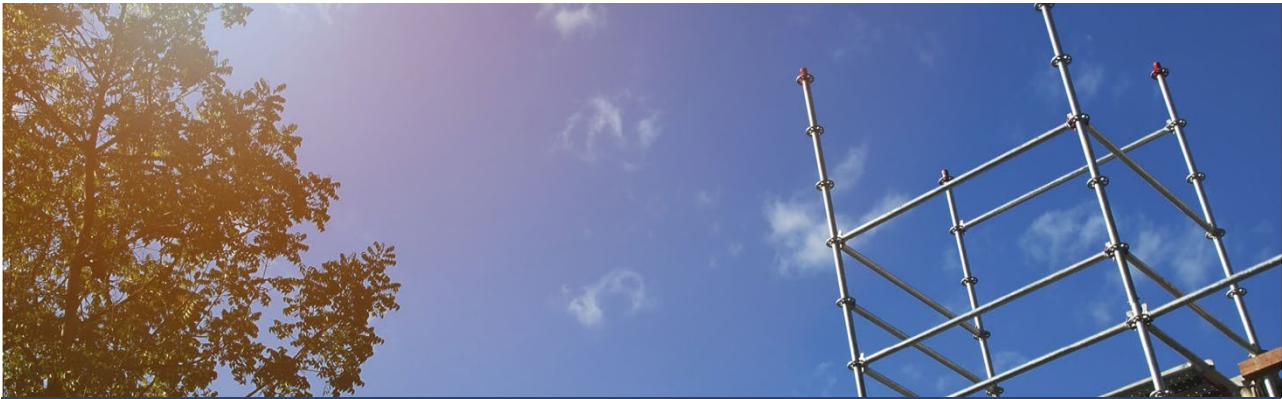
Fig 3.2 Major development average processing times by council, 2022/23 & 2023/24



Note: Whilst Figure 3.2 has been provided for completeness, across councils there may be an insufficient number of major applications processed during the period reported to allow any meaningful assessment of their individual performance.

Three of the eleven councils met the 30 week target in 2023/24; these were Antrim and Newtownabbey (21.1 weeks; 20 applications) and Fermanagh and Omagh (22.9 weeks: 12 applications) and Armagh, Banbridge and Craigavon (27.6 weeks: 11 applications). See Figure 3.2.

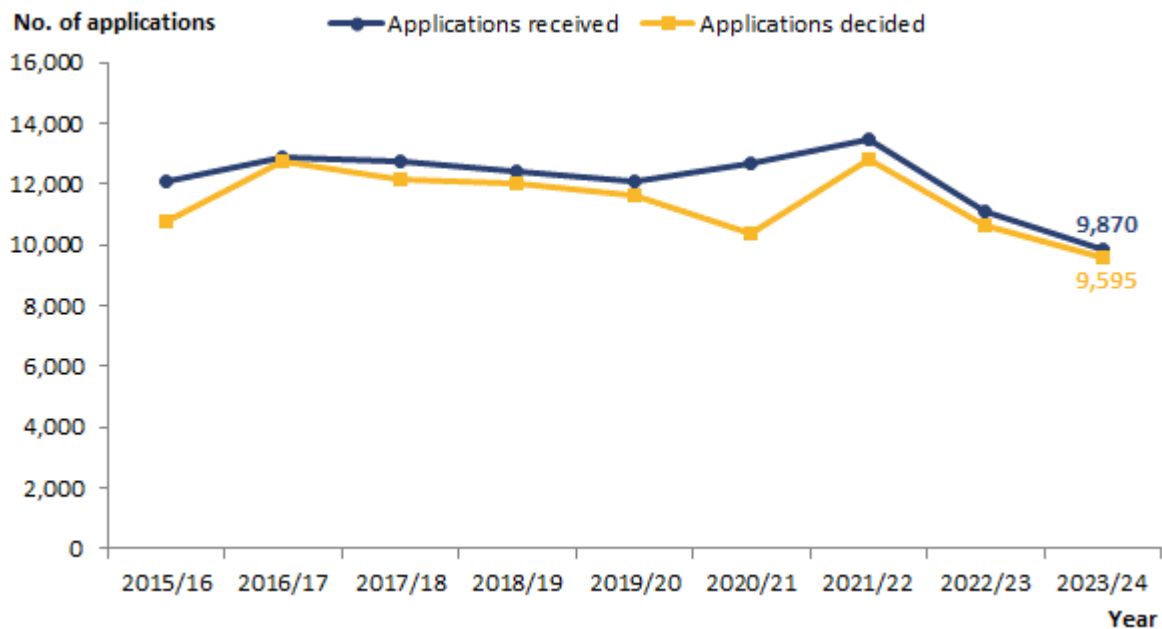
[Refer to Table 3.2 for further information.](#)



# Chapter 3: Local development planning applications

Local Development planning applications are mostly residential and minor commercial applications and are largely determined by the councils. The number of local applications received in NI during 2023/24 was 9,870; a decrease of 10.9% on the previous year (11,072). [Refer to Table 4.1.](#)

Fig 4.1 Local development applications, annually, 2015/16 to 2023/24



The number of local applications decided in 2023/24 was 9,595; down by 9.7% on the previous year (10,620); [refer to Table 4.1.](#) The overall Northern Ireland approval rate for local applications was 95.4% in 2023/24; similar to the rate reported in 2022/23 (95.2%).

### Local planning applications statutory target



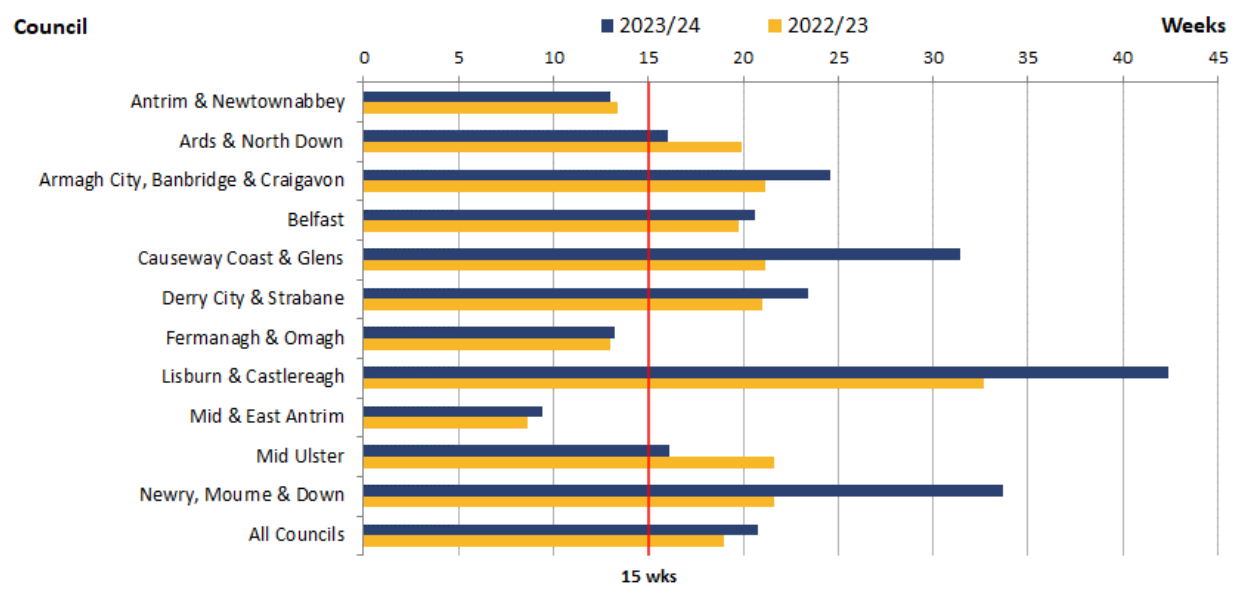
It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

The average processing time for local applications brought to a decision or withdrawal during 2023/24 was 20.8 weeks. This exceeds the statutory target of 15 weeks, and represents an increase of 1.8 weeks from the average processing time reported for 2022/23 (19.0 weeks).

