

ARDS AND NORTH DOWN BOROUGH COUNCIL

23rd September 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 01 October** 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 03 September 2024
- 4. Planning Applications (Reports attached)

4.1	LA06/2023/2248/F	New residential neighbourhood comprising mix of detached, semi-detached, townhouses and apartments, open space, landscaping, pedestrian/cycle paths, distributor road from signalised junction on Bangor Road to roundabout on Donaghadee Road and associated ancillary works. Variation of condition 23 and non-compliance with condition 22 of approval LA06/2020/0333/F relating to wildlife corridor and road crossing stream respectively Land North of 262 Bangor Road, Beverley Way/Walk, Newtown Vale/Park/Crescent, 214 Donaghadee Road and 8-9 Ballyharry Heights, West of 171 Donaghadee Road, South/East of 272 Bangor Road and West of 250 Donaghadee Road, Newtownards
4.2	LA06/2024/0197/F	1st floor extension to rear to provide three treatment rooms The Old Inn, 15-25 Main Street, Crawfordsburn
4.3	LA06/2023/2363/O	2no. Dwellings and Garages Land between 47 & 47a Ballyvester Road, Donaghadee

4.4	LA06/2024/0260/F	One 32' x 10' (9.7m x 3m) customised container to provide storage and meeting place/workshop – Variation of Condition 1 of planning approval LA06/2019/0493/F regarding time limit Approx 30m South of 27 Springfield Road (Anchor Car Park), Portavogie
4.5	LA06/2024/0157/F	Alterations to car park, inc. improved layout to increase the number of parking spaces from 9 to 23, hard and soft landscaping, drainage improvements and resurfacing Moat Entry Car Park, 4m south of 9 Knock Eden Park, Donaghadee

Reports for Noting

- 5. Update on Planning Appeals (report attached)
- 6. DFI Statutory Consultees Annual Performance Report (report attached)

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

- 7. Local Development Plan (LDP) – Updated approach to draft Historic Environment policies (report attached)
- 8. Local Development Plan (LDP) – Updated approach to draft Coastal policies (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 Morgan
Councillor Kerr	Councillor Rossiter
Councillor McClean	Alderman Smith
Councillor McCollum	Councillor Wray (Vice Chair)

ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Tuesday 3rd September 2024 at 7.00 pm.

PRESENT:

In the Chair: Alderman McIlveen

Aldermen: Graham
McDowell

Councillors:	Cathcart	McKee (Zoom)
	Creighton	McLaren
	Harbinson	Morgan
	Kendall	Rossiter
	Kerr (19:12, Zoom)	Wray
	McCollum	

Officers: Director of Prosperity (A McCullough), Head of Planning (G Kerr), Principal Planners (C Blair (in person) and C Barker (via Zoom)) and Democratic Services Officer (S McCrea)

1. APOLOGIES

Apologies for inability to attend were received from Alderman P Smith and Councillor Rossiter.

2. DECLARATIONS OF INTEREST

No declarations of interest were made, but Members were reminded that they could declare at any time throughout the meeting.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 06 AUGUST 2024

PREVIOUSLY CIRCULATED: - Copy of the above minute.

NOTED.

4. PLANNING APPLICATIONS

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.

Following the late submission of additional information, Item 4.1 was deferred to a future Planning Committee meeting.

4.2 LA06/2023/1739/F - 5 MARIAN WAY, PORTAFERRY. SINGLE DWELLING WITH NEW ACCESS & ASSOCIATED SITE WORKS

PREVIOUSLY CIRCULATED: - Case Officer's report.

DEA: Ards Peninsula

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

Proposal: Single dwelling with new access & associated site works

Site Location: 5 Marian Way, Portaferry

Recommendation: Grant Planning Permission

The Principal Planning Officer explained that the application was before members this evening as it was a local development application attracting six or more separate individual objections, which were contrary to the case officer's report. On this occasion there were 22 objections from nine separate addresses.

Members were asked to note that the objections had been fully assessed in the case officer's report against the planning policy and taking account of consultee responses which offered no objections subject to a number of conditions including by DfI Roads.

There were a pair of two storey semi-detached dwellings on either side of the site. The site itself descended gradually from roadside ground level towards the rear boundary. A wall with timber fence on top and timber fencing defined the boundary adjoining No.5 Marian Way to the southwest with hedging and bushes marking the boundary with No.3 to the northeast.

In the next slide, Policy QD1 of PPS 7 for Quality Residential Environments was shown to Members. The site was located within the settlement limit of Portaferry with no specific zoning or designation in the Ards and Down Area Plan 2015 and the surrounding character was of a residential nature. The site comprised of a former garden area and did not consist of the loss of any public open space.

There were two other recent approvals along Marian Way, which were provided in the case officer's report which showed the granting of permission for two pairs of two-storey semi-detached dwellings on wider plots of land, both accommodating in-curtilage parking to the front of the dwellings meaning the proposed buildings lay slightly behind the existing building line. It had not appeared out of keeping with the surrounding area.

Whilst this current application was for a single two-storey dwelling on a narrower site, it too had been designed to include in-curtilage parking for two cars to the front, and with the proposed house slightly positioned behind the adjacent building line. Although this site could only accommodate a single dwelling, it was within the urban area where proposed development was looked on favourably and street uniformity

was not critical in this area with different types of accommodation welcomed. The overall design of the dwelling respected the neighbouring dwellings and was of a high quality, as was shown to Members in a slide.

A further slide showed the proposed site layout and proposed elevations. The proposed dwelling, which measured 7.66m high, respected the neighbouring properties in terms of size, scale, density and did not dominate the street scene. The dwelling sat slightly behind the building line of neighbouring dwellings however this was due to the proposed in-curtilage parking, which had also been previously granted for other recent approvals.

In terms of private amenity space, the proposed dwelling was provided with over 150 square metres which far exceeded the minimum required for an urban area. In terms of neighbouring residential amenity, the first-floor gable windows serving bathrooms and landing would be obscure glazed.

The separate distance from gable to gable was 3.9m with No.5 and 4.26 metres with No.3. The proposal met the light tests and did not result in an adverse impact due to overshadowing.

The proposed raised terrace at the rear of the new dwelling would only overlook the rear portions of the adjacent long back gardens and would not result in unacceptable overlooking or loss of privacy including into habitable rooms.

Another slide showed cross-sections and photos of the site.

Concerns were raised in objection letters regarding parking. A parking survey was submitted and DfI Roads noted that it had considered the parking survey, objections and proposed site layout which included two in-curtilage spaces. It advised that the application as it stood was acceptable, offering no objection subject to conditions, which were set out in the case officer report.

With regard to representations made in respect of the planning application, there were 22 objections from nine separate address received. The main thrust related to the parking and access, design, residential amenity and impact on natural heritage including removal of hedging and landscaping, and bat roost potential. On the back of these points raised in relation to the bat roost potential and landscaping concerns, a consultation was carried out with NED who offered no objections or conditions to be included.

Members were asked in further slide to note the Orthophotography dated 2003 showing the gardens/spaces, which had since been developed/approved over time. The spaces had been 'filled in' and the site formed a logical infill site consistent with and maintaining the character and appearance of development along Marian Way and did not represent overdevelopment of the site or 'town cramming'.

In conclusion, the Officer explained that it had been considered the proposal would not cause any significant adverse impact on the character of the area, nor would it result in any significant loss of amenity for surrounding residents and as such, he recommended approval of the application.

Other slides provided Members with relevant Planning History

As there were no questions to the Officer, Mr Ballard, speaking in support of the application, was invited to join the Chamber and advised that he had five minutes to present his case. Mr Ballard explained that he was from Reality Architects and present at the committee on behalf of the applicant. He thanked Officers for their efforts and reports and that he could answer any queries or questions.

Councillor McCollum in regard to some representations from objectors that focused on in-curtilage parking which had been previously approved for houses that were under construction on the street, asked if it had alleviated the issue of parking to which Mr Ballard advised an in-depth parking report had been completed and the situation dealt with. Two parking spaces had been provided.

With no other questions, Mr Ballard returned to the gallery at 19:13.

Proposed by Councillor Wray, seconded by Councillor Cathcart, that the recommendation be adopted, and that planning approval be granted.

Councillor Wray had agreed with Mr Ballard's comments on an in-depth analysis and that objections had been investigated and dealt with. Councillor Cathcart welcomed the approval explaining that with the history of the street, there appeared to be no reasons why planning should go forward.

RESOLVED on the proposal of Councillor Wray, seconded by Councillor Cathcart, that planning permission be granted.

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

PREVIOUSLY CIRCULATED: - Case Officer's report.

DEA: Bangor Central

Committee Interest: Application made by the Council

Proposal: Installation of a ball backstop fence at the western tip of the softball field.

Site Location: Grass Sports pitches adjacent to Ward Arras Pavilion
Ward Park, approximately 55m north of 2a Gransha Road, Bangor

Recommendation: Grant Planning Permission

The Officer (C Blair) explained that the application was before members as it was a Council planning application.

Slide 1 showed an aerial image of the site – The application site was located within the existing Ward Park playing fields area and had a backdrop of mature trees to the south and southwest. The site, which was in the urban area, did not conflict with the area plan or any planning policy.

Members were asked to note that no letters of representation had been submitted.

Slide 2 showed details of the ball back-stop fence and a site photo.

The fencing was to be a green coloured metal mesh and be vibration and tamper resistant. It would not have any impact on existing trees and would have no impact on residential amenity with the closest dwelling approximately 55m to the south with a road in between. The application had no adverse impact on any priority species or habitat.

In conclusion, the Principal Planner recommended that full planning permission be granted.

Councillor Cathcart asked what the requirement for planning permission was in this scenario given it was of such small scale. The Principal Planner explained that as the fence would be over two metres in height, it would require planning permission whilst the Head of Planning added that the application was required to be presented at Planning Committee due to there being Council interest in the land.

Proposed by Councillor Cathcart, seconded by Councillor Harbinson, that the recommendation be adopted, and that planning approval be granted.

Councillor Harbinson was happy with the decision, adding that facilities such as this helped promote sport and that he was happy to second.

RESOLVED on the proposal of Councillor Cathcart, seconded by Councillor Harbinson, that planning permission be granted.

4.4 LA06/2024/0603/LBC - Market House, The Square, Portaferry **1.1m pedestrian railing at entrance to match existing railings** **to the SW**

PREVIOUSLY CIRCULATED: - Case Officer's report.

DEA: Ards Peninsula

Committee Interest: Application made by the Council

Proposal: 1.1m pedestrian railing at entrance to match existing railings to the SW.

Site Location: Market House, The Square, Portaferry

Recommendation: Grant Planning Permission

The Principal Planner (C Blair) advised that the application was before members as it was a Council Planning application for Listed Building Consent. No objections or other representations had been received.

Slide 1 showed the Site Location Plan

The application site was within the settlement limits of Portaferry and was in the Strangford and Lecale Area of Outstanding Natural Beauty and Portaferry Conservation Area.

Market House was a Grade B+ Listed Building.

Slide 2 showed the proposed railing

The proposed entrance railing as designed to match existing railings located at the site. HED considered the proposed works to be sympathetic in nature with use of appropriate materials and details, which was policy compliant.

The Council Conservation Officer offered no objection given this minor nature of development which had no impact on either the immediate surroundings or wider context of the conservation area.

In conclusion, the Principal Planner recommended that listed building consent was granted.

Proposed by Councillor Wray seconded by Councillor Kendall, that the recommendation be adopted, and that planning consent is granted.

Councillor Wray had been at the site (in relation to a non- planning matter) on Saturday and was happy with the approval.

RESOLVED on the proposal of Councillor Wray, seconded by Councillor Kendall, that listed building consent be granted.

5. UPDATE ON PLANNING APPEALS
(FILE REF: 160051)

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

Appeal Decisions

- 1. 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

The main issue of this appeal against the Certificate of Lawfulness for a Proposed Development (CLOPUD) was whether the development had 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, would 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 would be a satisfactory means of access in the interests of road safety and the convenience of road users.

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

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

The Commissioner considered whether the condition went to the heart of the planning permission, as was 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 had 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.

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.

RECOMMENDED that Council notes the report and attachment.

The Head of Planning summarised the report to Members.

Councillor Cathcart, in relation to the subject of Warren Road and foundations having been built, said that he hadn't been aware of the principle of preconditions for visibility. The Head of Planning explained that the pre-commencement condition had to be complied with before works. An argument was made at the hearing that Council had been too stringent on their interpretation of policy which Officers disagreed with due to road safety issues. A similar issue had arisen in another appeal raised during this case on The Burn Road where a telegraph pole existed in the splays, but this had a different context.

RESOLVED on the proposal of Alderman Graham, seconded by Councillor Kendall, that the recommendation be adopted.

6. BUDGETARY CONTROL REPORT – JULY 2024 (FILE REF: FIN45)

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity detailing that the Planning Service's Budgetary Control Report covered the 4-month period 1 April to 31 July 2024. The net cost of the Service was showing an underspend of £2k (0.4%) – box A on page 2.

Explanation of Variance

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

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

Explanation of Variance

The Planning Service's overall variance could 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 %	
Planning						
730 Planning	589,244	591,500	(2,256)	1,740,400	(0.4)	
Total	589,244	591,500	A (2,256)	1,740,400	(0.4)	
REPORT 2 PAYROLL REPORT						
	£	£	£	£	%	
Planning - Payroll						
730 Planning	758,731	840,800	(82,069)	2,522,500	(9.8)	
Total	758,731	840,800	(82,069)	2,522,500	(9.8)	
REPORT 3 GOODS & SERVICES REPORT						
	£	£	£	£	%	
Planning - Goods & Services						
730 Planning	70,424	70,700	(276)	367,500	(0.4)	
Total	70,424	70,700	(276)	367,500	(0.4)	
REPORT 4 INCOME REPORT						
	£	£	£	£	%	
Planning - Income						
730 Planning	(239,911)	(320,000)	80,089	(1,149,600)	25.0	
Totals	(239,911)	(320,000)	80,089	(1,149,600)	25.0	

RECOMMENDED that the Council notes this report.

The Head of Planning summarised the report to Members, stating that it ran from 1st April to 31st July with net cost underspend of £2k and £80k adverse in terms of income and salaries.

Proposed by Councillor Cathcart, seconded by Councillor Kendall, that the recommendation be adopted and that the report be noted.

Councillor Cathcart, in relation to the £80k adverse figure thought it could be argued that the figure was not favourable due to vacancies which ideally should be filled. He asked for outline reasons behind the adverse income and for an update on staffing. The Head of Planning advised that no major applications had been submitted to attract a larger fee, but some majors were anticipated. A meeting with a major investor could happen but nothing had been submitted recently. With staffing, they were looking at filling posts with the SPTO to be recruited for. Some staff were on secondments whilst a confirmation had been received for retirement, thus the team were looking at the overall structure of the Planning Department to have gaps filled.

Councillor McCollum asked if there was any reason why no major applications had been made during the reporting period. The Head of Planning explained that the same issue was being experienced through all eleven Councils with a trend of general downtown. During the pandemic, there had been a high proportion of household development that had tailed off while some projects were in the pipeline. However, construction costs had increased by one quarter with many developers deciding to hold back due to costs. Change-of-house applications had been made potentially due to costs as well.

Councillor McCollum queried if the NI Water issues were still relevant to which the Head of Planning advised that legal advice had been sought as applications could not be left sitting which in turn would have an adverse effect on statistics. From that, a step was taken to attach a negative condition of development not commencing until connections were secured. Just because a developer may receive a green form would not mean that everything would fall into place for construction to begin but with planning permission, they could at least outsource other issues. The Council encouraged developers to talk to NI water first before submitting any application as it could be the case that they'd have to put an element of the funding toward infrastructure.