Three of the 11 councils met the 15 week target in 2023/24; these were Mid and East Antrim (9.4 weeks), Antrim and Newtownabbey (13.0 weeks) and Fermanagh and Omagh (13.2 weeks). See Figure 4.1.

[Refer to Table 4.2 for further information.](#)

Fig 4.2 Local development average processing times by council, 2022/23 & 2023/24

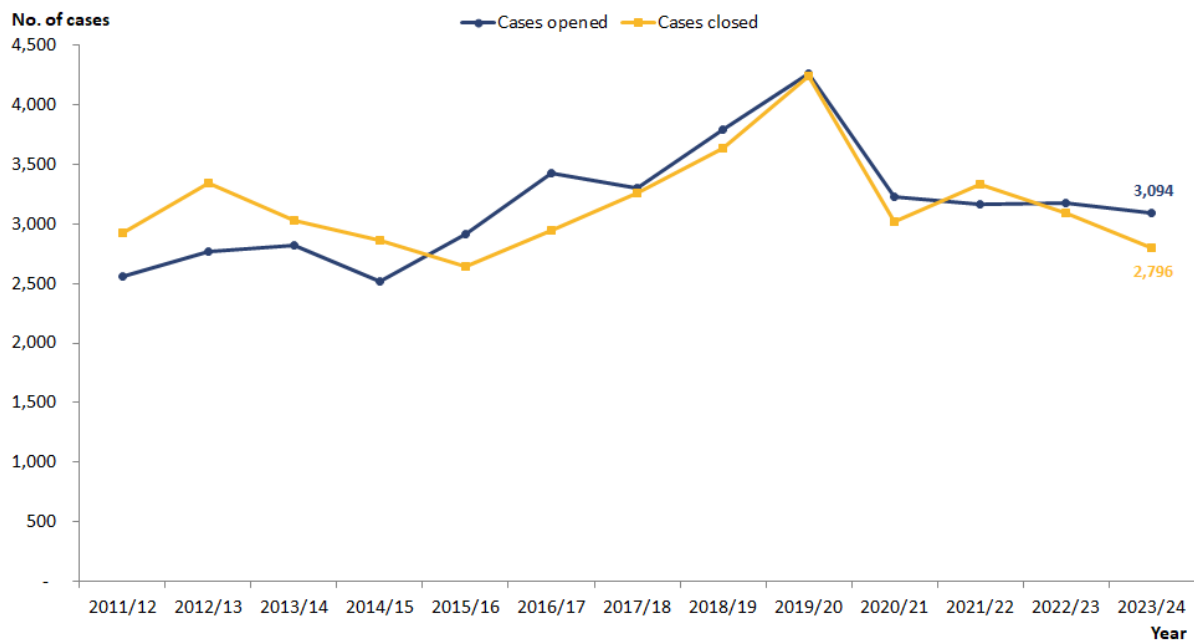




# Chapter 4: Enforcement activity

The number of enforcement cases opened in NI during 2023/24 was 3,094; down by 2.7% over the year (3,180). [Refer to Table 6.1.](#)

Fig 6.1 Enforcement cases opened & closed, annually, 2011/12 to 2023/24



The number of enforcement cases closed during 2023/24 was 2,796; down by 9.7% over the year from 3,096. See Figure 6.1.

The number of enforcement cases over two years old stood at 1,478 at the end of March 2024, accounting for 36.6% of all live cases. This compared with 35.0% of live cases at the end of March 2023.

[Refer to Tables and 6.1 and 6.4.](#)

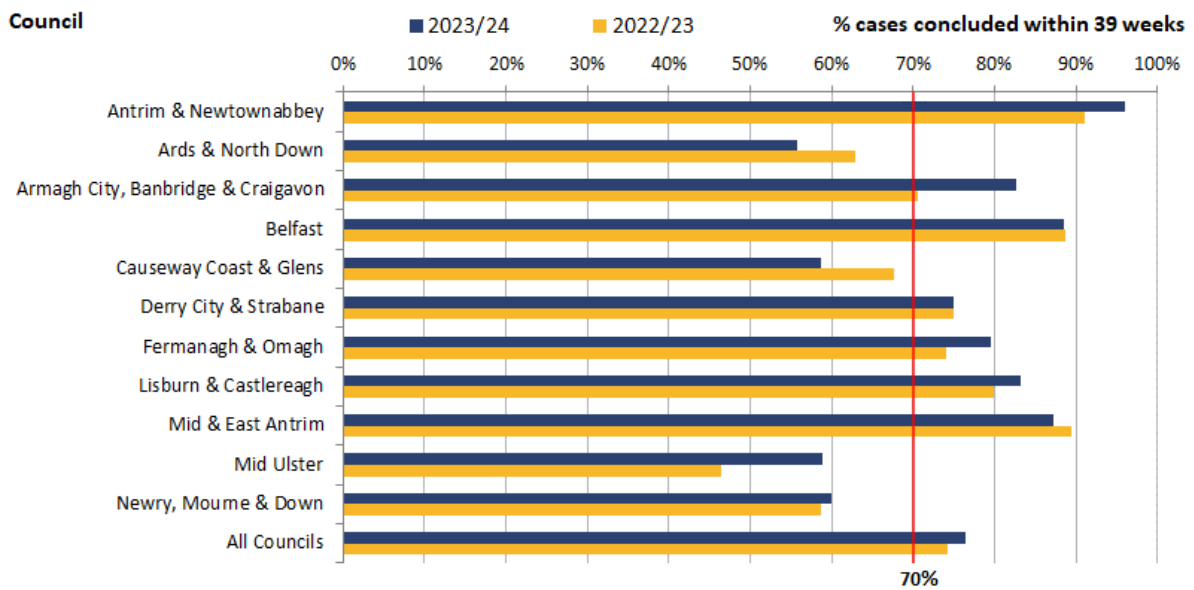
### Enforcement cases statutory target



It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

Across all councils, 76.4% of enforcement cases were concluded within 39 weeks during 2023/24, meeting the statutory target of 70%. This represents an increase from the rate reported for 2022/23 (74.2%).

Fig 6.2 Percentage of cases concluded within 39 weeks by council, 2022/23 and 2023/24



During both 2022/23 and 2023/24 seven of the 11 councils individually met the statutory target.

One council has exceeded 90% of enforcements being progressed to target conclusion withing 39 weeks. This was Antrim and Newtownabbey recording 91.2% in 2022/23 and 96.0% in 2023/24. See Figure 6.2 and [Refer to Table 6.2.](#)





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### Accredited Official Statistics

The Northern Ireland Planning Statistics were accredited in December 2020, following an independent review by the Office for Statistics Regulation (OSR). This means that the statistics comply with the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) and should be labelled '[accredited official statistics](#)'<sup>1</sup>.

Our statistical practice is regulated by the OSR who sets the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) that all producers of official statistics should adhere to. You are welcome to contact us directly with any comments about how we meet these standards. Alternatively, you can contact OSR by emailing [regulation@statistics.gov.uk](mailto:regulation@statistics.gov.uk) or via the OSR website.

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<sup>1</sup> National Statistics are [accredited official statistics](#).

Unclassified

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**ITEM 8****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 September 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	16 August 2024
File Reference	160051
Legislation	The Planning Act (Northern Ireland) 2011 & The Planning (Trees) Regulations (Northern Ireland) 2015
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Tree Preservation Orders and Works
Attachments	N/A

**Background**

This report represents the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees. This update provides information from 17 May 2024 (date of previous report) to 16 August 2024.