Alderman Graham, regarding construction costs rising coupled with infrastructure costs all being incumbent on developers of large schemes, asked if it was fair for additional pressures to be added to the industry, and if costs of land would continue to rise. The Head of Planning could not answer the question on land prices but did say that Council did not force developers to pay money to NI Water. There were many factors that needed to be considered by all parties. In very large developments, there has been a willingness to foot the additional charges on infrastructure connections. If it was unaffordable for a developer, they would not do so. Alderman Graham recalled a deputation from the Housing Association who had been very clear that there had been a lack of provision for social housing, and it too tied in with infrastructure requirements. He believed it was a problem that needed addressing from all parties involved.

RESOLVED on the proposal of Councillor Cathcart, seconded by Councillor Kendall, that the recommendation be adopted.

7. PLANNING STATISTICS APRIL 2023 – MARCH 2024

(FILE REF: 160051)

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity which provided an update to 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 had been attached, and the press release and detailed tables could 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 advised that the transfer to the new planning portals would 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 had recommenced in this report.

Applications in the Major category of development

The following table detailed 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
Total	7	6	6	0	84.7

The time taken to process a decision/withdrawal was calculated from the date on which an application was deemed valid to the date on which the decision is issued, or the application was withdrawn. The median was used for the average processing time as any extreme values had 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.

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).

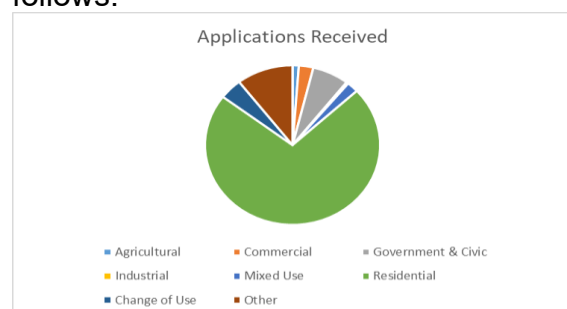
LA06/2023/2434/F - Proposed residential development of 95 dwellings (reduction in density from 108 dwellings approved under LA06/2019/0603/F) to include roads, parking, infrastructure, landscaping and retention of Bawn Wall. Vehicular access to the site would be from Castlebawn Drive.

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

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
Total	782	838	732 (97% approval rate)	16.0

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%).

Additional Activity

In addition to the above planning applications, it was important to draw attention to additional work carried out within the Development Management Section which was 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.

Type	Received 01/04/23 – 31/03/2024	Determined - by 31/03/2024
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.

RECOMMENDED that Council notes the content of this report and attachment.

The Head of Planning summarised the report to Members. The yearly report explained transfer to the planning portal would affect planning activity and the majors that required work to be carried in relation to stats. Detail was provided of previous applications that had come through majors and decided ones with detail provided on progress in terms of weeks; where delays occurred and why. Local figures were more positive with 16-week averages for the year and from the pie chart, as expected, the type of applications submitted were mainly residential. Household development continued to perform well. Additional activity alongside planning permissions did not attract fees with pre-application discussions, material changes, TPOs etc., all of which stats had been provided for.

Proposed by Councillor Cathcart, seconded by Councillor Harbinson, that the recommendation be adopted, and the report be noted.

Councillor Cathcart was pleased to see a decrease in the average number of weeks as well as more household developments, believing it encouraging given the staffing levels still required for the department.

Councillor McCollum wished to convey support to the Planning Department given the impressive figures and the current working conditions.

Councillor Morgan noted that statistics on major applications were not as good and though she appreciated the amount, the Council were low on the scale, and she wanted assurance that everyone was happy that nothing more could have been done to process applications more quickly.

The Director of Prosperity explained that there was no facility on the planning portal to record an approval at Committee before finalisation of likes of legal agreements. The Head of Planning was providing a report on statutory consultee performance. Though other Councils may have looked better on paper, they weren't served by the same consultee divisions. Other factors compounded completion times such as requests for more information from consultees or other major factors such as the Department for Infrastructure Roads or Rivers. The Planning Department had to accept amendments provided due to legislation whilst some were subject to environmental criteria that could only be worked on by Senior Planners of which only two existed in the department who had many other responsibilities to manage.

The Head of Planning agreed that a 30-week target for majors could only occur if a perfect application had been received with all information without further re-consultations. Once additional information was requested, the 30-week target could not be met. Front-loading was encouraged on applications as the department wanted to provide Members with as full a picture as possible on any decision. An example was given of Bangor Central Integrated Primary School; a case with majors listed with the legal agreement to address a water issue but the solution lay beyond land ownership of the school and Education Authority. As such, a legal agreement was required which took months even after finalisation at the Committee. It was only when a decision notice was issued that it would show on stats.

Councillor Kendall recalled a conversation of lobbying in terms of target vs waiting period and wondered if it had yet taken place. The Director of Prosperity explained that she had attended the Planning Statutory Consultee Forum that was chaired by the Deputy Permanent Secretary of the Department of Infrastructure. It examined ways to look at provision of standing advice from consultees to assist. Additionally, more major applications required consultations in which nothing could be rushed to ensure collaborative and productive work to ensure a quality design. The Council had been criticised for the time spent on Premier Inn, Bangor, but the wait had been worth the result. It was hoped that legislation would allow the Council to set their own validation checklist in order to not accept applications that did not meet a particular standard.

RESOLVED on the proposal of Councillor Cathcart, seconded by Councillor Harbinson that the recommendation be adopted.

8. UPDATE ON TREE PRESERVATION ORDERS & APPLICATIONS FOR CONSENT WORKS
(FILE REF: 160051)

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity which represented 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 provided information from 17 May 2024 (date of previous report) to 16 August 2024.

Detail

The table below provided out the figures from the date of the last report to Committee.

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
Tree Preservation Orders	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	
Conservation Area	1	0
	1) 65 Victoria Road, Holywood	

* Notification referred to when the Council received notification of proposed works to trees within a conservation area. If the Council did not accept the proposed works, it would have to serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' meant that the Council did not consider it necessary to serve a TPO and thus there was 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 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.

Conservation Area Protection

1. **65 Victoria Road, Holywood** – 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.

RECOMMENDED that the Council notes the content of this report.

Proposed by Councillor Cathcart, seconded by Alderman Graham, that the recommendation be adopted, and the report be noted

Councillor Cathcart referred to a TPO issue on a site where a tree had long since been removed which was subject of enforcement action and asked for a general view from Officers. The Principal Planning Officer (C Barker) explained that reviews were ongoing on all TPOs including that which the Councillor had referred to. It was a difficult situation and one that had been picked up by a conveyancing solicitor. It was extremely unlikely that Council would do anything in regard to the site where there was, at present, limited tree cover in regard to the old TPO. The review would assess whether to continue protecting areas based on the situation on the ground and taking account of approvals.

RESOLVED on the proposal of Councillor Cathcart, seconded by Alderman Graham, that the recommendation be adopted.

9. RELEASE OF DEPARTMENT FOR INFRASTRUCTURE (DFI - RIVERS DIRECTORATE) 'RIVERS SIX YEAR STRATEGY' (FILE REF: 160051)

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity outlining that;

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

3. A copy of the strategy was attached for information which set out the strategic priorities for both Rivers Directorates for the 2021-2027 period and coincided with the timeframe of the second cycle Flood Risk Management Plan.
4. DFI intended to develop a subsequent Six Year Strategy to cover the 2027 to 2033 period and recognised the need to continue and enhance an approach to flood management in light of climate change. This would require developing infrastructure, which was 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.'

RECOMMENDED that Council notes the report.

The Head of Planning summarised the report to Members, advising that it was not a policy for Planning but a document to be aware of and be taken into account especially with statutory consultees.

Proposed by Alderman Graham, seconded by Councillor Morgan, that the recommendation be adopted the report be noted.

Councillor Morgan referenced an element of the attachments where it had been mentioned about learning to live with increased flooding. The Director of Prosperity advised that this was in the context of not continually seeking to develop hard protection measures.

RESOLVED on the proposal of Alderman Graham, seconded by Councillor Morgan that the recommendation be adopted.

Exclusion of Public/Press

AGREED, on the proposal of Councillor Kendall, seconded by Councillor McCollum, that the public/press be excluded during the discussion of the undernoted items of confidential business at 19:50.

10. QUARTERLY UPDATE ON ENFORCEMENT MATTERS

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

In Confidence Explanation

This report is presented in confidence to Members under Part 1 of Schedule 6 of the Local Government (Northern Ireland) Act 2014, Exemption 6a – Information which reveals that the council proposes to give under any statutory provision a notice by virtue of which requirements are imposed on a person.

11. ADVANCE NOTICE OF CONSULTATION RE LISTING

(FILE REF: 160051)

In Confidence Explanation

This report is presented in confidence to Members under Part 1 of Schedule 6 of the Local Government (Northern Ireland) Act 2014, Exemption 6a – Information which reveals that the council proposes to give under any statutory provision a notice by virtue of which requirements are imposed on a person.

Re-admittance of public/press

AGREED TO RECOMMEND, on the proposal of Councillor McCollum, seconded by Councillor Creighton, that the public/press be re-admitted to the meeting at 20:00.

TERMINATION OF MEETING

The meeting terminated at 20:01.

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2023/2248/F
Proposal	<p>New residential neighbourhood comprising mix of detached, semi-detached, townhouses and apartments, open space, landscaping, pedestrian/cycle paths, distributor road from signalised junction on Bangor Road to roundabout on Donaghadee Road and associated ancillary works.</p> <p>Variation of condition 23 of approval: LA06/2020/0333/F from 'The proposed wildlife corridor along the Ballyharry Stream shall be a minimum of 10m wide.' to 'The proposed wildlife corridor along the Ballyharry Stream shall be a minimum of 10 metres wide except where otherwise approved by the Local Planning Authority.'</p> <p>Non-Compliance with condition 22 of approval: LA06/2020/0333/F 'The distributor road crossing of the Ballyharry Stream shall be by open span bridge of sufficient width to allow the underpass to accommodate the 10-metre-wide wildlife corridor.'</p>
Location	<p>Land North of 262 Bangor Road, Beverley Way/Walk, Newtown Vale/Park/Crescent, 214 Donaghadee Road and 8-9 Ballyharry Heights, West of 171 Donaghadee Road, South/East of 272 Bangor Road and West of 250 Donaghadee Road, Newtownards</p> <p>DEA: Ards Peninsula</p>
Committee Interest	Major application
Validated	21/12/2023
Summary	<p>Principle of development approved via previous extant planning permission.</p> <p>Conditions referred to relate to wildlife corridor</p> <p>No objections from consultees subject to mitigated design re NIEA, DfI Rivers, SES & Environmental Health.</p> <p>Two letters of objection - issues considered in Case Officer Report</p> <p>Proposed water culvert of 60.6m is acceptable as it is an engineering solution to ensure compatibility between the</p>

	<p>previously granted permission for the NS21 distributor road and pedestrian greenway Evidence submitted demonstrating Schedule 6 Consent granted by DfI Rivers. Proposal satisfies policy including PPS 15 for flooding risk. No conflict in terms of the culverted bridge design and road safety, with no changes to Bangor Road access.</p>
<p>Recommendation</p>	<p>Approval</p>
<p>Attachment</p>	<p>Item 4.1a</p>

Development Management Case Officer Report



Reference:	LA06/2023/2248/F	DEA: Ards Peninsula	
Proposal:	<p>New residential neighbourhood comprising mix of detached, semi-detached, townhouses and apartments, open space, landscaping, pedestrian/cycle paths, distributor road from signalised junction on Bangor Road to roundabout on Donaghadee Road and associated ancillary works.</p> <p>Variation of condition 23 of approval: LA06/2020/0333/F from 'The proposed wildlife corridor along the Ballyharry Stream shall be a minimum of 10m wide.' to 'The proposed wildlife corridor along the Ballyharry Stream shall be a minimum of 10 metres wide except where otherwise approved by the Local Planning Authority.'</p> <p>Non-Compliance with condition 22 of approval: LA06/2020/0333/F 'The distributor road crossing of the Ballyharry Stream shall be by open span bridge of sufficient width to allow the underpass to accommodate the 10-metre-wide wildlife corridor.'</p>		
Location:	Land North of 262 Bangor Road, Beverley Way/Walk, Newtown Vale/Park/Crescent, 214 Donaghadee Road and 8-9 Ballyharry Heights, West of 171 Donaghadee Road, South/East of 272 Bangor Road and West of 250 Donaghadee Road, Newtownards		
Applicant:	Lagan Homes		
Date valid:	21.12.2023	EIA Development	Yes
Date last advertised:	12/09/2024	Date last neighbour notified:	12.09.2024
Letters of Support: 0	Letters of Objection: 2	Non-committal: 0	
Consultations – synopsis of responses:			
<p>DFI Rivers – No objection DFI Roads – No objection NIEA Natural Environment Division – No objection NIEA Water Management Unit – No objection NIEA Inland Fisheries – No objection Shared Environmental Services – No objection Environmental Health – No objection</p>			
Summary of main issues considered:			
<ul style="list-style-type: none"> • Conditions relating to wildlife corridor 			

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

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [Northern Ireland Public Register \(planningsystemni.gov.uk\)](https://planningssystemni.gov.uk)

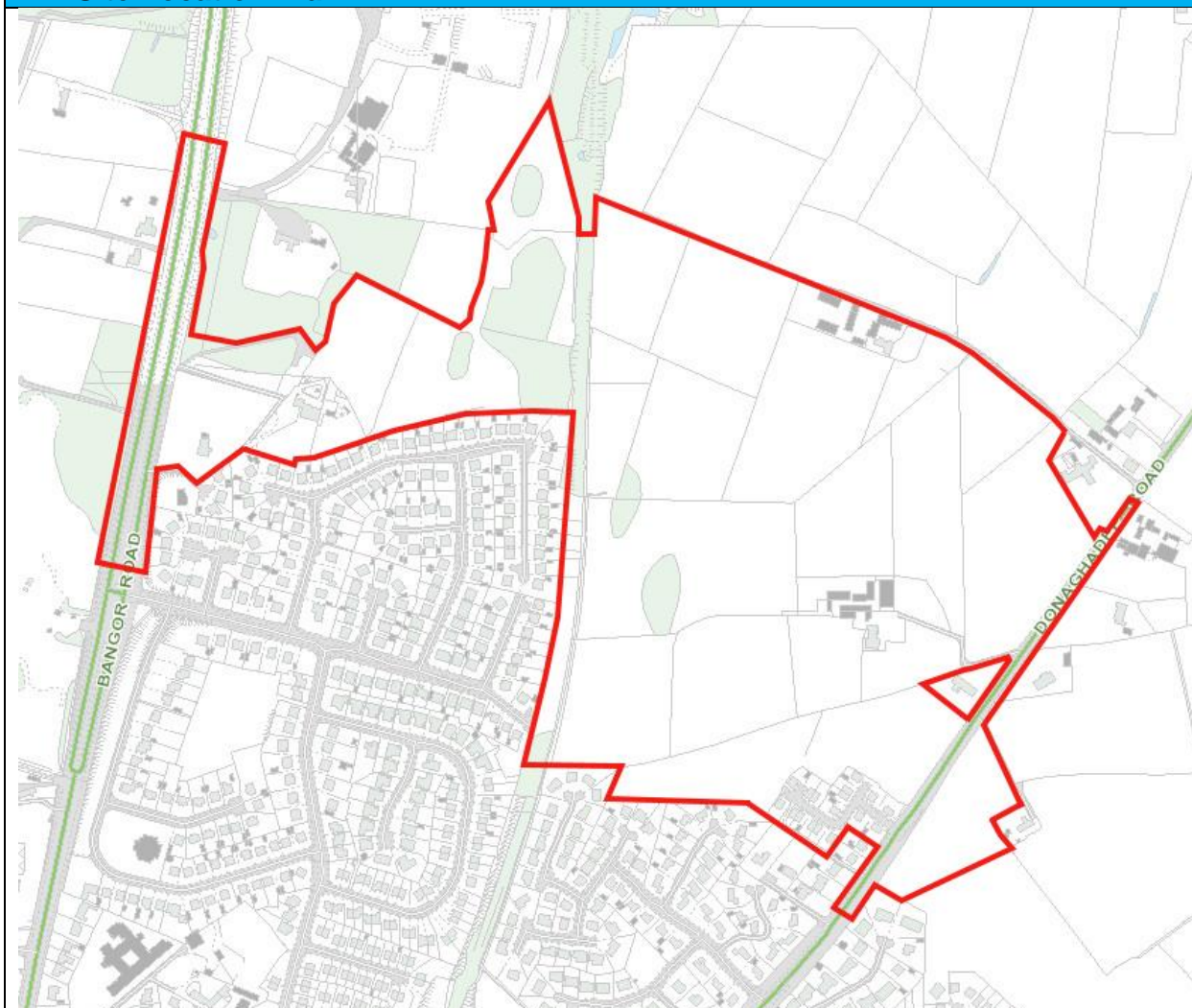
1. Description of Site and Surrounding Area

The application site is situated at the north-eastern edge of the settlement of Newtownards, as shown in the Ards and Down Area Plan 2015. The site comprises land between the Bangor Road to the west, and the Donaghadee Road to the south-east, and north of established residential developments known as Beverley Way, Beverley Walk, Newtown Vale, Newtown Park, Newtown Crescent and Ballyharry Heights.