**Detail**

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

**RECOMMENDATION**

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

Not Applicable

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**Table 1 Tree Preservation Orders Served**

TPO (Full or Provisional)	Date Served	Address
0		

**Table 2 Consent for Works Decisions**

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
<b>Tree Preservation Orders</b>	7	0
Address	1) 44 St Annes Wood, Donaghadee	
	2) 17b Kathleen Avenue, Helens Bay	
	3) High Trees, Donaghadee	
	4) 160 High Street, Holywood	
	5) 27a Bridge Road, Helens Bay	
	6) Lands to the rear of the Walled Garden, 47 Craigdarragh Road, Helens Bay	
	7) Lands to the rear of Beechlands Park, Helens Bay	
<b>Conservation Area</b>	1	0
	1) 65 Victoria Road, Holywood	

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

### Detail

#### **Works to Trees - Tree Preservation Order Protection**

- 1. 44 St Annes Wood, Donaghadee** – felling of one tree - the tree had significant decay at the base and suspected internal decay and therefore removal was required for safety reasons. Replacement planting was not considered necessary given the limited scope within the property to replant.
- 2. 17b Kathleen Avenue, Helens Bay** – felling of one tree and carrying out of works to one tree – the tree to be felled had poor form and showed a loss of vigour, given its close proximity to the dwelling, removal was required for safety reasons. Works to the second tree was for management and

Not Applicable

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maintenance reasons. Replanting was conditioned with 1 no. standard native tree at a height of 3-3.5m within the curtilage of the property.

3. **High Trees Donaghadee** – felling of one tree – the tree showed a significant loss of vigour and was suffering from extensive ash dieback, therefore removal was required for safety reasons. Replacement planting was not considered necessary given the limited scope to replant within the area of removal. The High Trees development has an extensive landscaping scheme approved which will more than compensate for removal.
4. **160 High Street, Holywood** – felling of two trees and carrying out of works to 86 trees – one of the trees to be felled had significant decay at the base and the second tree showed a significant loss of vigour as the tree was suffering from extensive ash dieback, therefore removal of both trees was required for safety reasons. Works to 86 trees was required for management and maintenance reasons. Replacement planting was conditioned with 2 no. standard native trees at a height of 3-3.5m to be planted within the curtilage of the site.
5. **27a Bridge Road, Helens Bay** – felling of one tree – the tree was located immediately adjacent to the gable of the dwelling and the crown overhung the roof significantly. Given the stature of this tree and its location adjacent to the dwelling, it had outgrown this position and therefore there was no objection to removal. Replacement planting was conditioned with 1 no. standard native tree at a height of 3-3.5m within the curtilage of the property.
6. **Lands to the rear of the Walled Garden, 47 Craigdarragh Road, Helen's Bay** – felling of one tree and carrying out of works to 11 trees – the tree to be felled showed a significant loss of vigour and had decaying cavities throughout, therefore removal was required for safety reasons. Works to 11 trees was required for management and maintenance reasons. Replacement planting was conditioned with 1 no. standard Oak tree at a height of 3-3.5m to be planted in as close a position as possible to the tree to be removed.
7. **Lands to the rear of Beechlands Park, Helens Bay** – felling of three trees and carrying out of works to five trees – one of the trees to be removed had a large decaying cavity on the main stem and internal decay was evident. The second tree to be felled had a poor crown and a significant loss of vigour. It was suffering from extensive dieback. The root structure of the third tree had partially failed and the tree was leaning significantly and was hung up on an adjacent tree. Removal of all three trees was therefore required for safety reasons. The carrying out of works to five trees was required for management and maintenance reasons. Replacement planting was conditioned with 3 no. heavy standard native trees at a height of 3.5-4m within the area of tree removal.

Not Applicable

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### Conservation Area Protection

1. **65 Victoria Road, Hollywood** – felling of four trees – three of the trees were maintained in ornamental form and had no public visual amenity given their location and limited stature. The fourth tree, although larger in stature, had limited visual amenity and was located immediately adjacent to the gable of the garage. For these reasons, there was no objection to removal. Replacement planting cannot be conditioned in this case.

Unclassified

150

**ITEM 9****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 September 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	13 August 2024
File Reference	160051
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: Not applicable
Subject	To Note - Release of Department for Infrastructure (DFI) 'Rivers Six Year Strategy 2021-2027'
Attachments	Item 9a - Letter from DfI Rivers to partner organisations Item 9b DFI - Rivers 'Six Year Strategy' Document

1. A new strategy was circulated by Department for Infrastructure (DFI), Rivers Directorate to its partner organisations (Item 9a) '**RIVERS SIX YEAR STRATEGY, 2021-2027**' (Item 9b)
2. DFI envisages that the Strategy act as a bridge between higher level strategic policy and the day-to-day activity of both Rivers Directorates. It has been developed to coincide with the current cycle of the of the Northern Ireland Flood Risk Management Plan (2021-2027), which identifies objectives and measures to manage flood risk across Northern Ireland.
3. A copy of the strategy is attached for information. It sets out the strategic priorities for both Rivers Directorates for the 2021-2027 period and coincides with the timeframe of the second cycle Flood Risk Management Plan.

Not Applicable

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4. DFI intends to develop a subsequent Six Year Strategy to cover the 2027 to 2033 period and recognises the need to continue and enhance an approach to flood management in light of climate change. This will require developing infrastructure, which is adaptable and, DFI states also 'helping society to learn to 'live with flooding' as the construction of infrastructure for the complete prevention of flooding becomes less tenable.'

#### **RECOMMENDATION**

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



Department for

**Infrastructure**

An Roinn

**Bonneagair**

Deapartment fur

**Infrastructure**[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

1 July 2024

Dear colleagues,

### **RIVERS SIX YEAR STRATEGY, 2021-2027**

As you may be aware the Department's Rivers Directorates operate in a continuously evolving flood risk management context.

If we are to continue to successfully deliver on our flood risk management responsibilities, we must assess the challenges we face, review our priorities, and adapt our structure. Recent advances in flood risk management in general, and digital technology in particular, mean planning for the future has never been more important.

With all of that in mind, the Rivers Senior Management Team has developed the '*Rivers Six Year Strategy 2021-2027*', to assess the challenges we face and outline what is needed to stabilise and enhance service delivery.

In 2021/22, we developed **six strategic priorities** that set out the following short and medium-term areas of focus for both the Operations and Development Directorates during the 2021-2027 period:

1. Sustainable Staffing Structure & Expertise
2. Investment in Flood Risk Management Infrastructure
3. Continuance of Service Delivery
4. Adaptability & Outward Looking focus
5. Legislation & Policy progression
6. Response to Climate Change

Last year, we considered it beneficial to set these six priorities within the wider context of the history of both Rivers Directorates, while recognising our collective past achievements and adopting a longer term view.



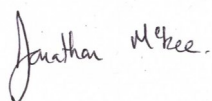
The *Strategy* will act as a bridge between higher level strategic policy and the day-to-day activity of both Rivers Directorates. It has been developed to coincide with the current cycle of the Northern Ireland Flood Risk Management Plan (2021-2027), which identifies objectives and measures to manage flood risk across Northern Ireland.

The *Rivers Six Year Strategy* is ultimately a live document, with an accompanying implementation and monitoring plan. The Strategy includes the main activities and key outputs that we aim to complete to successfully achieve each of our six strategic priorities.

We are pleased to say that work is already well underway on the implementation of all six strategic priorities.

We have reviewed and adapted our staffing structure to help delivery of our six strategic priorities. This will help improve our organisational resilience, which will be particularly important as we seek to take forward investment in infrastructure to manage flood risk.

Yours sincerely



**Jonathan McKee,  
Director of Rivers,  
Development**



**Gary Quinn,  
Director of Rivers,  
Operations**



# Rivers Six Year Strategy 2021-2027



Department for  
**Infrastructure**

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An Roinn  
**Bonneagair**

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Department für  
**Infrastructure**

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## Foreword

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The context in which both Rivers Directorates operate is continuously evolving. Societal attitudes to drainage and flooding have changed considerably over the last twenty years and there have been significant advances in the methodology for managing flood risk. In addition, we need to consider the long-term effects of climate change in relation to flood risk and adapt strategies accordingly now to effectively plan for the future. This drives the need to periodically review priorities and our organisational structure to ensure the effective delivery of an up-to-date and acceptable level of service.

The purpose of this Six Year Strategy is to assess the challenges and requirements to stabilise and enhance delivery together with progressing a number of emerging work streams.

We are the statutory drainage and flood defence authority in relation to flood risk from Rivers and the Sea. We are also the statutory authority for the implementation of the 'Flood Risk Management Plan', required as part of the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009.

This Plan is developed in six-year cycles and has most recently been published to cover the period from 2021 to 2027. It identifies the objectives and measures to manage flood risk across Northern Ireland and is a key document in determining how we will take forward this work and interact with other partner organisations and Departments, who themselves may have flood risk management responsibilities, particularly in relation to surface water flooding.

The Flood Risk Management Plan also provides a structure for the identification and management of flood risk through a range of intervention mechanisms such as flood alleviation works, development management and community engagement. It underpins the Northern Ireland Assembly's 'Long Term Water Strategy'.

In recent years, we have identified a number of further work streams that will need to be taken forward, in conjunction with the Flood Risk Management Plan

for 2021-2027, to help with the Plan implementation. It has therefore been considered appropriate to develop the '*Rivers Six Year Strategy*', to coincide and be coterminous with, the six-year period of the Flood Risk Management Plan.

The *Six Year Strategy* follows on from an earlier long-term strategy document entitled "Living with Rivers and the Sea" but with a particular focus on the identification of current priority issues and the changes required to enhance their delivery.

The Rivers Senior Management Team has developed six strategic priorities to form the nucleus of the *Rivers Six Year Strategy* for the 2021-27 period. A series of main activities and key outputs has also been developed for each activity.

As the development of the Strategy progressed it became apparent that the current staff structure needed to be significantly adapted and enhanced to ensure the effective delivery of immediate and longer-term objectives. A review of our staff structure has also identified a need for additional staff and expertise in several areas. The proposed staff structure reflects the necessary staff levels required to effectively deliver our flood risk management responsibilities and the programme of measures identified in the Flood Risk Management Plans. It also lays a solid foundation in relation to the capacity and capabilities we need to manage flood risk now and into the future.

**Jonathan McKee,**  
**Director of Rivers Development**

## Introduction

Land drainage and approaches to flood risk management have evolved with the ever-changing needs and priorities of society. The first half of the 20th century saw an emphasis on bringing land into agricultural production to meet an increased demand for food production. This led to widespread engineering works on watercourses to improve land drainage. Throughout the second half of the 20th century, there was an increased demand for flood alleviation works to protect life and property.



*Flood alleviation works completed at Lissue Stream, Lisburn*

There was also an expanding awareness of the need to assess the environmental impact of engineering works and to work more closely with natural processes. The early 21st century has been characterised by an enhanced public awareness of climate change and our impact on the environment.

The structure and operational practices of both Rivers Directorates has also evolved in line with land drainage and flooding risk management considerations. From 1925-1972, the legislative remit for our work was held by the then Ministry of Agriculture. Legislation from this period, such as the Agriculture Act (Northern Ireland) 1949, recognised the importance of land drainage schemes to increase agricultural production. From 1973 onwards, legislative powers regarding land drainage, primarily provided by the Drainage Order 1973, were administered by the Department of Agriculture at that time.

Moving forward, Rivers Agency was established in 1996 within the Department of Agriculture.

Following devolution and the establishment of the Executive in 1999, Rivers Agency remained within the renamed Department for Agriculture and Rural Development. Then subsequently in 2006, Rivers Agency was nominated as the competent authority for the implementation of the European Floods Directive here.

In 2007, Rivers Agency instigated an independent, comprehensive 'Flood Management Policy Review' which considered all aspects of the management of flood risk. The review took into account wide ranging consultation responses from stakeholders and the general public.

The Executive then produced a response to the independent review entitled "Living with Rivers and the Sea" in 2008. This strategic document set out a flexible framework for building on past success and reflected society's desire for the adoption of environmentally sensitive and sustainable methods for the delivery of flood risk management. It proposed a more holistic approach to flood risk management and strengthened our approach to the identification of flood risk areas.

Subsequently a review of the Rivers Agency structure was undertaken which resulted in an organisational structure more suited to delivering the agreed strategy set by government.

While flood risk management methodology and societal needs continue to evolve, the broad strategic direction set by the “Living with Rivers and the Sea” document and the resulting staffing structure has proved sufficiently flexible to meet evolving pressures until recently.

Following a review of the Executive Departments in 2015/2016, Rivers Agency became Rivers Directorate in the newly established Department for Infrastructure. Rivers Directorate was the further split into Rivers Operations Directorate and Rivers Development Directorate in 2022.



*Flooding in Portadown, November 2009*

## Strategic Context

Both Rivers Directorates currently form part of the Water and Departmental Delivery Group within the Department for Infrastructure.<sup>1</sup> There are three such Groups within the Department:

1. Water and Departmental Delivery,
2. Transport and Road Asset Management, and
3. Climate, Planning and Public Transport.

We also operate within a multifaceted strategic context.

### 1. *Sustainable Water: A Long-Term Water Strategy (2015-2040)*

‘Sustainable Water: A Long-Term Water Strategy’ sets out a framework for action which will facilitate the implementation of a range of initiatives aimed at delivering a long-term vision to have a sustainable water sector. To achieve this vision, the Strategy encourages a sustainable and integrated approach to managing all our different water needs in a way which promotes regional development, without compromising the environment or increasing flood risk.

<sup>1</sup> <https://www.infrastructure-ni.gov.uk/about-department-for-infrastructure>.

We will be integral to the successful implementation of the Long-Term Water Strategy. The implementation of the Flood Risk Management Plan will be fundamental to the successful achievement of aims under the strategy’s Flood Risk Management and Drainage Principles. Furthermore, the adoption of sustainable catchment-based approaches to flood risk management in the Living with Water Programme will support the Catchment Management aims laid out in the long-term strategy. The work of our Planning Advisory Unit will also support the Strategy’s Aims regarding effective land-use planning to manage flood risk.



### 2. *Departmental Strategic Framework*

The Department for Infrastructure’s *Strategic Framework (2023)* identifies three overarching service aims for the Department. These are as follows:

- improve people’s quality of life,
- reduce our impact on the planet by living sustainably and decarbonising key services,
- building prosperity by driving inclusive productivity.

We will be integral to the effective delivery of these aims. As noted in the *Strategic Framework*, approximately 45,000 or 5% of all properties here are located in areas at risk from flooding. This is estimated to increase by 33% to 59,800 when 2080 climate change projections are taken into consideration. We will seek to effectively manage our current flood risk management infrastructure while continuing to develop new assets.



### 3. Flood Risk Management Plan

We are the statutory drainage and flood defence authority in relation to flood risk from rivers and the sea. We are also the statutory authority for the implementation of the Rivers aspects of the Flood Risk Management Plan required as part of the Water Environment (Floods Directive) Regulations.

The Regulations require the Department to identify significant areas of flood risk, produce detailed flood maps and develop a 'Flood Risk Management Plan'.

The Flood Risk Management Plan provides detail on a range of important functions including:

- I. the maintenance of flood risk management infrastructure,
- II. the provision of flood risk management advice,
- III. a wide range of emergency planning and resilience activities and
- IV. areas where flood alleviation projects can be considered if economically viable.

## Rivers Directorate's main responsibilities

The Flood Risk Management Plan identifies the objectives and measures to manage flood risk here.

As mentioned earlier, a Flood Risk Management Plan for the second cycle of the Floods Directive is now complete and covers the period from 2021-2027. It has therefore been considered appropriate to develop the 'Rivers Six Year Strategy to coincide with this six-year period of the 2021-2027 Flood Risk Management Plan. This strategy will identify a number of further work streams that will require to be taken forward in conjunction with the Flood Risk Management Plan for this period.

### 4. Rivers Asset Management Plan (2020-2030)

As part of the overarching Rivers Asset Management Plan (AMP) 2020-2030, we have produced distinct asset management plans for each type of flood defence asset. These are the Fluvial AMP, the Coastal AMP, the Hydrometric AMP, the Belowground AMP and control structures AMP.

Each of the specific Asset Management Plans assesses the current condition of assets owned and/or managed by us, outlines best and worst-case scenarios for repairs and replacements and makes overarching recommendations for our management of assets, with specific recommendations for each of the four types of flood defence asset.

The Rivers Directorate's aim is to reduce risk to life, property, and the local environment, as a result of flooding from rivers and the sea, in order to facilitate social, economic and environmental development.