The site is zoned for housing in the Development Plan (NS21). It is not protected by any nature conservation designations.

Construction is on-going on the western portion of the site accessed from Bangor Road. However, the wider site remains dominated by grassland with areas of trees and vegetation.

2. Site Location Plan



3. Relevant Planning History

Material to this application is an extant planning permission under ref: LA06/2020/0333/F (which amended planning permission LA06/2017/1142/F which amended LA06/2017/0205/F which had in turn amended the original outline planning

permission X/2011/0247/O) and reserved matters consents X/2013/0336/RM (Phase 1A) X/2014/0280/RM (Phase 1B) and LA06/2015/0935/RM (Phase 2) granted thereunder.

A Certificate of Proposed Lawful Development (CLOPUD) demonstrates that this development can be completed in accordance with the planning permission (LA06/2020/0795/LDP).

Extant planning permission also exists for a Greenway through the site to connect Newtownards to the Somme Heritage Centre.

The Council's Planning Department is currently processing an application for full planning permission for construction of a bridge over Ballyharry Stream and pre-cast concrete box culvert below to create a pedestrian access, water culvert and 2 wildlife corridors (to facilitate the delivery of a segregated greenway connection in association with planning permission reference LA06/2020/0940/F, and delivery of the internal access road approved under planning permission reference LA06/2020/0333/F) under application ref: LA06/2023/2249/F.

Reference	Description of Development	Decision
LA06/2020/0795/LDP	Proposed completion of dwelling 25 of Phase 1B and dwelling 89 of Phase 2 within the development site known as Beverley Garden Village, following their prior commencement of development, in accordance with planning permission ref: LA06/2020/0333/F (which amended planning permission LA06/2017/0205/F which had in turn amended the original outline planning permission X/2011/0247/O) and reserved matters consents X/2014/0280/RM (Phase 1B) and LA06/2015/0935/RM (Phase 2) granted thereunder.	Consent 04.02.2021
X/2011/0247/O	Approval of new residential neighbourhood comprising mix detached, semi-detached, townhouses and apartments, open space, landscaping, pedestrian/cycle paths, distributor road from signalised junction on Bangor Road to roundabout on Donaghadee Road and associated ancillary works	Approved 20.12.2012
LA06/2015/0935/RM	Approval of reserved matters relating to Phase 2 lands for the erection of 353 dwellings comprising a mix of detached and semi-detached and 60 apartments, open space and ancillary works (413 residential units in total)	Approved 10.09.2018
X/2013/0336/RM	Approval of reserved matters relating to Phase 1A lands for the erection of 57 dwellings comprising mix of detached and	Approval 26.06.2015

	semi-detached dwellings, open space and ancillary works	
X/2014/0280/RM	Approval of reserved matters relating to Phase 1B lands for the erection of 24 dwellings comprising a mix of detached and semi-detached and 13 apartments, open space and ancillary works (37 residential units in total)	Approval 05.10.2016
LA06/2017/0205/F	New residential neighbourhood comprising mix of detached, semi-detached, townhouses and apartments, open space, landscaping, pedestrian /cycle paths, distributor road from signalised junction on Bangor Road to roundabout on Donaghadee Road and associated ancillary works. Variation of condition 5 of planning permission X/2011/0247/O from - Details of the proposed signalised junction onto Bangor Road and the distributor road through the site linking Bangor Road to the roundabout at the Donaghadee Road shall be submitted to the Department at Reserved Matters Stage. The signalised junction shall be implemented as approved and become operational prior to any other development commencing on the site. To - Details of the proposed signalised junction onto Bangor Road and the distributor road through the site linking Bangor Road to the roundabout at the Donaghadee Road shall be submitted to the Council at Reserved Matters Stage. The signalised junction shall be implemented as approved and become operational prior to the operation of the second dwelling.	Approval 02.06.2017
LA06/2017/1142/F	New residential neighbourhood comprising mix of detached, semi-detached, townhouses and apartments, open space, landscaping, pedestrian /cycle paths, distributor road from signalised junction on Bangor Road to roundabout on Donaghadee Road and associated ancillary works. Variation of condition 5 of planning permission X/2011/0247/O from - Details of the proposed signalised junction onto Bangor Road and the distributor road through the site linking Bangor Road to the roundabout at the Donaghadee Road shall be submitted to the Department	Approval 04.09.2018

	<p>at Reserved Matters Stage. The signalised junction shall be implemented as approved and become operational prior to any other development commencing on the site under ref: X/2011/0247/O. To - Details of the proposed signalised junction onto Bangor Road and the distributor road through the site linking Bangor Road to the roundabout at the Donaghadee Road shall be submitted to the Council at Reserved Matters Stage. The signalised junction shall be implemented as approved and become operational prior to the construction of the third dwelling</p>	
LA06/2017/0203/F	<p>Erection of 57 dwellings comprising mix of detached and semi-detached dwellings, open space and ancillary works. Variation of condition 8 of approval X/2013/0336/RM from – No part of the development hereby permitted shall be occupied until the works necessary for the improvement of the public road have been completed in accordance with the details outlined in blue on drawing number 43 Rev 2 in accordance with condition number 7 above. The Department hereby attached to the determination a requirement under Article 3 (4A) of the above order that such works shall be carried out in accordance with an agreement under Article 3(4C).</p> <p>To- No more than 1 dwelling hereby permitted shall be occupied until the works necessary for the improvement of the public road have been completed in accordance with condition number 7 above. The Department for Infrastructure hereby attached to the determination a requirement under Article3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3(4c).</p>	Approval 07.06.2017
LA06/2020/0333/F	<p>New residential neighbourhood comprising mix of detached, semi-detached, townhouses and apartments, open space, landscaping, pedestrian /cycle paths, distributor road from signalised junction on Bangor Road to roundabout on Donaghadee Road and associated ancillary works. Variation of condition 11 to enable phasing of archaeological works.</p>	Approval 07.08.2020

LA06/2020/0940/F	Greenway for approximately 3km along a traffic-free route from Belvedere Road, Newtownards turning NE following the former railway track in the most part to the Somme Heritage Centre. A section of the former railway track between Victoria Road and Belvedere Road is also included. Widening of existing footways, new 3m wide paths, pedestrian crossings, fencing, ancillary car parking, a shared-use bridge and associated site, access and other ancillary works.	Approval 01.09.2022
LA06/2023/2249/F	Construction of a bridge over Ballyharry Stream and pre-cast concrete box culvert below to create a pedestrian access, water culvert and 2 wildlife corridors (to facilitate the delivery of a segregated greenway connection in association with planning permission reference LA06/2020/0940/F, and delivery of the internal access road approved under planning permission reference LA06/2020/0333/F)	Current Application

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
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 7: Quality Residential Environments

5. Supplementary Planning Guidance

Creating Places
Living Places

6. Consultations

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

Consultee	Response
DFI Roads	No objection subject to mitigation relating to detailed design

NIEA Natural Environment Division	No objection to proposed variation of condition 23 and non-compliance with condition 22
NIEA Water Management Unit	No objection subject to mitigation relating to detailed design
NIEA Inland Fisheries	No objection. Content with CEMP.
DFI Rivers	No objection subject to mitigation relating to detailed design
SES	No objection subject to mitigation relating to detailed design
Environmental Health	No objection subject to mitigation relating to detailed design

7. Consideration and Assessment

Background

Planning permission was granted for the greenway on 1st September 2022. The purpose of the greenway is to provide a 3km traffic free route between Newtownards and the Somme Heritage Centre and enhance the active travel infrastructure of the Borough. This planning permission post-dated the planning permission and Reserved Matters approvals for residential development on NS21 lands. Accordingly, no account of the formal greenway connection was factored into the design of the Beverly Garden Village residential development.

The original outline planning permission to develop the NS21 housing zoning is subject to a condition which states that the 'The distributor road crossing of the Ballyharry Stream shall be by open span bridge of sufficient width to allow the underpass to accommodate the 10-metre-wide wildlife corridor.' (Condition 22) The current application is seeking non-compliance with this condition.

Condition 23 of the original approval states that 'The proposed wildlife corridor along the Ballyharry Stream shall be a minimum of 10m wide.' (Condition 23) The current application seeks the following variation to the wording of this condition. 'The proposed wildlife corridor along the Ballyharry Stream shall be a minimum of 10 metres wide except where otherwise approved by the Local Planning Authority.'

The detailed design of the open span bridge (located on phase 2 lands) was reserved by the outline planning permission for subsequent approval.

An alternative culvert bridge has been designed to facilitate the delivery of the distributor road alongside an unimpeded car free greenway which will operate as an underpass to the distributor road. This alternative engineering solution to the originally approved open span bridge is the subject of a separate full planning application which is currently under consideration by the Council's Planning Department (LA06/2023/2249/F).

The responsibility of ensuring compatibility between planning permissions, and their lawful implementation, rests entirely with the developer.

Application to develop land without compliance with conditions

The application has been made under Section 54 of the Planning Act (NI) 2011 to develop land without compliance with a number of conditions attached to permission LA06/2020/0333/F. This permission amended planning permission LA06/2017/1142/F which had amended permission LA06/2017/0203/F, which had in turn amended the original planning permission to develop the NS21 housing zoning in Newtownards under ref: X/2011/0247/O.

The original planning permission has lawfully commenced, as certified under LA06/2020/0795/LDP, and I am therefore satisfied that the application is valid under Section 54 of the 2011 Planning Act.

The original outline planning application was submitted in April 2011 and permission was subsequently granted in December 2012. This original application was accompanied by an Environmental Statement prepared under The Planning (EIA) Regulations (NI) 1999 (2011 ES). An Addendum was subsequently prepared in 2012 in response to a request for Further Environmental Information (FEI) (2012 ES Addendum).

A Section 54 application seeks to gain a new planning permission for the same development as previously approved, but with one, or more conditions, removed or varied. The application is therefore a fresh application for the same development as the previously granted permission. Development Management Practice Note 09B clarifies that if an original application was determined to be EIA development, then a Section 54 application would also be EIA development, on the basis that it is for the same development which was previously confirmed to be EIA development.

As referred to in Section 2 of the 2023 ES Addendum, the project description has been updated to include the development of a bridge over Ballyharry Stream providing a box culvert underpass for pedestrians, two wildlife passes and a water culvert. The total width accounts for 6.9 metres, consisting of a 3.9-metre-wide box, 1.8-metre-wide water culvert and two 0.9-metre-wide x 35-metre-long wildlife underpasses (LA06/2023/2249/F).

Both of the planning conditions, subject to this s54 application, were designed to minimise the impact of the overall development on the biodiversity of the site including protected species. On this basis the 2023 Addendum identifies that the proposed development will give rise to effects relating to hydrology and ecology and it provides an updated environmental assessment of the proposed variation of the approved development on these aspects.

Regulation 24(1) of the 2017 EIA Regulations states that when determining an EIA application, the Council shall—

- (a) examine the environmental information;
- (b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred

to in sub-paragraph (a) and, where appropriate, its own supplementary examination;

- (c) integrate that reasoned conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and
- (d) if planning permission is to be granted, consider whether it is appropriate to attach conditions or impose monitoring measures.

Accordingly, key elements of the EIA, further information and comments made by the consultee bodies are considered in this report to allow a reasoned conclusion to be reached.

Planning conditions have been recommended as part of any potential approval of the current Section 54 application and also the associated full application for the detailed alternative design solution. Planning conditions will prevent any significant effects that may otherwise arise as a result of the proposed development.

It is also recommended that the Council, in its role as the competent authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 ('HRA'), and in accordance with its duty under Regulation 43, adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, which concludes that, provided the proposed mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Principle of Development

Planning permission has been granted on the wider NS21 site for a new residential neighbourhood comprising a distributor road which will extend from a signalised junction on the Bangor Road to a roundabout on Donaghadee Road. This permission has lawfully commenced as certified under LA06/2020/0795/LDP. Extant planning permission also exists for a pedestrian greenway through the site to connect Newtownards with the Somme Heritage Centre.

The principle of development has therefore already been established.

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.

Designated Sites and other Natural Heritage Interests

According to the 2023 ES Addendum, an evaluation of the 2011 ES baseline indicated that updated desk-top reviews and surveys would be required. Consequently, a desk-top study, site visit and Extended Phase 1 Habitat Survey was undertaken in April 2023 by an ecologist to assess the current status of the habitats and species present within the study area.

The 2023 ES Addendum highlights that the site is not located within the boundary of any statutory or non-statutory designated sites of international, national or local nature conservation importance; however, identifies a number of designations within the Zone of Influence (ZoI) of the proposed development associated with Strangford Lough which is approximately 3km from the site. The Addendum further identifies features of natural heritage importance including Ballyharry Stream which runs through the site. The author confirms that pre-construction site clearance works associated with the extant planning permission have occurred, removing all riparian vegetation along the Ballyharry Stream in the location of the culverted bridge crossing. Additional features of natural heritage interest, identified in the ES, include native species hedgerows (priority habitat), a pond and a variety of species (bats, otters, badgers, smooth newt and birds).

Mitigation in relation to species has been outlined in the ES and forms part of the detailed alternative engineering solution in the form of two 0.9m wide x 35m long wildlife underpasses to ensure the safe and continued passage of mammals.

The ES Addendum concludes that subject to appropriate standard mitigation as outlined in the Preliminary Ecological Assessment, no likely significant effects relating to ecology are likely to occur as a result of the proposed culverting both individually and cumulatively with the approved development on the site.

NIEA Natural Environment Division has reviewed the application, associated ES and detailed culverted bridge design, and provides no objection to the proposed change to the original Outline planning permission in terms of designated sites or other natural heritage interests. Any potential approval of the associated Full planning application will be subject to a planning condition to ensure the wildlife corridors are provided and permanently retained thereafter.

An Outline Construction Environmental Management Plan (OCEMP) has been prepared to prevent/avoid significant environmental effects on the environment and surrounding area.