Approximately 45,000, or 5% of properties here, are located in areas which are at risk from flooding. When climate change is taken into consideration, there is an increase of approximately 14,800 properties at risk. As a result of this existing flood risk and, in order to mitigate against increasing flood risk as a result of climate change, there is an imperative to invest in both existing and new flood risk management infrastructure and expertise.

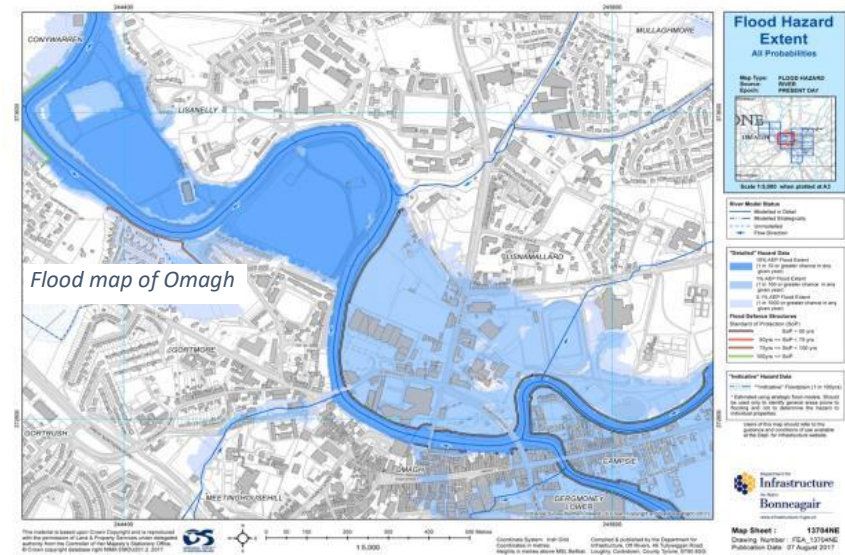
Our main responsibilities can be classified into the following four main categories:

**1. An integrated approach to flood risk management**

We are the competent authority for the implementation of the European Floods Directive here. This requires us to develop strategic flood risk assessments in order to identify Areas of Potential Significant Flood Risk (APSFR). These assessments are reviewed every six years.

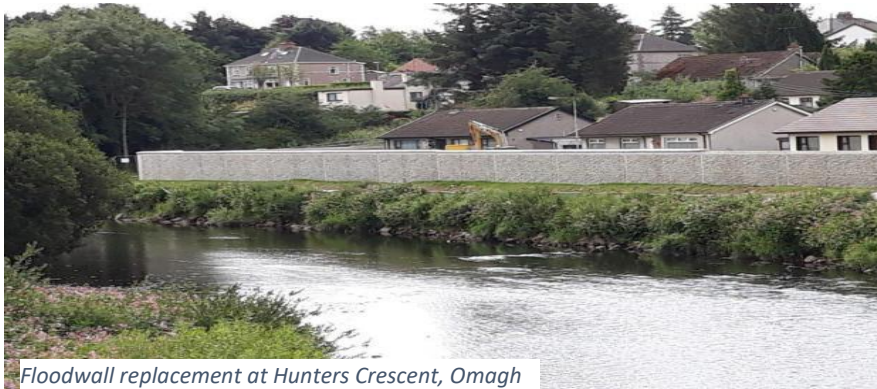
We also develop and operate *Flood Maps NI*, a publicly available predictive flood mapping website. These maps give an indication of the areas at risk from flooding and include the current and future flood risk from rivers and the sea, taking account of climate change. The maps are updated in line with the UK Climate Projections (UKCP) guidance.

These strategic flood risk assessments and flood maps provide the basis for the preparation of the regional ‘Flood Risk Management Plan’.



The Flood Risk Management Plan provides a strategic, proactive approach to identify measures to manage the risk from flooding. River’s capital works projects, maintenance activities, preparedness and community resilience programmes are all informed by a combination of the predictive flood maps and records of local flood history.

We have already overseen considerable long-term investment in the construction of drainage and flood alleviation infrastructure. This is part of a structured approach to flood risk management, which is particularly important given the potential increased frequency of flooding events due to climate change. Flood alleviation schemes are under construction in Belfast and being developed for other areas including Newry and Portadown. We are also developing sustainable flood risk management solutions as part of the Living with Water Programme in Belfast and helping to deliver a similar strategic drainage plan for Derry/Londonderry.



*Floodwall replacement at Hunters Crescent, Omagh*

We also work closely with Planning Authorities to inform them, from a flood risk management perspective, on development management and control issues.

In the absence of the full commencement of the Reservoirs Act (Northern Ireland) 2015, we have engaged with controlled reservoir managers to remind them of their common law responsibilities for reservoir safety. We have also carried out an audit of controlled reservoirs and informed reservoir managers of the findings to assist them in understanding any actions they may need to take as reservoir managers.

## **2. Management of drainage and flood defence infrastructure**

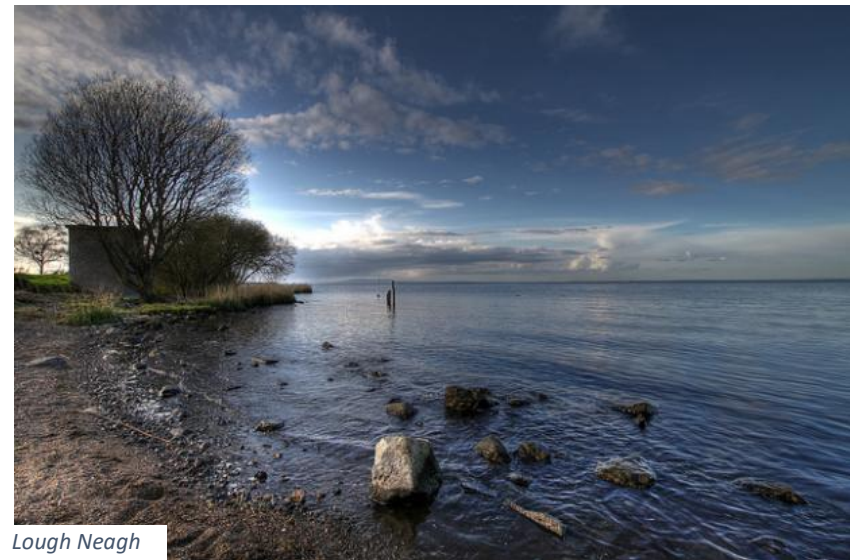
We also undertake a range of flood risk management works to reduce the risk of flooding to homes, the environment and cultural heritage.

We proactively manage approximately 154 km of raised flood defence embankments and flood walls and reactively manage a further 272 km of lower risk flood defences. 26km of coastal defences, and 12 control structures are also maintained together with an extensive below ground drainage network of over 364km of culverts. Importantly, we are responsible for managing and maintaining over 135 hydrometric stations

used to measure and record watercourse flow and level information, which is critical to the estimation of flows and design flood levels. This data informs the UK “National Archive” that underpins the overall understanding and estimation of flood return periods. This archive consequently informs our flood models, flood maps and data that is used by us to develop capital investment proposals and to help inform development management and control decisions.

Each of these built assets require regular inspection and maintenance by a large team of skilled staff.

Furthermore, we are responsible for regulating the water levels of Lough Neagh, the Lower Bann and Lough Erne in so far as climatic conditions permit, as required by the Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 and the Erne Drainage and Development Act 1950.



*Lough Neagh*

### 3. Preparedness

The Department for Infrastructure is the Lead Government Department for the strategic coordination of the emergency response to severe weather events.

We are key to the development of multiagency emergency plans and processes, in conjunction with our partners, to ensure that the overall Government response to flood events is as effective as possible. When severe weather emergencies occur, our teams respond to requests for assistance from the public and often work closely with the emergency services.

We also support local community groups to enhance their resilience to severe weather emergencies. We have engaged with over 40 local communities to help them develop Community Emergency Plans and share information to help them to improve their preparedness for severe weather emergencies. This work empowers local communities at risk of flooding to manage their own plans and sandbags stores. This provides an additional layer of support to the response already provided by Government during emergencies.