NIEA Inland Fisheries reviewed the application, associated ES and detailed design of the proposed engineering solution under application: LA06/2023/2249/F. Whilst it advised that fish populations are sensitive to reductions in water quality, particularly siltation, it is content that the measures included within the OCEMP will ensure that potential pathways for deleterious materials to enter the aquatic environment are identified and appropriate mitigation is in place to prevent such materials from entering the watercourse.

NIEA Water Management Unit has considered the impacts of the project on the surface water environment and based on the information provided has provided no objection subject to a condition requiring the submission and implementation of a Final CEMP.

The planning application has been considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by SES on behalf of Ards and North Down Borough Council. Following an Appropriate Assessment and having considered the nature, scale, timing, duration and location of the project, and in light of the expert opinion of

the Statutory Nature Conservation Body (NIEA), SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation being attached to any potential approval to ensure the implementation of measures to effectively prevent the egress of contaminated water from the construction site as detailed in the OCEMP.

The Reserved Matters approvals associated with the wider housing zoning are subject to mitigating conditions relating to site drainage and pollution prevention. These will continue to apply to the wider on-going development of the zoning.

Any approval of the associated application seeking Full planning permission for the culverted bridge will be subject to a condition to ensure the submission, agreement and subsequent implementation of a final CEMP to reflect the comments the expert consultees.

Hydrology and Drainage

Chapter 10 of the 2023 ES Addendum summarises changes that may have occurred since the preparation of the original 2011 ES and 2012 Addendum. A Drainage Assessment has been carried out for the alternative culverted bridge design. A schedule 6 application for discharging the storm water into the existing watercourse has been approved by DFI Rivers.

The 2023 ES Addendum refers to the following design measures that are intended to prevent any significant effect on the hydrology and drainage of the site, during either the construction or operational phases, as a result of the proposed culverting works.

- The watercourse culvert has been designed with a 1.8 metre diameter to ensure there are no reductions or disruptions to the existing flow arising from the new road construction and the culverting of the channel. Additionally, to allow the watercourse to follow its existing route, two manholes will be installed.
- To ensure there is no increase in flood risk associated with this development, the road drainage has been designed to satisfy standards contained within the Design Manual for Roads and Bridges (DMRB) Volume 4 Section 2. The system has been designed for a 1 in 30 year return period storm and has also been checked for exceedance in a 1 in 100 year return period storm.
- Attenuation of the storm discharge will be provided within the system using oversized pipes. Prior to discharging the storm water into the existing watercourse, it will be restricted to greenfield run-off rates using a Hydrobrake.
- As the proposed road will pass over an existing watercourse, a 1.8m diameter culvert will be installed to ensure the watercourse is not negatively impacted by the construction of the road. The culvert will allow the existing watercourse to flow without any restrictions or reductions to its current capacity, while also ensuring that it will be able to accommodate the storm discharge from the new road.

- During the construction phase, a temporary diversion to the watercourse will be undertaken as detailed in the OCEMP. Pollution prevention measures will be incorporated during the construction phase to prevent any possibility of sediments and other pollutants entering any nearby watercourses or surface drainage systems.

The 2023 ES Addendum states that the culvert has been designed to avoid any impeding of the flow of the watercourse, and sensitive construction methods will be in place and that no further mitigations are required. On this basis the ES Addendum concludes that there will be no likely significant environmental effects on the hydrology and drainage of the site during either the construction or operational phases of the development.

DFI Rivers has been consulted on the application and advises that according to the Flood Maps (NI) the development does not lie within the 1 in 200 year coastal/climate change flood plain.

DFI Rivers has confirmed that the Drainage Assessment demonstrates that the design and construction of a suitable drainage network is feasible and that the 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%) could be contained in the attenuation system, when discharging at the existing green field runoff rate, and therefore exceedance waters can be safely dealt with without breaching the consented discharge rate. DFI Rivers has advised that further assessment of the drainage network will be made by NIW/DfI TRAM prior to adoption and that this may involve alterations to the drainage network design. Consequently, DFI Rivers has requested that any residual flood risk is managed by way of a planning condition to ensure the subsequent approval of a Final Drainage Assessment. It is recommended that this mitigation is secured by way of a planning condition attached to any approval of the associated application for the culverted bridge.

DFI Rivers has confirmed that the proposed layout for the culverted bridge design incorporates a maintenance strip as required by PPS 15 FLD 2.

The Applicant proposes to divert and culvert a section of the undesignated watercourse that traverses the central portion of the site. The SPPS states that planning authorities should only permit the artificial modulation of a watercourse in exceptional circumstances where culverting of a short section of a watercourse (usually less than 10m) is necessary to provide access to a development site (or part thereof), or where necessary for engineering reasons unconnected to any development proposals.

The water culvert will carry the existing watercourse below the distributor road and will be approximately 60.6m long. Whilst in excess of 10m referred to in the policy, the use of the word 'usually' suggests there may be occasions where culverting in excess of 10m may be acceptable. The engineering solution seeks to ensure compatibility between the previously granted permission for the NS21 distributor road and the pedestrian greenway. Having attributed material weight to the following factors it is my professional planning opinion that the proposal to culvert a section of the undesignated watercourse is acceptable.

- I am satisfied that the culvert is necessary to facilitate access over the watercourse for the distributor road and for unimpeded pedestrian traffic below the distributor road.
- I consider the delivery of an unimpeded pedestrian greenway to be in the wider public interest.
- Whist 60.6m in length, in the context of the wider development, I am satisfied that this is not excessive and is no longer than necessary to facilitate the proposal which is required for access purposes.
- The proposed culvert is subject to approval from Rivers Directorate, under Schedule 6 of the Drainage Order 1973, outside of the planning process. Evidence has been submitted to demonstrate Schedule 6 consent for the proposed water culvert has been granted by DFI Rivers – the statutory drainage and flood defence authority.

Access and Roads Safety

Chapter 6 of the original 2011 ES details the likely significant effects on transportation. The 2023 ES Addendum states that impacts will relate to pedestrian and cycle accessibility only. A positive impact is identified through the design amendment which will facilitate the greenway connection through the application site. No significant impact on the overall vehicular road network was identified in the ES as a result of the proposed change.

DFI Roads has been consulted and provides no objection subject to conditions relating to the detailed design of the bridge. These conditions will be included as part of any approval of the associated full planning application for the bridge/culvert.

8. Consideration of Representations

Two letters of objection were received. The following issues were raised:

- Construction and vehicular noise
- Road safety at Bangor Road entrance
- Impact on wildlife
- Increased risk of crime, trespassing and noise at existing residential properties associated with greenway
- Impact on infrastructure and services
- Query regarding redline boundary of the site

Many of the matters raised relate to the principle of development of the pedestrian greenway and the wider NS21 housing zoning. The principle of development has already been established through the planning history of the site.

In considering an application under Section 54, the council must only consider the question of the conditions subject to which planning permission should be granted (Section 54(3)). Consequently, the scope of the Council is limited when dealing with a Section 54 application and the principle of development cannot be revisited.

The current application seeks to vary planning conditions relating to the bridge design and provision of a wildlife corridor. NIEA Natural Environment Division has been consulted and has offered no objection in relation to natural heritage interests.

I can confirm that the redline boundary for the s54 application presently under consideration remains unchanged from that of the original Outline planning permission to develop the NS21 zoning. A separate full planning application has been submitted for the detailed design of the bridge/culvert with a smaller redline boundary to define the location of the proposed alternative bridge/culvert design.

It is considered that the proposed change to the conditions of the original Outline planning permission will result in no unacceptable adverse harm to residential amenity. The Council's Environmental Health Department was consulted and offered no objection to the application subject to conditions which would be attached to any approval of the associated application for the detailed design of the culverted bridge. These conditions would control hours of construction and ensure implementation of noise mitigation measures.

I do not consider that the alternative culverted bridge design would result in any material increased risk of crime at existing residential properties in the vicinity of the site. The principle of a greenway through the site has already been established. The box culvert is relatively short in length to facilitate unimpeded pedestrian access underneath the eastern distributor road.

The proposal will not result in any change to the previously approved Bangor Road access. DFI Roads has provided no objection to the detailed design of the bridge culvert in terms of access and roads safety.

9. Conclusion

The Council's Planning Department has examined the environmental information taking into account both the information supplied by the Applicant and the feedback provided by consultation responses. Consultation responses are available in full on the planning portal and have been summarised in this report.

The original application was accompanied by an Environmental Statement (ES) (2011 ES) and subsequent Addendum (2012 Addendum) which considered the likely significant impacts of the project on the environmental aspects within and around the project (population, transportation, air quality and odour, noise, ecology, water quality and drainage, land use and quality, cultural heritage and landscape and visual) and included the measures envisaged to mitigate those impacts, where required.

The Applicant submitted a further addendum to the original ES to accompany the current application. This considers the potential significant impacts on environmental aspects within and around the proposed development that could occur as a result of the non-compliance with the conditions attached to the original permission, as proposed, together with design measures and mitigation to avoid them. The 2023 ES Addendum concludes that some of the aspects considered in the original ES will be

unaffected by the non-compliance and thus the conclusions drawn on those remain unchanged.

The topics of Climate, Material Assets and Major Accidents were not considered as part of the original 2011 ES as they were subsequently introduced in the updated EIA Regulations. The ES has identified no likely significant affects in relation to these additional topic areas and concludes that no additional mitigation measures are required.

The original conditions required the distributor road crossing of the Ballyharry Stream to be by open plan bridge construction to enable an underpass for a wildlife corridor (minimum 10m wide). The conditions were designed to prevent any unacceptable impact to biodiversity of the site, including protected species. The project description in the ES has been updated to include an alternative bridge culvert with two wildlife corridors and a water culvert. It is considered that the main likely significant effects of this development on the environment relate to ecology, hydrology and drainage.

The ES identifies a potential likely significant effect on ecologically important features (statutory and non-statutory designated sites within the zone of influence, habitats within the site and species that utilise the site) and the mitigation measures, where required.

Mitigation for mammals comprising two 0.9m wide wildlife corridors, forms part of the detailed design of the proposed bridge culvert. A condition will be added to any potential approval of the full application to ensure the wildlife corridors are fully constructed, in accordance with the approved plans, prior to the operation of the vehicular bridge and pedestrian culvert.

The planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of DfI Planning. The Appropriate Assessment concluded that based on the information provided, and in light of the expert opinion of the Statutory Nature Conservation Body (NIEA) the project would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects, subject to mitigation being attached to any potential approval to ensure the implementation of measures to effectively prevent the egress of contaminated water from the construction site as detailed in the OCEMP.

Any approval of the planning application for the detailed design of the culverted bridge should be subject to a condition requiring the subsequent approval and implementation of a Final Construction Environmental Management Plan (CEMP). Having taken into account the environmental information submitted with the application and views of expert consultees, I am satisfied that such a condition will prevent any significant environmental impact in relation to the water environment and designated sites.

Given the methods of construction and proposed operating capacity of the culvert, the ES concludes that there will be no likely significant effects on the hydrology and drainage of the site during either construction or operational phases of the development. The ES further states that the culvert has been designed to avoid any impeding of the flow of the watercourse, and sensitive construction methods will be in

place and that no further mitigations are required.

DFI Rivers has provided no objection to the amended bridge design subject to a condition to manage any residual flood risk is managed by way of a condition requiring the subsequent approval of a Final Drainage Assessment. This condition will be included as part of any approval of the associated full application for the bridge culvert.

Having examined the application, the associated environmental information, in accordance with Regulation 24(1) of the 2017 EIA Regulations, I am satisfied that the non-compliance with condition 22 and proposed variation of condition 23 of LA06/2020/0333/F will not result in any likely significant effect on the environment. This is subject to the inclusion of planning conditions as part of any approval of the associated planning application for the culverted bridge as described above.

It is recommended that all other conditions of the original permission will be repeated in any decision notice granting approval of this application. It should be noted that a number of the conditions on the original Outline planning permission have been discharged. However, as a Section 54 constitutes a new permission, such conditions will be retained on the Section 54 permission to ensure that works are carried out as agreed and remain enforceable.

10. Recommendation

Grant Planning Permission

11. Conditions & Informatives

Conditions

1. This approval is granted in accordance with Section 54 of the Planning Act (Northern Ireland) 2011 and relates to the Variation of condition 23 and non-compliance with condition 22 of previous permission LA06/2020/0333/F (which amended planning permission LA06/2017/1142/F which amended LA06/2017/0205/F which had in turn amended the original outline planning permission X/2011/0247/O) and takes effect from the date of the original planning permission.

Reason: As required by Section 54(5) of The Planning Act (Northern Ireland) 2011.

- 2 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Council, in writing, before any development is commenced.

Reason: To enable the Council to consider in detail the proposed development of the site.

- 3 The under-mentioned Reserved Matters shall be approved, in writing, by the Council:-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance; the colour, texture and type of facing materials to be used for external walls and roofs.

Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Reason: To enable the Council to consider in detail the proposed development of the site.

- 4 Full particulars, detailed plans and sections of the reserved matters required in Conditions 02 and 03 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

- 5 Details of the proposed signalised junction onto Bangor Road and the distributor road through the site linking Bangor Road to the roundabout at the Donaghadee Road shall be submitted to the Council at Reserved Matters Stage. The signalised junction shall be implemented as approved and become operational prior to the occupation of the second dwelling.

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

- 6 No more than the 76 dwellings within Phase 1 of the development hereby permitted shall be occupied prior to the completion of the distributor road between Points B and A as shown on the Phasing Plan - Appendix A of Atkins Technical Note bearing the date stamp 13th April 2012.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out

prior to the completion of this part of the development.

- 7 No more than the 191 dwellings within Phase 1 and 2 of the development hereby permitted shall be occupied prior to the completion of the distributor road between Points A and D as shown on the Phasing Plan - Appendix A of Atkins Technical note bearing the date stamp 13th April 2012.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out prior to the completion of this part of the development.

- 8 No more than the 320 dwellings within Phase 1, 2 and 3 of the development hereby permitted shall be occupied prior to the completion of the distributor road, between Points B and C as shown on the Phasing Plan - Appendix A of Atkins Technical note and the roundabout junction onto the Donaghadee Road bearing the date stamp 13th April 2012.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out prior to the completion of this part of the development.

- 9 The Private Streets (Northern Ireland) Order 1980
The development shall be in accordance with the requirements of the Department for Infrastructure's Layout of Housing Roads Design Guide 1980 and, for the purpose of adopting private streets as public roads, the Department for Infrastructure shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Street (Northern Ireland) Order 1980.

- 10 Notwithstanding the provisions of the Planning (General Development) Order (NI) 1993, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures, or hedges or formal rows of trees within any verges of service strips determined for adoption.

Reason: To preserve the open plan nature of the estate.

- 11 'No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted to and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:-

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

- Preparation of digital documentary and material archive for deposition; and
- The phasing of archaeological works premised on the requirement to carry out the works and report thereon in accordance with the programme prior to any development works commencing on any particular phase or part of the site.

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

- 12 No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 11 and any phasing detailed therein.

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

- 13 A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 11. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

- 14 Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is completed in accordance with the approved programme.

- 15 Details of confirmatory testing of soil along the route of the former railway line shall be submitted to the Council at Reserved Matters stage. Should contamination be identified, a risk assessment to support the proposed end-use shall be completed and submitted along with a remediation strategy in the event of unacceptable risks being identified.

Reason: To protect human health and environmental receptors to ensure the site is suitable for use.

- 16 If during the development works, contamination is encountered which has not previously been identified, works shall cease (within the immediate area of the works) and the Council notified immediately. The new contamination shall be fully investigated in accordance with the Model Procedures for the

Management of Land Contamination (CLR11). In the event that unacceptable risks are identified, a revised remediation strategy shall be submitted to, and agreed in writing with the Council.

Reason: To protect human health and environmental receptors to ensure the site is suitable for use.

- 17 In the event that contamination is encountered on the site as a result of the works required in the above condition and following the necessary remediation works, a verification report shall be submitted to, and agreed in writing with the Council prior to the occupation of the development. This report should present all the remediation and monitoring works undertaken, and demonstrate the effectiveness of the works in managing all the risks and achieving the remediation objectives. This report must be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

Reason: To protect human health and environmental receptors to ensure site is suitable for use.

- 18 A landscape management plan, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be submitted to and approved by the Council prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out as approved.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

- 19 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with details to be submitted at Reserved Matters stage for each particular Phase of the development before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Council.

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

- 20 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.

- 21 No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Department. Any arboricultural work or tree surgery approved shall be carried out in accordance with the appropriate British Standard: Recommendations for Tree Work.

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

- 22 The proposed wildlife corridor along the Ballyharry Stream shall be a minimum of 10 metres wide except where otherwise agreed by the Council.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

- 23 Details of the badger protection zone and the wildlife corridor buffer to protect the main badger sett shall be submitted to the Council at Reserved Matters stage. The measures shall be maintained throughout the construction period of the development. No development activity, vegetation clearance, disturbance by machinery, dumping or storage of materials (except for the hand planting of trees and shrubs) shall take place within the badger protection zone and wildlife corridor buffer without the written consent of the Council.

Reason: To avoid any disturbance by machinery, dumping, storage etc.

- 24 No site clearance or other development works shall take place within 25m of badger setts A1, O1, O2, O3, O4, O5 or O6, as shown on the Badger Survey Map under application ref: X/2011/0247/O until badgers have been excluded and the setts closed.

Reason: To protect badgers and their place of refuge.

- 25 No site clearance or other development works shall commence until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided around the smooth newt breeding pond as shown on the Smooth Newt Location Map under application ref: X/2011/0247/O, at a radius of 20m around the edge of the pond. No development activity, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within this protection zone and wildlife corridor buffer without the written consent of the Council. The protection zone shall be retained and maintained until all newts have been translocated to a receptor pond.

Reason: To protect newts and their place of refuge.

- 26 An Environmental Management Plan shall be submitted to the Council at Reserved Matters stage. The plan shall include details of the phasing of all ecological mitigation, compensation and enhancement on the site, the

proposed wildlife corridor along the Ballyharry Stream, the proposed wildlife area to the north of the site, additional planting of native species, erection of bat boxes and bird boxes and monitoring of works such as tree and scrub removal.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

- 27 A Construction Method Statement shall be submitted to the Council at Reserved Matters stage. It shall include details of the phasing of works, construction of the SuDS ponds, construction methods of the road bridge across the Ballyharry Stream and how impacts to biodiversity and protected species will be avoided and minimised during construction.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

- 28 A lighting scheme shall be submitted to the Council at Reserved Matters stage for each phase of the development.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

- 29 There shall be no illumination of the wildlife corridor, wildlife area, badger protection areas or retained trees, hedgerows and scrub.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

- 30 A Site Drainage Plan shall be submitted to the Council at Reserved Matters stage including details of all storm water drainage, water treatment and discharges.

Reason: To prevent adverse effects on the integrity of Strangford Lough Special Area of Conservation Area (SAC), Special Protection Area (SPA) and Strangford Lough (Part1) Area of Special Scientific Interest (ASSI).

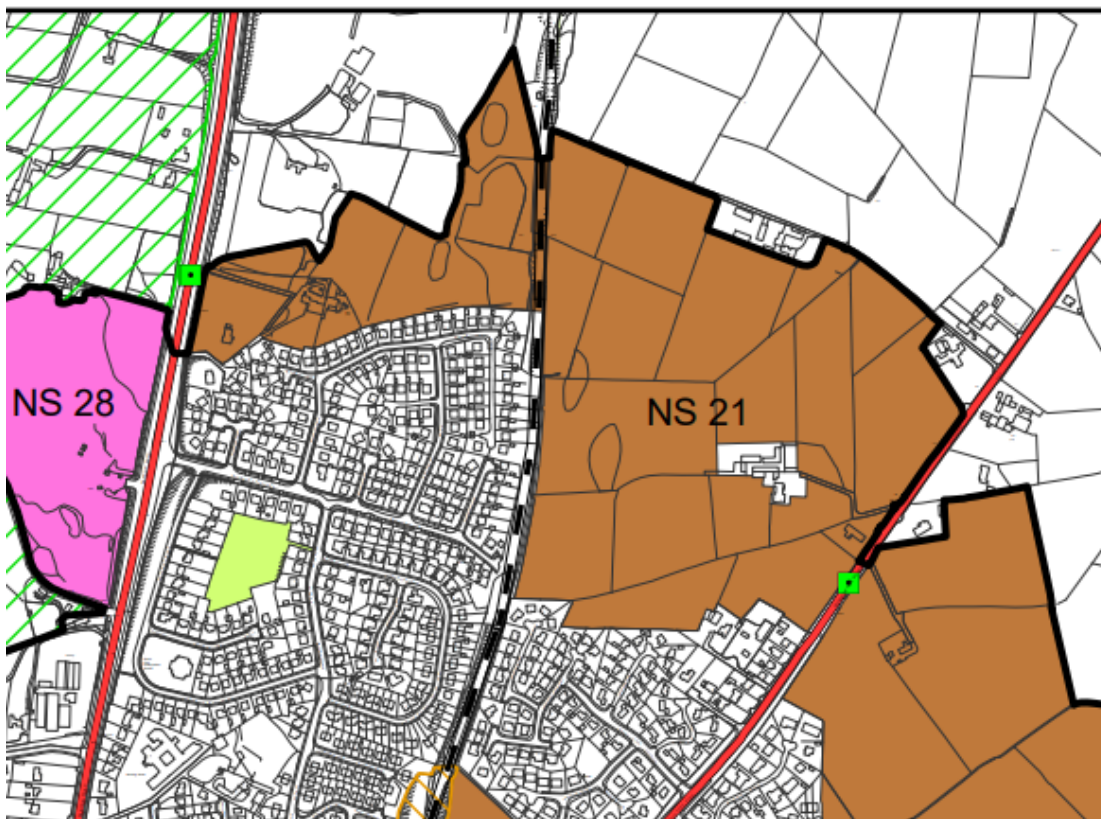
- 31 The proposed wildlife corridor and open space along the Ballyharry Stream and to the north of the proposed distributor road shall be completed prior to the commencement of Phase 2 of the proposed development.

Reason: To ensure the establishment of the open space at an early stage of the site development in order to create a quality and sustainable residential environment.

Informative

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

Ards and Down Area Plan 2015



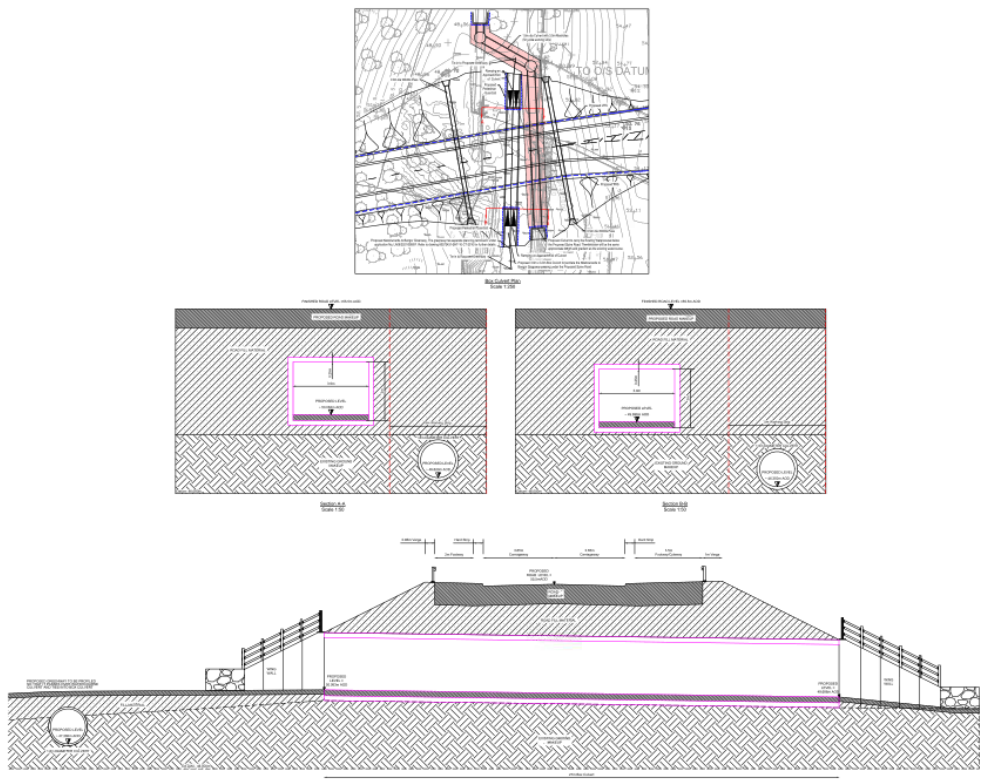
Site Location Plan



Ballyharry Stream




Drawing showing detailed design of culverted bridge proposed under LA06/2023/2249/F (for informational purposes)



ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2024/0197/F
Proposal	1st floor extension to rear to provide three treatment rooms
Committee Interest	A local development application attracting six or more separate individual objections contrary to the case officer's recommendation.
Validated	04/04/2024
Summary	<ul style="list-style-type: none"> • Application for Old Inn, Crawfordsburn, to provide treatment rooms to supplement its spa experience which is restricted to overnight guests only • No objections from consultees. • 48 letters of representation have been received – 27 objections (from 24 different addresses) and 21 letters of support. • Main thrust of objections relates to car parking and road safety particularly along Main Street and nearby roads. • Proposed development, which is located to the rear of the main building complies with provisions of local development plans. • Proposed treatment rooms are on stilts/columns with parking created below. • Proposed treatment rooms development is policy compliant with no public views given its siting to rear of existing hotel building and no adverse impact on neighbouring residential amenity. • No detrimental impact to existing trees or landscaping. • Three new parking spaces proposed beneath treatment rooms and further adjacent space created (four in total). Proposed treatment rooms development complies with Parking Standards with 1 space required for 3 staff members on duty. • Condition to be attached to any decision notice restricting use of treatment rooms for overnight hotel guests only.
Recommendation	Approval
Attachment	Item 4.2a

Development Management Case Officer Report			
Reference:	LA06/2024/0197/F	DEA: Holywood & Clandeboye	
Proposal:	1st floor extension to rear to provide three treatment rooms.		
Location:	The Old Inn, 15-25 Main Street, Crawfordsburn		
Applicant:	Colin Johnston		
Date valid:	04/04/2024	EIA Screening Required:	No
Date last advertised:	18/04/2024	Date last neighbour notified:	04/04/2024
Letters of Support:21 (from 20 different addresses)	Letters of Objection: 27 (from 24 different addresses)	Petitions: 0	
Consultations – synopsis of responses:			
DFI Roads		Dfl Roads would offer no objections to this proposal as there will be under 5% intensification in use.	
Environmental Health		No objections	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design, Visual Impact and Impact on Character of the Area (including impact on Crawfordsburn proposed Area of Village Character) • Impact on Residential Amenity • Access, Road Safety and Car Parking • Designated Sites/Other Natural Heritage Interests • Other Planning Matters 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk/simple-search			



1. Site and Surrounding Area

The site is located on the northern side of Main Street in the village of Crawfordsburn, and to the rear of the existing Old Inn, a hotel and spa complex with adjacent car parking.

Currently to the east of the hotel is a building which is designed to reflect the look of two cottages with two separate doors accessing onto the footpath on Main Street, but which are currently in use at first floor level as offices, with parking underneath.

The site of the proposal is located to the north (rear) of the existing hotel building.

There are vehicular accesses to the north-west and south-east of the office building. Both accesses have electric barriers installed with one being utilised as an entrance and the other as an exit. The remaining land within the blue line is occupied by car parking spaces. The rear boundary of the car park is formed by mature planting. There are various stone walls within the site. The area consists of 1.5 and 2 storey dwellings and commercial properties. The buildings are typically finished in render, painted white with dark coloured window and door frames.

The site is within the settlement of Crawfordsburn as designated in the North Down and Ards Area Plan 1984 – 1995 and draft Belfast Metropolitan Area Plan (BMAP) 2015. Within draft BMAP the site is also located within the Crawfordsburn Area of Village Character (Designation CFN 02). The area contains a mix of residential and commercial uses.

2. Site Location Plan





3. Relevant Planning History

W/2011/0012/F - New entrance portico, 4no. dormer windows to front elevation, clock tower, car park archway, single storey facade building with storage accommodation above, escape exit alterations and new walls/railings to car park – Permission granted 01/05/2012.

W/2012/0457/F – New three storey building comprising storage, offices, roof terrace and trees at the Old Inn – Permission granted 26/07/2013.

W/2013/0124/F - Proposed new car park facing facade including new gable to Main Street elevation, new clock tower, new function suite entrance and a port cochere, new archway and new cottage style facade on Main Street – Permission granted 12/06/2014.

W/2014/0451/F – Change of use of existing cottage style building from first floor store to first floor office – Permission granted 03/03/2015.

LA06/2018/0237/F – New 2-storey building comprising storage, offices, roof terrace with footbridge and trees at the rear of the Old Inn Crawfordsburn (renewal of W/2012/0457/F) – Permission granted 23/09/2019.

LA06/2023/1505/F – Development of 3no. self-catering cottages (conversion and extension of existing building and new build) and associated changes to parking layout, including retention of car park barriers – Permission granted 10/04/2024.

LA06/2024/0605/CLOPUD - Internal works to the ground floor of the hotel including replacement of kitchen and function room with changing rooms and relocation of bedroom and alterations to library / dining room - granted – 23/08/2024.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995 (NDAAP)

- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6 Addendum: Areas of Townscape Character
- Planning Policy Statement 16: Tourism

Principle of Development

The site is located within the curtilage of a long-established hotel business, known as The Old Inn, Crawfordsburn. The site is within the settlement limit of Crawfordsburn and whilst also being within the proposed Crawfordsburn Area of Village Character, it is not designated for a particular use and therefore is considered to be in conformity with the plan provided it complies with all other material planning considerations.

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 proposal is for an extension to the rear of the existing hotel to provide three treatment rooms to be used by overnight guests of the Old Inn.

Policy TSM 1: Tourism Development in Settlements of PPS 16 states that planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design and has regard to the specified provisions of a development plan.

Policy TSM 7: Criteria for Tourism Development provides design and general criteria for all proposed tourism development. The criteria will be considered below, under each detailed heading.

Development Plan

NDAAP currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable. As there are no material provisions in the extant Plan or dBMAP that are pertinent to the proposal, the determination will be based on other material considerations.

Whilst the hotel site is located within a proposed AVC in draft BMAP the impact of the proposal on the appearance of the proposed AVC remains a material consideration.

Impact on Existing Hotel and Character of Area

The proposal is located to the rear of the existing hotel adjacent to the existing tree top spa facilities.



Figure 1: Existing and proposed elevations

The treatment rooms will be accessed via an existing external stairwell to the rear of the hotel: the building proposed is to be finished with vertical timber cladding. The proposal is to be built at 1st floor level on pillars with the submitted plans showing car parking spaces to remain (3 no.) in situ beneath the treatment room structure. The proposal does not involve any elevational changes to the front elevation of the hotel and will be primarily viewed from within the existing carpark. The design of the extension respects the existing buildings within the Old Inn Hotel site in terms of style and materials. The proposed design, scale and massing are considered to be appropriate to the character and appearance of the site and wider locality whilst promoting sustainable economic tourism development.