### 4. Understanding and Providing Flood Risk Expertise

We have well-established and effective relationships with the flood risk management industry. Unlike some other areas of infrastructure management, flood risk management approaches can quickly evolve, and it is necessary for the Department to move with the latest industry standards.

We have participated in a number of research and development projects at a national level.

These include working with the **UK Construction Industry Research and Information Association (CIRIA)** on a number of projects such as CIRIA C802 'The Natural Flood Management Manual' and CIRIA's Blue-Green Infrastructure Reports.

The Department has a steering role on the Governance Board of '**The UK flood hydrology roadmap**' which sets out a vision for flood hydrology in the UK for the next 25 years. It is accompanied by an action plan that details how that vision will be achieved.

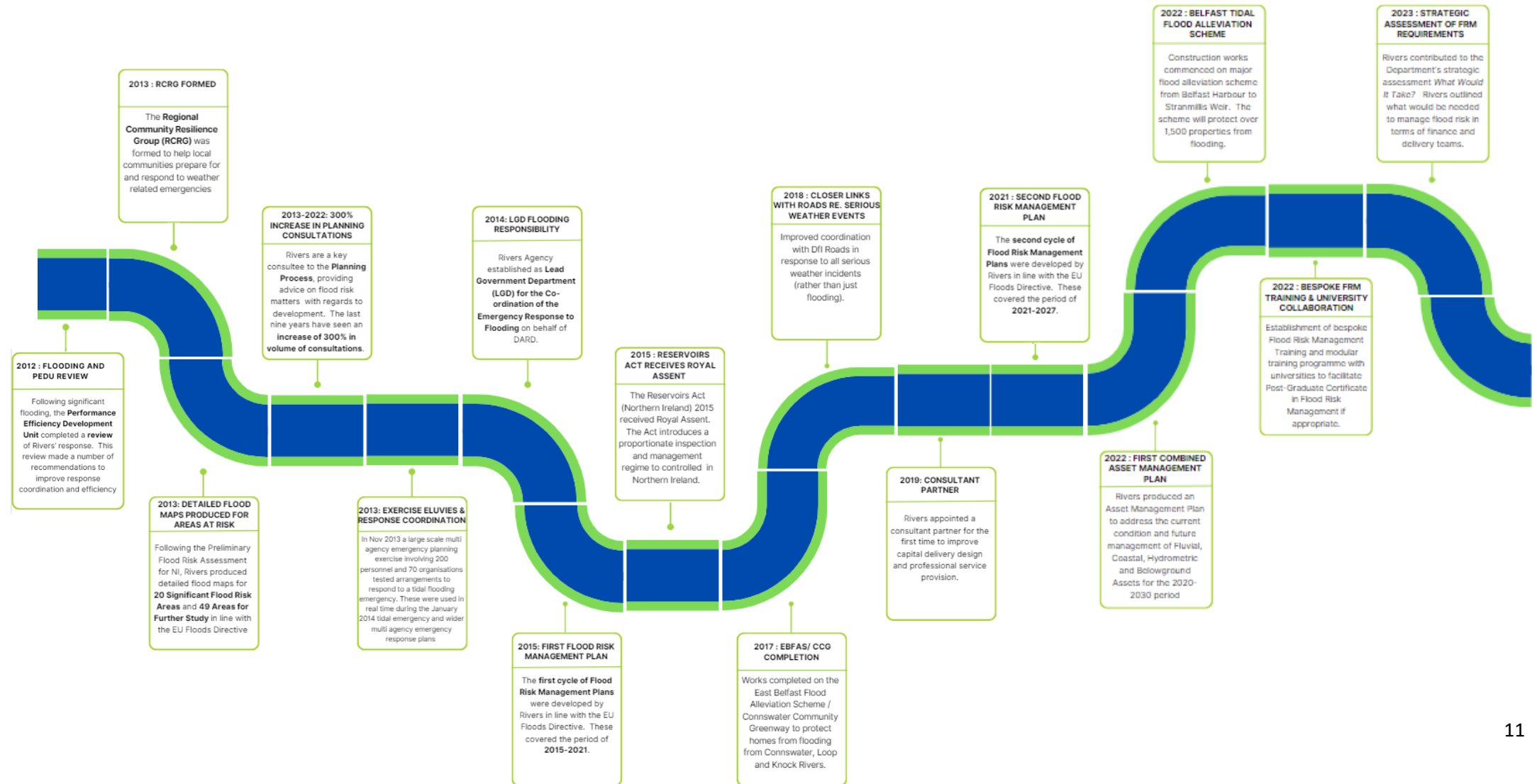
The roadmap considers all sources of inland flooding, including fluvial, pluvial, sewers, groundwater and reservoirs.

We are also involved with the **Natural Environment Research Council (NERC)** led development of natural flood risk management techniques.

We have in recent years developed bespoke Flood Risk Management training for staff and established links with national universities to enable staff to participate in Flood Risk Management training and qualifications.

# Achievements over the past decade

We have made considerable strides in the past decade in developing Flood Risk Management approaches, particularly since 2020 when a strategic assessment of what was necessary to manage our infrastructure appropriately was undertaken. Since then, our structure was significantly augmented, a specialist training programme put in place, links re-established with other UK and ROI flood risk experts and a pragmatic approach was taken in the Department to bring together all Divisions with ‘water’ functions.



## Strategic Priorities

Looking to the future we have now developed 6 strategic priorities. These strategic priorities set out the short and medium-term areas of primary focus for both the Operations and Development Directorates during the 2021-2027 cycle of the Flood Risk Management Plan. These strategic priorities will provide a focus to effectively manage flood risk from Rivers and the Sea and implement the Flood Risk Management Plan. The six priorities are as follows:



## Strategic Priority One – Sustainable staffing structure & expertise

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**SUCCESS STATEMENT** - Adequately staffed structure, development and retention of skilled personnel across a range of disciplines. Administrative, Professional, Scientific & Technical expertise to deliver agreed work priorities.

### MAIN ACTIVITIES

#### *Staff Structure (Capacity)*

- ✔ Timely filling of vacancies in the current structure.
- ✔ Retention of staff with Flood Risk Management expertise and a focus on our hydrometric capabilities.
- ✔ Review of Capital investment requirements and identification of the delivery teams needed.
- ✔ Review and identify the PAU structure needed to respond to planning consultations and meet current projections.
- ✔ Identification of staffing requirements in conjunction with WDPD and Internal Audit to create a Reservoir Authority.
- ✔ Identification of staffing required to deliver our elements of the Living with Water Programme.
- ✔ Seek opportunities for student placement workers to augment delivery & promote the work of the Department.
- ✔ Ongoing assessment of workloads & vacancy management to inform the need for staff redirection or the reassessment of priorities.

#### *Training (Capability)*

- ✔ Identification of Flood Risk Management training needs. Seek agreement that these should continue and include opportunities for the attainment of specialist flood risk management qualifications to master's level.
- ✔ Development and delivery of an annual training & development plan.

#### *Health & Safety / Welfare*

- ✔ Seek to maintain a high level of staff welfare and Health & Safety standards.

## Strategic Priority Two – Investment in Flood Risk Management infrastructure

**SUCCESS STATEMENT** - Adequate investment in Flood Risk Management informed by the Flood Risk Management Plan, Asset Management Plan and other assessments.

### MAIN ACTIVITIES

- ✔ Review of Capital investment requirements and identification of delivery teams needed to inform budget allocations.
- ✔ Commence implementation of the second cycle Flood Risk Management Plan.
- ✔ Undertake the delivery of our elements of the LWWP and the management of interfaces with other stakeholders in the overall programme.
- ✔ Commence the implementation of the Asset Management Plan.
- ✔ Progression of assessments of Rivers' flood risk management infrastructure.
- ✔ Relative prioritisation process development for new flood risk management works versus investment in existing infrastructure.
- ✔ Building consultant and contractor capacity/capability to assist in the delivery of enhanced work programmes.

## Strategic Priority Three – Continuance of service delivery

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**SUCCESS STATEMENT:** The continued delivery and optimisation of effective flood risk management activities and governance.