It remains a material consideration that the site is also located within the proposed Crawfordsburn Area of Village Character (AVC) (Designation CFN 02). The policies within the Addendum to Planning Policy Statement 6 (APPS 6) and the related provisions of the SPPS refer to Areas of Townscape Characters. The Preamble states that all references to Areas of Townscape Character (ATC) within the APPS 6 should be read as including Areas of Village Character (AVC). The Commissioner in appeal decision 2021/A0227 considered that there is no reference made to draft AVCs, which do not have the same status or legal standing as a designated AVC. However, the commissioner further noted in this case that the potential visual impact of the appeal development on the proposed ATC, as a whole, remained a material consideration.

The key features of this AVC are the vernacular building form along each side of Main Street, with single and two storey buildings, mostly dating from the late eighteenth century, the community hall and tea room in Main Street, the Georgian buildings and nineteenth century man-made landscape, the important examples of industrial archaeology including the eighteenth century water mill on Main Street and the stump of a windmill built in 1830 and lastly, the traditional forms of construction.

The plan does refer to the adherence in replacement and repair works to traditional forms of construction. Vertically proportioned windows, types of doors, chimneys and

slate roofs and the use of a white and black colour scheme for exterior render and woodwork has afforded cohesion to the townscape and an inherent sense of place. Given the proposed development is located to the rear of the existing hotel, there are no views of the proposal from Main Street. It will neither have any adverse visual impact on the key features of this proposed AVC nor the wider proposed AVC designation.

Impact on Privacy and Amenity of Neighbouring Residents

The proposed treatment rooms are compatible to the existing hotel use. The proposed development is located within the existing hotel site, and tucked behind the existing end return and will therefore have no unacceptable visual impact on the private residential amenity of neighbouring properties. Environmental Health has raised no objections to the proposal.

Impact on Trees/Landscape Features

The proposal does not have any impact on trees or other landscaping features.

Access and Road Safety and Parking

Access to the car park of the hotel is unaffected by this application.

Plans show four car parking spaces, three under the proposed extension and 1 adjacent to the previous function room. From site inspection it was noted that one of these spaces is marked out and the other 3 are partially marked out.

Parking at the lower level of the site was identified on one plan submitted in support of the self-catering proposal.

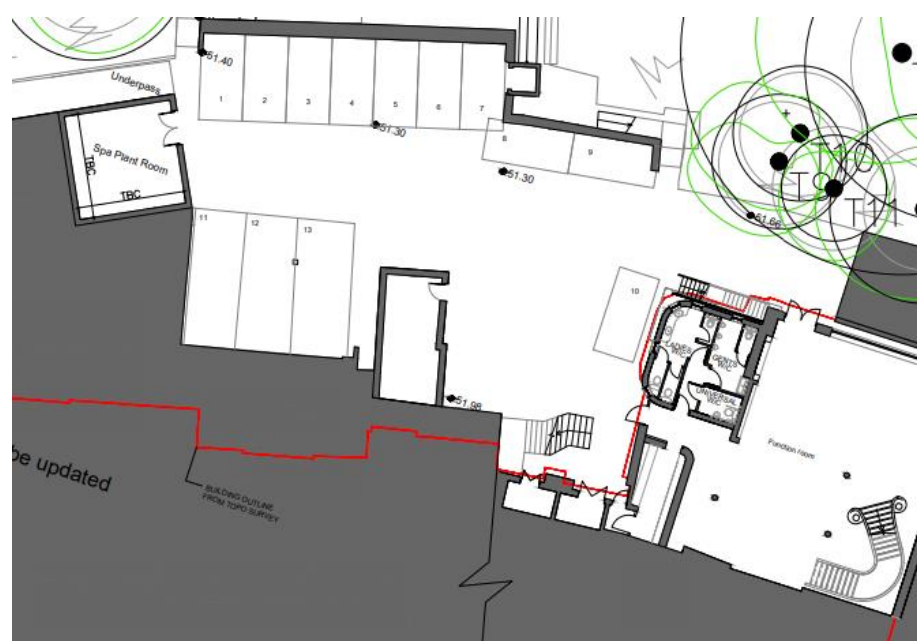


Figure 2: LA06/2023/1505/F – Drawing number 08

The plan submitted for the self-catering proposal (see figure 2 above) showed 13 spaces at the lower level – including 1 of the 4 spaces shown on the proposed

treatment room drawing. As such, the proposal includes space for 3 additional cars to park, under the proposed treatment rooms. There is no loss of parking spaces within this site as a result of this proposal when measured against the allotted parking spaces permitted under LA06/2023/1505/F granted on 10 April 2024 following determination by the Planning Committee.

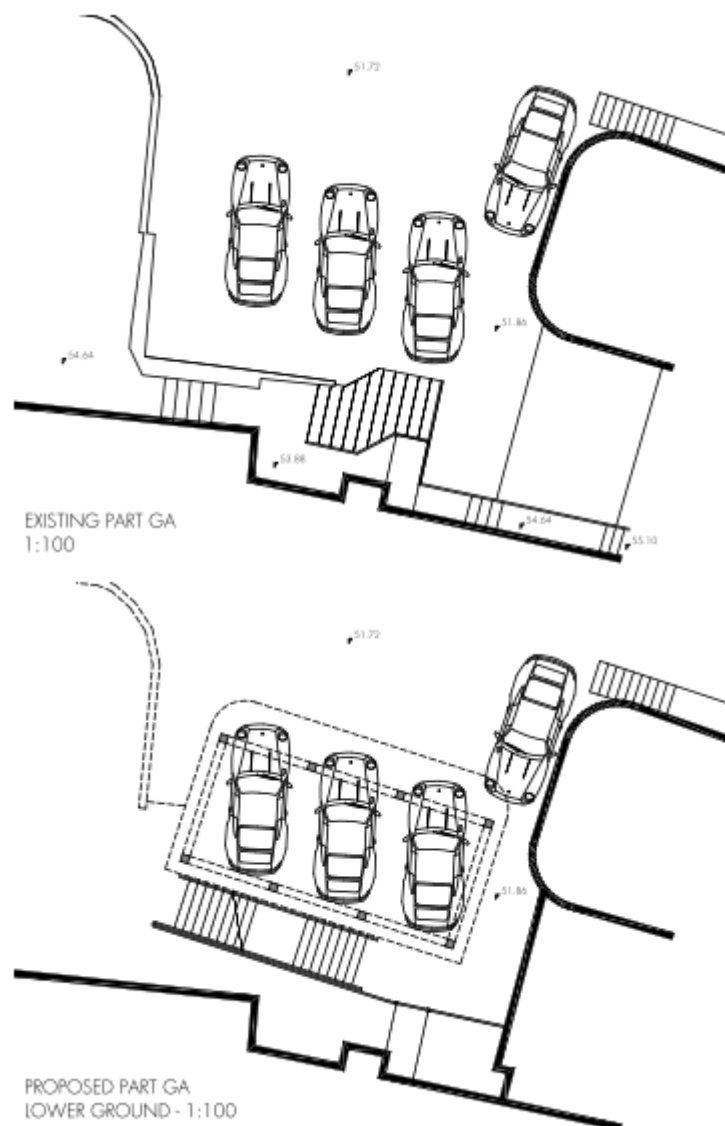


Figure 3: existing and proposed car parking.

The proposal is for use of existing hotel guests only and will not provide a 'walk in' service meaning the erection of the treatments rooms will not result in a reduction of existing visitor car parking.

The agent has indicated on the application form that there will be an average of 2 employees attending the premises daily and 1 vehicle. Given the proposal contains 3 no. treatments room this number was queried. The agent advised the application form asks for an average and that three spaces which were not previously considered under the most recent self-catering accommodation application can be used as a whole and when required.

Parking standards for a hotel state, 'resident staff at 1 space per 3 staff on duty'. Therefore, 3 maximum number of staff for the three treatment rooms at any time would require 1 car parking space. This application shows 3 car parking spaces provided.

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. 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). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

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

Conclusion

On balance, the proposal to provide three treatment rooms, to the rear of an existing hotel for use of hotel guests only is considered to be appropriate and respects the site context in terms of scale, size and design.

5. Representations

There are currently 48 representations received to this planning application. 27 objections and 21 letters of support.

Those material planning matters raised in submitted representations are summarised below. Matters raised in the objection letter primarily relate to the loss of parking space and issues with traffic and car parking issues within Crawfordsburn village. Objectors consider the application as removing part of the parking area and this in turn will directly exacerbate the existing car parking and traffic problems in the village.

- Existing car park is already too small
- Parking in the village has reached dangerous and unacceptable levels
- Cars parking on footpaths and double yellow lines
- Cars from outside of the village parking in residents' car parking spaces
- Loss of remaining last open space in the village which traditionally used to host the Crawfordsburn Christmas tree
- Entrance and exit to the car park pose safety issues for those passing through the village
- Patrons of the Old Inn parking at bottom of Ballymullen Road
- Detrimental to the built character of the village
- Create additional visitors and will therefore need more carparking
- Location will hamper delivery vehicles to manoeuvre and leave the site in forward gear

- No study has been done by roads or planning as to the actual parking situation at the Old Inn and this has been requested
- Old Inn have not stated how the footfall to the Inn will be increase due to the granting of planning permission
- Previous applications ant the Old Inn should have faced more scrutiny
- Old Inn side of the road should be designated as a no parking zone
- Parking restrictions in the village should be enforced
- Applicant plans to reduce exciting capacity by 15 spaces
- Proposal is premature as it is a departure from Helens Bay and Crawfordsburn village plans, and the application should be called in by DFI for consideration.

Support:

- Proposal will enhance facilities for local people and tourists
- Additional tourism attracted will assist local businesses and provide employment opportunities.
- Any investment in the area should be applauded.

The majority of the issues raised have been considered in the main body of this planning report.

Through the planning application LA06/2023/1505/F for 3no. self-catering cottages, the Council has conditioned that the former function room located within the primary hotel building shall not be used for external meetings, parties, ceremonies or other social events at any time.

Subsequently the Council granted a Certificate of Lawfulness for internal works to convert the former function room into changing rooms. As detailed in the case officer report for LA06/2023/1505/F the cessation of the function room meant the parking requirement previously associated with this use can be reallocated to the self-catering units. The agent has specified that the treatment rooms will be for the use of hotel overnight guests only, a planning condition will be included to ensure this. Therefore, the proposal will not involve a reduction in car parking to serve the existing/approved and proposed hotel uses.

Current car parking issues within Crawfordsburn Village are acknowledged, however people parking in dangerous locations on the street or footpaths or within any specific designated residential parking space is a matter to be investigated by the PSNI.

Regarding the issue of prematurity, The Village Plan is a non-statutory document which outlines the long-term goals, objectives, and vision for the village. North Down and Ards Area Plan 1984-1995 (NDAAP) is the statutory development plan for Crawfordsburn with Draft Belfast Metropolitan Area Plan 2015 (dBMAP) remaining a material consideration.

DFI Roads has been consulted and they have no objections to the application.

6. Recommendation

Grant Planning Permission
7. Conditions
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The treatment rooms hereby approved shall be for the use of overnight hotel guests only.</p> <p>Reason: To restrict use and ensure adequate in-curtilage parking retained.</p>
Informative
<p>This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.</p>

Site photographs

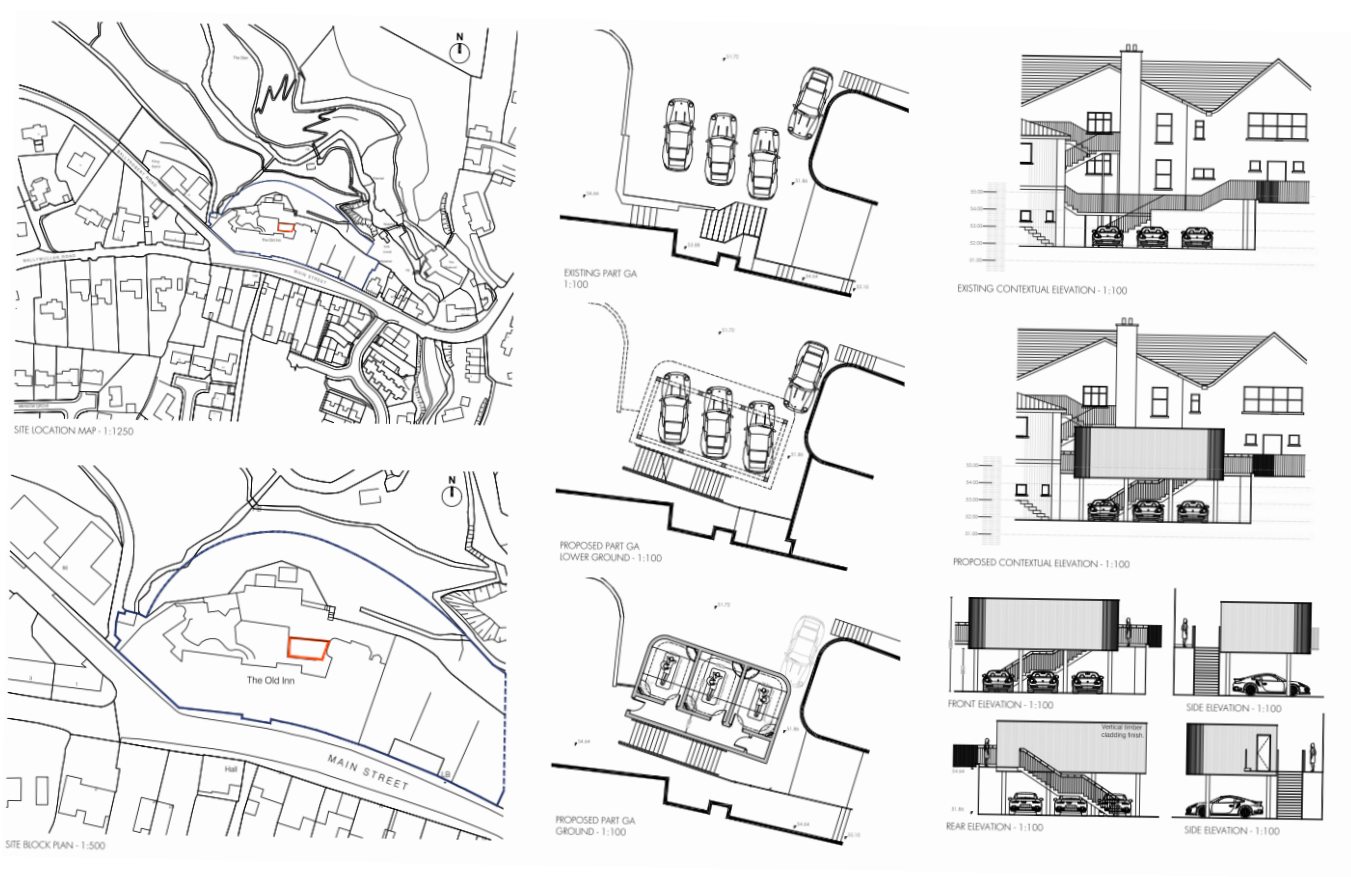









Drawing associated with planning application.



ITEM 4.3**Ards and North Down Borough Council**

Application Ref	LA06/2023/2363/O
Proposal	2no. Dwellings and Garages
Location	Land between 47 & 47a Ballyvester Road, Donaghadee DEA: Bangor East and Donaghadee
Committee Interest	A local development application attracting six or more separate individual objections contrary to the case officer's recommendation.
Validated	31/10/2023
Summary	<ul style="list-style-type: none"> • Site in countryside • Meets requirements under policy CTY 8, CTY 13 and CTY 14 of PPS 21. • No objections from Consultees subject to conditions. • Proposal complies with PPS 2 Biodiversity and protected species. • Policy meets requirements of PPS 3 Access, Movement and Parking. • Objections considered in Case Officer's Report.
Recommendation	Approval
Attachment	Item 4.3a Case Officer Report

Development Management Case Officer Report				
Reference:	LA06/2023/2363/O	DEA: Bangor East & Donaghadee		
Proposal:	2no. Dwellings and Garages			
Location:	Land between 47 & 47a Ballyvester Road, Donaghadee			
Applicant:	Ms J Butler			
Date valid:	31.10.2023	EIA Screening Required:	No	
Date last advertised:	23.11.2023	Date last neighbour notified:	16.05.2024	
Letters of Support: 0	Letters of Objection: 14 (from 9 different addresses)	Petitions: 0		
Consultations – synopsis of responses:				
DFI Roads		No objection (subject to condition)		
NIEA (NED & WMU)		No objection (subject to condition)		
NI Water		No objection		
ANDBC Environmental Health		No objection		
Summary of Main Issues considered:				
<ul style="list-style-type: none"> • Principle of Development • Impact on Rural Character • Compliance with Planning Policy • Nature Conservation 				
Recommendation: Grant Planning Permission				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/				

1. Site and Surrounding Area

The site is located on the Ballyvester Road, which is a minor rural road on the south side of Donaghadee.

Consisting of the front section of a large flat agricultural field, the boundary to the Ballyvester Road is currently marked by a grass verge, bank and a mix of thorn field hedging, whilst to rear the perimeter remains open and unmarked at present.

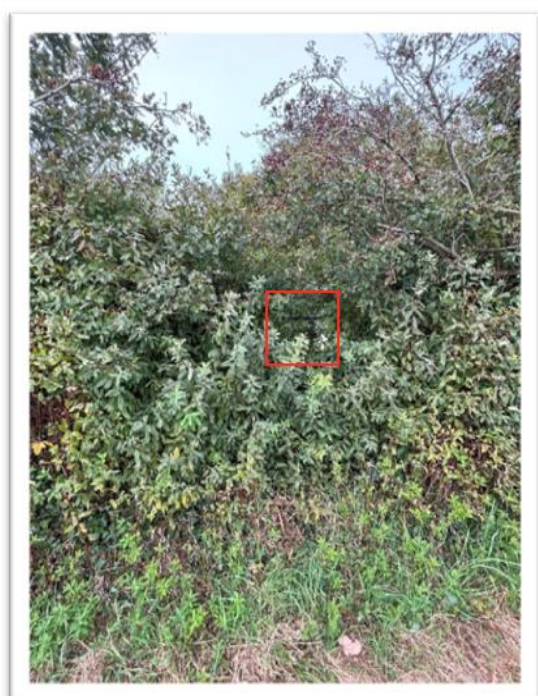


Image 1: showing section of site frontage and boundary with Ballyvester Road

To either side of the site, there are several residential units, and whilst No. 47a is unoccupied, in a notable state of disrepair and barely visible from the road due to the overgrown state of the garden, on the alternate side, a row of three detached dwellings is clearly evident.



Image 2: Showing approximate position of No 47a, red arrow indicating location of ridgeline just visible from the Ballyvester Road



Images 3 & 4 : Showing Overgrown frontage of No 47a, with position of entrance gate highlighted in red and visible postal address marker erected on entrance gate

2. Site Location Plan

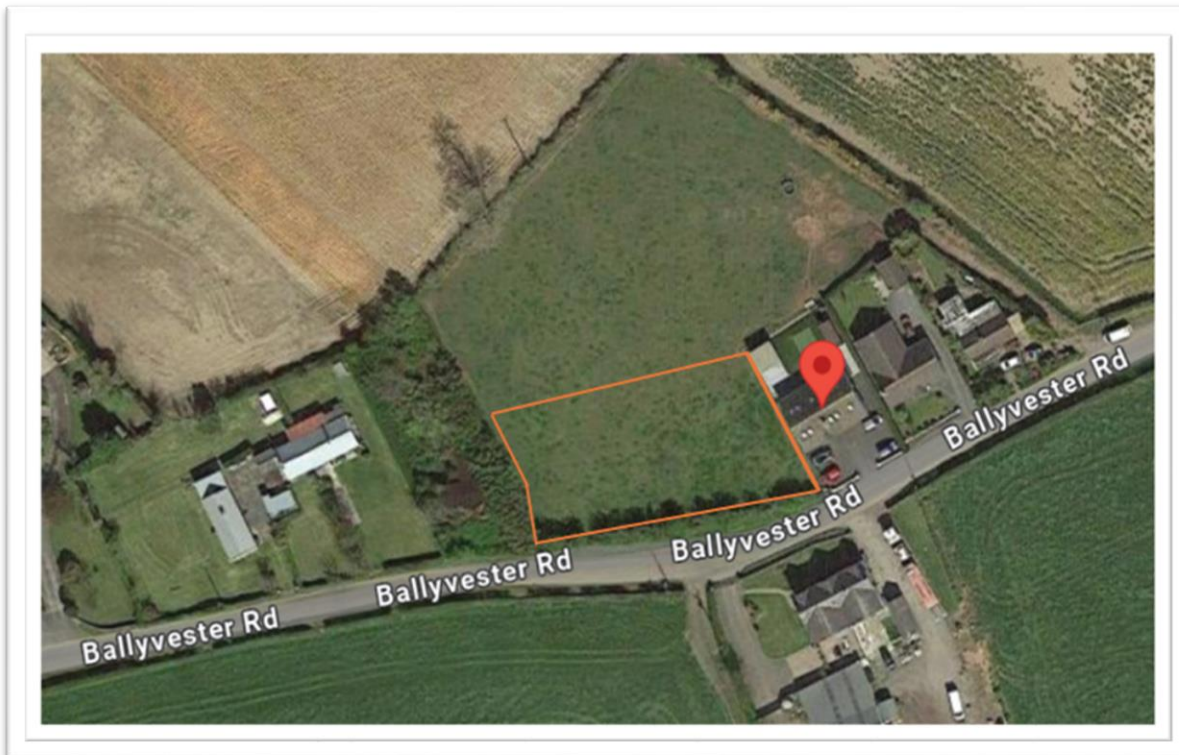
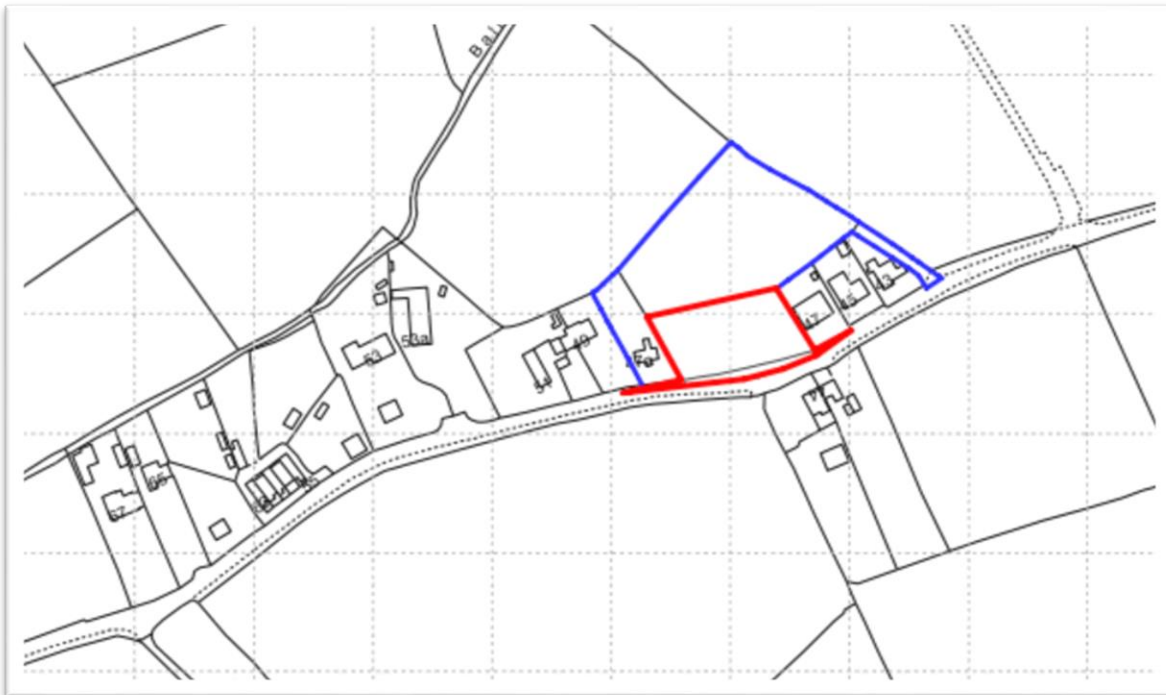


Image 4: Aerial View of Site taken from Google Maps 2024

3. Relevant Planning History

No Site-Specific Site History of material relevance to assessment in this case.

4. Planning Assessment

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

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

Principle of Development

The Ards and Down Area Plan 2015 operates as the LDP. The application site lies within the countryside beyond development limits of any settlement.

In addition, the more recently published Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21), which is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document is of relevance to the assessment which duly follows.

Policy CTY1 of PPS 21 lists a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This includes an infill dwelling subject to complying with criteria listed in Policy CTY8.

Policy CTY 8 – Ribbon Development

In order to assess whether an infill opportunity exists, it is first necessary to ascertain whether a substantially and continuously built-up frontage, containing a gap, is present.

In this specific case, the application site is located on the northern side of the Ballyvester Road and within a field located between 47 & 47a.

As per the aerial imagery shown below suggests the subject site is not only located on land positioned between the aforementioned dwellings, but amidst a larger number of dwellings which share a common frontage to the north side of Ballyvester Road.

For the purpose of Policy CTY 8, the definition of a substantial and built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

When travelling from an easterly direction, where the site in question is located on the right hand side approaching, the subject land is bounded by No. 47 of the eastern side, whilst the alternative western perimeter directly abuts the shared boundary with No 47a.

It is maintained that the line of roadside development in its totality extends from No. 43 Ballyvester Road to No. 67 Ballyvester Road, for the purposes of assessment and calculating an average plot width, I would however assert that the line of development within which the site is nestled, is to be taken from No. 43 to 51 Ballyvester Road, and is inclusive of a total of 6 no. dwellings.

In relation to the policy, I am satisfied that the proposed application site can be considered as a ‘small gap’ as defined within the policy as a gap would not fit more than two dwellings.

Whilst I would concede that when the width of the subject plot (approximately 57m) is considered in context of the overall frontage shared by No’s 43, 45 & 47 (approximately 52m), on the alternative side of the site, the length of roadside frontage shared by No’s 47a, 49 & 51 is larger and equates to approximately 75m.

Whilst No. 47a is unoccupied, as a physical structure, and supported by recent PAC decisions (e.g.: Castle Espie Road Appeal – Ref: 2022/A0192) it is accepted that built features such as this can be duly considered as a component part of an identifiable linear pattern of development along the roadside.

When measured from the gable of No. 47 to the gable of No. 47a, the gap site measures approximately 62m, which, if divided equally would equate to a site frontage of approximately 31m for each plot.

When an average plot width is calculated using the measurements taken in the table illustrated below, it is my professional assertion that, on balance, and in dividing the subject site equally to facilitate two additional dwellings, the proposal is in keeping with prevailing planning policy and that the site would fall under the definition of a gap site which would be suitable for infill development.

Property Address	Width of Site Frontage to Ballyvester Road
Subject Site	57m (to be divided in two for the purposes of development)
No. 47 Ballyvester Road	16.2m
No. 45 Ballyvester Road	16.6m
No. 43 Ballyvester Road	18.6m
No. 47a Ballyvester Road	15.3m
No. 49 Ballyvester Road	28.8m
No. 51 Ballyvester Road	30.7m

Given there is a quite obviously identifiable pattern of roadside development along this side of public road, I am satisfied that this constitutes what is meant by a substantial and built-up frontage as detailed in relevant planning policy.

I do not believe when considered in a wider context, that the site is representative of an important visual break in development that might otherwise be afforded protection and with No 43 and No. 51 Ballyvester Road, essentially acting as “bookends” to the roadside development, I would assert that the proposal is generally compliant with the purpose and provisions stipulated within Policy CTY 8 of PPS 21.

Having assessed the site and surroundings, it is to be concluded that 2 no. dwellings on the subject site would be acceptable in context of the prevailing planning policy and that the granting of planning permission is therefore appropriate.

Integration and Impact on Rural Character

Whilst cognisant of the fact that the subject application relates to outline planning permission, as illustrated below, a Concept Layout has been submitted to demonstrate how the site could be potentially developed at a future stage.

Showing a detached dwelling sited within the middle of each plot, access is to be centrally located and shared by the occupants of either dwelling, before turning into a private area of hardstanding at the front and side of each unit which leads to a single width garage unit.

Evidently, a more thorough examination of the layout and house types proposed would be required under an associated Reserved Matters application, however in general overview of the provided details, I do not believe that the overall concept would be incongruous or detrimental to the character of the surrounding area.



Extract taken from Concept Plan submitted for illustration purposes.

In overview of the same, I do not consider that development of the site in the way that it has been presented, will result in any significant loss of character, and will be of a negligible impact to the rural locale in which it is set.

In my professional judgement then, I would assert that any 3rd party representations with regards to the same are not of determining weight and that the proposal is compliant with the requirements of Policies CTY 13 & 14 of PPS 21.

It is my professional conclusion then that the proposal is appropriate and that any future decision notice is inclusive of a condition requiring that the site is developed in a manner that is broadly compliant with the submitted Concept Plan.

Sewerage Disposal

The P1 application form indicates that water supply for both sites will be via connection to the mains supply, whilst sewerage will be managed for both properties through the installation of septic tanks.

For the purposes of planning, the proposed methods of water supply and sewerage disposal is deemed satisfactory, however the onus remains with the developer to ensure that all other necessary consents and approvals are secured separately as part of the wider development programme for each site.

In respect of any third party concerns regarding the same, it is to be duly noted that connections to mains water and the location and installation of septic tanks are to be assessed in more detail by NI Water and NIEA.

Residential Amenity

As with siting and design, the issue of residential amenity is to be duly examined in more detail as part of any future Reserved Matters application.

For the purposes of outline, the principle of development is to be reviewed, and whilst I am cognisant that there has been some 3rd party concern raised with regards to overlooking, loss of light and overshadowing, it would not be beyond reason to assume that the site will be developed in a manner which is sympathetic to the amenity of existing occupants who reside immediately on either side of the site.

I am therefore confident that, for the purposes of outline, the illustrative site layout presented would be broadly acceptable and believe that there would be a range of design solutions available to ensure that the existing amenity of residents is not impacted upon.

Access and Roads Safety

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

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

As part of the application, a statutory consultation process with DFI Roads was duly instigated. During the overall course of assessment, and considering objections received, the application has been fully reviewed on a total of three occasions.

Whilst duly noting the content of objections in respect of road safety issues and proposed access arrangements, DFI Roads have indicated that they have no objection to the proposed development as presented.

In conclusion therefore, I am satisfied that 3rd party representations have been duly considered by the Statutory Consultee and that the proposal is generally compliant with the requirements of PPS 3 regarding access, movement and parking.

Designated Sites and Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage.

Policy NH1 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

Policy NH2 and Policy NH5 relate to protected species and habitats, species and features of natural heritage importance. Within the policies it states that planning permission will only be granted for a development proposal that is not likely to harm a protected species or result in the unacceptable adverse impact on, or damage to known priority habitats and species.