### MAIN ACTIVITIES

- ✔ Delivery of annual business which includes a watercourse and flood risk management infrastructure maintenance programme, emergency response, an asset inspection programme, provision of flood risk advice (Planning, Sch5&6), water level management, flood modelling and mapping.
- ✔ Continue to support biodiversity and other environmental improvements, if viable and appropriate, in the undertaking of watercourse maintenance and capital projects.
- ✔ Procure modern fleet and equipment to ensure safe and effective delivery of work.
- ✔ Communication with staff
- ✔ Enhance the promotion of FRM activities including capital schemes to the general public.
- ✔ Review, in conjunction with Press Office, how we communicate externally with public and others.

## Strategic Priority Four – Adaptability & Outward looking

**SUCCESS STATEMENT** - Innovating in Flood Risk Management through maintaining and building effective relationships internally across the department and with external partnership organisations.

### MAIN ACTIVITIES

- ✔ Develop a Rivers digital strategy and delivery plan in conjunction with DSB to support the delivery of the Rivers Six Year Strategy.
- ✔ Increased levels of internal engagement (including with H&S, LWWP, WDPD and finance colleagues) to enhance expertise, increase interface efficiencies and the streamlining of objectives to raise the overall departmental knowledge base pertaining to this area of work.
- ✔ Continue to engage, develop and enhance effective relationships with Drainage Council and other statutory consultees.
- ✔ Continue engagement with elected representatives and media.
- ✔ Continue and enhance engagement with Council officials regarding the development and delivery of FRM activities including Planning Authorities.
- ✔ Engagement with Academia, Professional Institutions, and research bodies.
- ✔ Inform best practice in Flood Risk Management by engaging with competent bodies in other jurisdictions.
- ✔ Development of a Flood Hydrology Improvement and Flood Warning and Informing Strategy.
- ✔ Develop, maintain, and review emergency response plans.

## Strategic Priority Five – Legislation & Policy

168

**SUCCESS STATEMENT:** Support the development and implementation of the Legislative & Policy Frameworks to manage flood risk.

### MAIN ACTIVITIES

- ✔ Development of processes and procedures to support the full commencement of the Reservoirs Act (Northern Ireland) 2015.
- ✔ Inform processes and procedures to administer any Reservoir grant scheme for the private and not for profit sector which may be agreed. The exploration of financial assistance to support public bodies where the Reservoirs they manage have an amenity value if appropriate.
- ✔ Development of a prioritised review programme for Technical Guidance Notes (TGNs).
- ✔ Conduct a further review on the effectiveness of the Homeowner Grant Scheme.
- ✔ Identification of legislative areas to enhance or develop in addition to the vires already contained in the Drainage Order and Water Environment (Floods Directive) Regulations.
- ✔ Support the development of policy and legislation for flood storage and natural flood risk management in partnership with LWWP team & WDPD.
- ✔ Support and inform the timing of any Coastal Erosion policies and any resource implications in a proportionate manner.
- ✔ Continue engaging with Council Planning Authorities/Strategic Planning to ensure local development plans and strategic policies contain sufficiently robust flood risk management planning policies.



## Strategic Priority Six – Response to Climate Change

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**SUCCESS STATEMENT:** Aligning our Flood Risk Management activities to take account of climate change developments.

### MAIN ACTIVITIES

- ✔ Support the development of revisions to the Dfl Technical Flood Risk Guidance in relation to Allowances for Climate Change in NI including the development of evidence to support any change.
- ✔ Continued adherence where possible to the DFI Technical Flood Risk Guidance in relation to Allowances for Climate Change in NI.
- ✔ Assess possible impacts of climate change on flood defence infrastructure to determine their resilience
- ✔ Climate change horizon scanning.
- ✔ NICS and Dfl Climate Change Act / Policy input. Liaison with DAERA to ensure Flood Risk adaption measures and suitable indicators in NICCAP3.

## Implementation

The Six Year Strategy sets out the short to medium-term areas of primary focus for both Rivers Directorates and is timed to coincide with the 2021-2027 Flood Risk Management Plan. The six strategic priorities identified will set the direction for continued and future service delivery which we intend to undertake, or contribute to, during this period.

The implementation of the Six Year Strategy will be overseen by the Senior Management Team. The main activities and key outputs for each of the six strategic priorities will be reviewed on an annual basis for the duration of the strategy.

The successful implementation of the Six Year Strategy will remain dependant on budgetary allocations to the Department. The Directorate will not be able to fully apply all aspects of the Strategy without adequate finance and staff.

To implement this strategy will require at least £30M per annum of capital investment on average over the next 6 years. In addition to this, a further £8M of Resource funding is necessary to maintain existing rivers flood risk management infrastructure and establish a Flood Forecasting Centre.

### *Revised Staffing Structure*

The current staffing structure has been reviewed as part of the Six Year Strategy implementation in order to provide a sustainable approach to the delivery of flood risk management activities at the required level.

The roles and responsibilities of our Superintendent Civil Engineers (Grade 6) have been realigned to enhance the delivery of services, to aid the implementation of the Flood Risk Management Plan and to facilitate the development of the Living With Water Programme Catchment Delivery Plans.

The revised Grade 6 structure will improve organisational resilience and create more Senior Responsible Officer (SRO) capacity as we seek to take forward increased levels of capital investment in flood risk management infrastructure.

An overview of the realigned and new Grade 6 responsibilities for each of the existing Units is outlined below.

### *1. Operations*

#### **Operations will have responsibility for:**

- i. Regional Area Office – Eastern Region
- ii. Regional Area Office – Western Region
- iii. Emergency Planning and Hydrometrics Unit
- iv. Reservoirs, Inland Waterways and Control Structures

The Operations Division will be fundamental to the successful implementation of Rivers six strategic priorities for the 2021-2027 period.

The Eastern and Western Area Offices will be at the forefront of our Flood Risk Management maintenance activities and will be a key contributor for the Continuance of Service Delivery priority during the 2021-2027 period.

The Emergency Planning Unit will be responsible for discharging the Directorate's Lead Government Department responsibilities and supporting the multi-agency response to flooding.

**The Reservoirs, Inland Waterways and Control Structures branch** will primarily be responsible for overseeing the administration associated with the full commencement of the Reservoirs Act (Northern Ireland) 2015. In the absence of a fully commenced Act, the Reservoirs Team will develop a suite of processes and procedures required to administer the Act by a future Reservoirs Authority. Rivers will continue with the administration of the Responsible Reservoir Manager Scheme, where relevant.



Ben Crom and Silent Valley Reservoirs

**The Inland Waterways team** will be responsible for the maintenance and upkeep of the Lagan Towpath from Stranmillis to Aghalee, including Broadwater Reservoir. A Departmental owned asset, which includes the towpath, carparks (Lockview Road, Stranmillis; Drumbridge; and Soldierstown) and abandoned canal. Under the Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955, the Department has a statutory duty to dredge the entrance to the Sixmilewater River and to maintain two navigation posts or marks at the entrance to the Sixmilewater River. The Department exercises discretionary powers under Section 41 of The Water (Northern Ireland) Order 1999 to maintain a further 46 markers on Lough Neagh.

**The Control Structures team** will be responsible for managing the inspection and maintenance programme of the 11 control structures in the Department's ownership.

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## *2. Living With Water and Environment*

**The LWWP and Environment team will have responsibility for:**

- i. The development and delivery of the Rivers elements of the LWWP Catchment Delivery Plans (CDP).
- ii. The management of all aspects of the Rivers Environmental Team and the integration of this work with the LWWP.

The Living With Water Programme will be integral to the successful implementation of Rivers' six strategic priorities for the 2021-2027 period. The Living With Water team contributes to investment in Flood Risk Management Infrastructure and is an innovative and outward-looking approach to the provision of infrastructure that will help with Rivers' effective response to climate change.

Living With Water is a multiagency initiative led by the Department to develop a Strategic Drainage Infrastructure Plan (SDIP) for Belfast. It represents a catchment-based approach to the provision of drainage and wastewater infrastructure. LWWP focuses on developing integrated drainage solutions by adopting sustainable 'soft' drainage and wastewater solutions where possible.

The Rivers' LWWP Team will coordinate and manage the development, delivery and funding of these individual CDP projects, including feasibility studies, modelling work, detailed design and construction in the Belfast Area. These works will generally be undertaken in agreement with other stakeholders in the overall programme.

For specific Rivers schemes, the initial presumption is that all flood risk management works within LWWP catchment delivery areas will be taken forward by the Rivers LWWP team unless the proposals are shown to be not integrated with other stakeholders.

**The Environment team will have responsibility for:**

Providing support to all Business Units on environmental matters and driving environmental best practice across the organisation.

### 3. Capital Delivery

**Capital Delivery will have responsibility for:**

- i. Capital Projects Unit
- ii. In house Design Unit
- iii. Rivers Blue/Green infrastructure team.
- iv. Planning Advisory Unit (PAU)
- v. Asset Management Unit (AMU).
- vi. Mapping and Modelling Unit

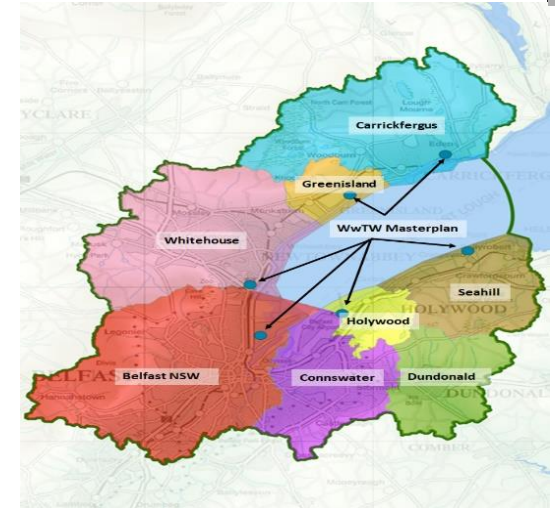
The Asset Management Plan and the programme of Capital Investment associated with the Flood Risk Management Plan will be essential to the successful implementation of Rivers' six strategic priorities for the 2021-2027 period. Capital Delivery will oversee significant investment in Flood Risk Management Infrastructure. Such programmes of works will also be central to Rivers' response to climate Change.

Rivers valued assets have a current value of approximately £1 billion.

The Rivers Asset Management Plan (2020-2030) outlines the capital investment required over the next decade to bring all flood defence assets up to standard. In addition, work is well underway to provide

comprehensive reviews of all flood risk management infrastructure. This will also lead to sizable programmes of work.

Sustained capital investment in new flood risk management infrastructure will be required over the duration of the Six Year Strategy in order to deliver the measures contained in the 2021-27 Flood Risk Management Plans. Major schemes are currently underway or in development in a number of areas including Belfast, Portadown and Newry.



The structure of delivery teams across the Capital Delivery Unit has been revised and enhanced as a result. Additional staffing is also required in the Asset Management Plan delivery team, Environment and Corporate Support Service Teams and the Infrastructure Improvement Team.

Investment in Hydrometrics and Flood Risk Management expertise to support flood modelling and mapping will also be necessary. This will facilitate the commencement of the 'Flood Hydrology Improvement and Flood Warning and Informing Strategy 2022-2028', if adequate funding is allocated.

Additionally, Rivers' role as a statutory consultee in the planning process will be important to the effective delivery of the Six Year Strategy. Timely responses to planning consultations and staffing of the Planning Advisory Unit (PAU) will form part of achieving the Rivers' Sustainable Staffing Structure and Expertise priority and support the Continuance of Service Delivery.

#### *4. Rivers Divisions: Business Support Unit*

The Rivers technical staff structure will continue to be supported by the **Business Support Unit**, which is led by a Grade 7, who has responsibility for financial management, the management of correspondence, assembly business, business planning, SMT and Divisional support. In addition, the Unit provides secretarial support to the Drainage Council.

## A look beyond the Six Year Strategy

The Six Year Strategy sets out a clear direction for both Rivers Directorates for the 2021-2027 period and coincides with the timeframe of the second cycle Flood Risk Management Plan. It proposes a coherent approach to flood risk management and outlines an effective staffing structure in the short and medium term to manage flood risk.

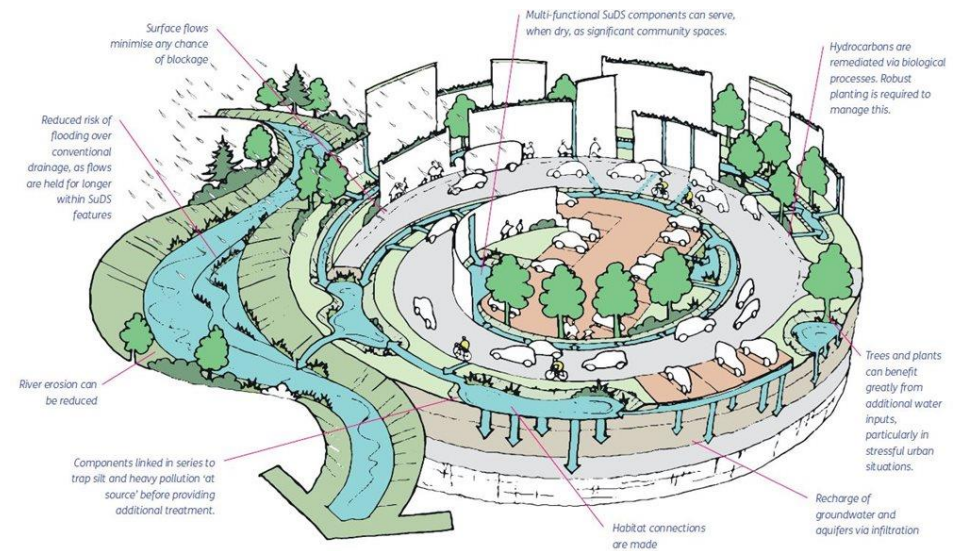
As Climate Change increases the likelihood of severe weather events and flooding, we may need to increasingly augment flood prevention with flood attenuation through the creation of upland storage and Sustainable Drainage Systems (SuDS), where this is viable and supported by the necessary policy legislation and teams.

The Rivers Directorates, and the Department at large, will also contribute to cross Departmental Climate Change work, contribute to the implementation of the recommendations from the Northern Ireland Climate Change Adaptation Programme (NICCAP2) which covers the 2019 – 2024 period and inform the next Northern Ireland Climate Change Adaptation Programme (NICCAP3).

The Living with Water Programme may also prove to have a wider influence on Rivers' future Flood Risk Management approaches across Northern Ireland. Living with Water 'principles' could be rolled out regionally or form the basis of considerations of any new flood alleviation projects or the upgrading of existing infrastructure.

### *A look to the future and the next cycle*

The next cycle of Flood Risk Management Plan will cover the period 2027 to 2033. This subsequent Plan will require a reassessment of the previous regional Flood Risk Assessment (NIFRA) and updates to our flood mapping. This work will be informed by the revised *Technical Flood Risk Guidance in*



*relation to Allowances for Climate Change in Northern Ireland (2019).* Colleagues in the Department's Water and Drainage Policy Division are currently revising this guidance.

We will develop a subsequent Six Year Strategy to cover this 2027 to 2033 period and we will need to continue and enhance our approach to flood management in light of climate change. This will require developing infrastructure, which is adaptable and, as a Department, helping society to learn to 'live with flooding' as the construction of infrastructure for the complete prevention of flooding becomes less tenable.

Further policy development will be needed to consider 'Living with Flooding' and how to maximise Natural Flood Risk Management approaches where development with landowners cannot be assumed. Sustainable Drainage Systems (SuDS) approvals, as part of new

developments, also need to be legislated for and an appropriate approval body resourced.

The challenges of flood risk management will continue beyond the cycle of this 6-year strategy and so to will the need to adapt new approaches where possible. It will be increasingly important to and enhance communication of the risks associated with flooding and what can reasonably be undertaken. However, the achievements of the past and the clear priorities outlined in this Strategy will lay a solid basis to inform the management of flood risk both now and in the future.