Whilst an issue was raised by third parties in respect of protected species in and around the subject site, the matter has been duly considered by the applicant/agent, and detailed Ecological information was provided for assessment.

In context and respect of site conditions, NIEA (Natural Environment Division) was consulted and further to review and consideration of detailed ecological information subsequent advice has been provided to confirm that the proposed development is acceptable subject to inclusion of conditions on any future decision notice.

It is further concluded then that any representations made in respect of the same can be appropriately addressed through those conditions proffered by NIEA.

5. Representations

A total of 14 no. objections have been received in connection with the proposed development from 9 no. separate addresses. (to include local representatives)

Summary of Issues raised as follows:

- Impact upon protected species within proximity of the site
- Loss of rural land and impact upon character of surrounding area
- A number of properties not included in neighbour notification process
- Precedence set for similar development in the future
- Road Safety Concerns regarding access arrangements
- Ability to provide adequate water connections and sewage disposal
- Negative Impact upon Residential Amenity
- Inappropriate Pattern of Development as a result of approval

Majority of 3rd Party concerns considered in main body of report above.

Issues regarding Neighbour Notification have been reviewed as part of the overall assessment, and I am satisfied that when considered against the parameters to be applied, that this procedure was carried out in accordance with the same.

With regards to any issue of precedence, or encouragement of similar development and the detriment caused to the rural character of the area, it is to be duly noted that each development proposal is to be considered on its own merits against the prevailing requirements of relevant policy at the time of the application.

As has been determined by this assessment, the proposal is found to be compliant with Policy CTY8 of PPS21 and is appropriate in that it meets the “exceptional” tests of the policy, and no inference can be taken with regards to the predetermination of any future planning application.

To summarise then, no objection raised is considered to be of determining weight and in addition to the fact that separate consents are also necessary prior to development, all other matters can be satisfactorily addressed by planning condition and the statutory requirements of any future Reserved Matters application.

6. Recommendation

Grant Planning Permission

7. Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Except insofar as expressly conditioned below, approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the Reserved Matters application showing the access to be constructed and other requirements in accordance with the attached RS1, prior to the commencement of any other development hereby approved and that the visibility splays shall be permanently retained thereafter.

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

4. At Reserved Matters a Badger Mitigation Plan (BMP) shall be submitted to the Planning Authority. No development activity, including ground preparation of vegetation clearance, shall be take place until a BMP for badgers, has been submitted to and approved in writing by the planning authority. The approved BMP shall be implemented in accordance with the approved details an all works on site shall conform to the approved BMP, unless otherwise agreed in writing with the planning authority.

Reason: to mitigate for impacts on badgers using the site and surrounding area.

5. The proposed dwellings shall be sited in general conformity with the layout and details shown on the Concept Plan, referenced as Drawing No. 02 and submitted as part of this application on 31st October 2023.

Reason: To ensure that the development will result in an appropriately scaled and presented development in the landscape.

6. The proposed dwellings shall have a maximum ridge height of 6.0 metres above finished floor level.

Reason: To ensure that the development is not prominent and satisfactorily integrates into the rural landscape.

7. In each of the approved dwellings, the depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point

Reason: In the interest of visual amenity.

8. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by Council.

Reason: To ensure the dwellings integrate into the landscape.

9. No development shall take place until details of gates, fences, walls or any other proposed structure(s) in addition to the proposed dwellings have been submitted to and approved in writing by the Council as part of the Reserved Matters application. All development shall be carried out in accordance with the approved details.

Reason: To ensure the development is in keeping with the locality.

10. All existing hedgerows, to include those positioned on either side boundary of the site, shall be retained in perpetuity at a minimum height of 2 metres, unless removal is required to facilitate the provision of visibility splays and access into the site, in which case a newly planted hedgerow shall be planted to the rear of the sight splays provided in each direction and retained in perpetuity thereafter.

Reason: To protect residential amenity and to ensure the maintenance of screening to the site.

11. All other new boundaries shall be defined by a timber post and wire fence with a native species hedgerow planted on the inside and all works must be completed prior to the occupation of the first dwelling.

Reason: To ensure the proposal is in keeping with the character of the rural area.

12. A landscaping plan must be submitted to and approved by the Council at Reserved Matters stage. This plan must include details of all existing vegetation within the site indicating those trees/shrubs/hedges that are to be retained or removed and methods for their protection during construction works, all proposed hard and soft landscape works including details of the driveway serving the dwellings, details of all boundary treatments, planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, planting medium and additives together with the species, the size at time of planting, the presentation, location, spacing and numbers; an implementation and maintenance programme. The landscaping shall be completed prior to the occupation of the first dwelling in accordance with the approved details.

Reason: To ensure the proposal is in keeping with the character of the rural area.

13. If any retained tree, shrub or hedgerow is removed, uprooted, destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree, shrub or hedgerow in the same location and of a species and size to be agreed in writing with the Council.

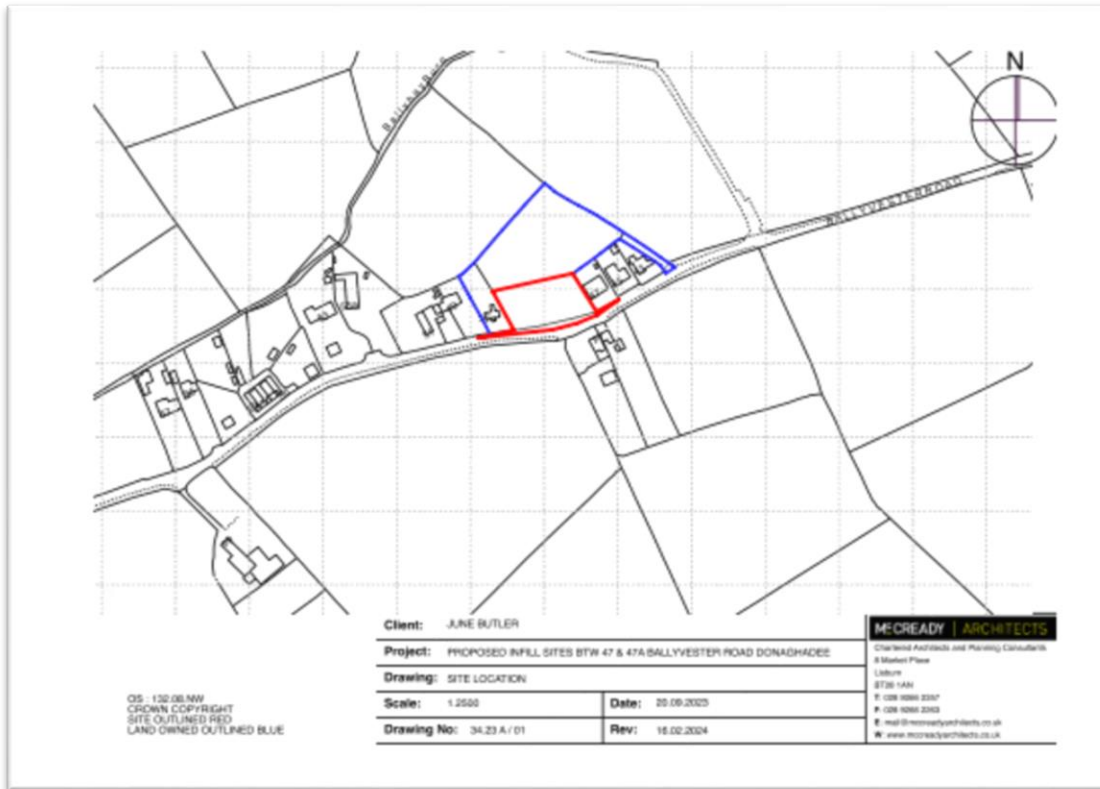
Reason: To ensure the continuity of amenity afforded by existing vegetation.

14. If within a period of 5 years from the date of 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.

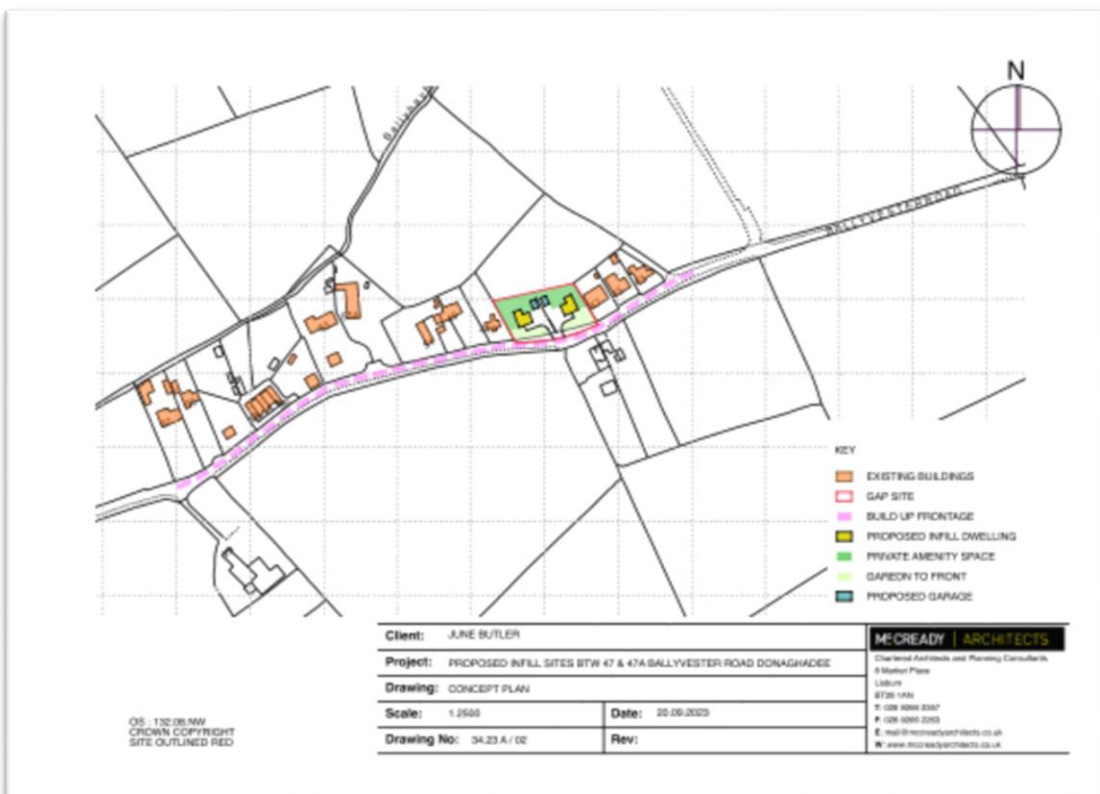
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Informatives

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



Drawing No. 01B – Revised/Most recent Site Location Plan



Drawing No. 02 – Concept Layout Plan submitted for consideration



Photo No. 01: View looking eastwards, showing existing grass verge and hedgerow along site frontage. General position of subject plot highlighted by orange arrow. No.44 Ballyvester Road, shown on opposite side of Ballyvester Road to right hand side of photograph.




Photo 02: View looking westwards, highlighting the ridgeline of No 49 Ballyvester Road (Blue Arrow) and gable of No 51 Ballyvester Road (Yellow Arrow)



Google Streetview image showing approach to site from eastern direction, highlighting the position of No 44. (orange arrow) on south side of Ballyvester Road, & No's, 43, 45 & 47 on north side of road. (purple arrows)

ITEM 4.4**Ards and North Down Borough Council**

Application Ref	LA06/2024/0260/F
Proposal	One 32' x 10' (9.7m x 3m) customized container to provide storage and meeting place/workshop – Variation of Condition 1 of planning approval LA06/2019/0493/F to extend the permission for a further period
Location	Approx 30m South of 27 Springfield Road (Anchor Car Park) Portavogie DEA: Ards Peninsula
Committee Interest	Application relates to land in which the Council has an interest
Validated	17/04/2024
Summary	<ul style="list-style-type: none"> • Previous permission granted for period of five years • Aim to extend temporary permission of container on site until 5 November 2029 • Container located within existing car park, which is immediately adjacent to Portavogie Settlement Limit yet in countryside. Does not conflict with Local Development Plan. • Container does not detrimentally impact on coastline or biodiversity. • Application previously approved on the land with no concerns of loss of rural character or integration. • No representations received. • DfI Roads previously consulted with no objections so no requirement to consult under this application.
Recommendation	Approval
Attachment	Case Officer Report 4.4a

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2024/0260/F	DEA: Ards Peninsula	
Proposal:	One 32' x 10' (9.7m x 3m) customized container to provide storage and meeting place/workshop – Variation of Condition 1 of planning approval LA06/2019/0493/F		
Location:	Approx 30m South of 27 Springfield Road (Anchor Car Park) Portavogie		
Applicant:	Portavogie Coastal Rowing Club		
Date valid:	17/04/2024	EIA Screening Required:	No
Date last advertised:	02/05/2024	Date last neighbour notified:	22/04/2024
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
N/A		N/A	
Summary of main issues considered:			
Summary of Main Issues:			
<ul style="list-style-type: none"> Determine if variation of Condition 1 under LA06/2019/0493/F is acceptable 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal			

1. Site and Surrounding Area

The site outlined in red comprises of the hardstanding area that makes up Anchor Car Park in Portavogie. The site is accessed off the Springfield Road. The car park provides parking for the use of the adjacent play park, public toilet block, recycling bottle and clothes banks and access to the beach. As this application is seeking retention of the container, it can be viewed on site in the images below. Another container seen below within the site is owned by the Council and used to store maintenance equipment such as sandbags.



2. Site Location Plan



3. Relevant Planning History

LA06/2019/0492/F: One 32' x 10' (9.7m x 3m) customized container to provide storage and meeting place/workshop (Amended description): Permission granted 06/11/2019

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
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 21: Sustainable Development within the Countryside

Principle of Development

The Ards and Down Area Plan 2015 operates as the local development plan for the area where the site is located. It is located adjacent to but outside the development limit for Portavogie. The site is not subject to any specific designations. The development is considered to be in general conformity with the Plan subject to the specific policies as listed in Section 4 of this report.

The application is for the retention of the existing customized container for a further temporary period. The applicant wishes to vary Condition 1 of planning approval LA06/2019/0492/F which states:

This approval shall be for a limited period of five years from the date of this decision, whereupon the container marked green on Drawing No. 1 bearing the date stamp 30 April 2019 shall be removed and the land reinstated to its former condition.

The proposed application is seeking to vary the condition to:

This approval shall be for a limited period, whereupon the container marked green DRG 01: Site Location Plan shall be removed, and the land reinstated to its former condition on or before 5th November 2029.

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 interest of acknowledged importance. The development is in conformity with the relevant area plans provided it complies with relevant regional planning policies.

The application is initially considered against PPS21 CTY1 where it is identified that outdoor recreational uses may be considered against the relevant outdoor recreational PPS 8.

PPS 8 Open Space, Sport and Outdoor Recreation

Policy OS 3 sets out the criteria required for proposals for outdoor recreational use in the countryside. The container is used by Portavogie Coastal Rowing Club who presently use this area to access their boat into the sea.

The position of the container is adjacent to grassed over, sand dunes and is within 50m of the coastline. In the previous application, the Council's Biodiversity Officer had assessed the potential impacts of the proposal against biodiversity and natural heritage issues and based on the information provided it was considered that the proposed container would not have an impact upon biodiversity. The site is not close to or adjacent to any built heritage or known archaeological sites. There will be no water pollution issues in relation to the retention of this container.

The container is positioned on existing hardstanding. The proposal does not affect any agricultural land or activities. The container is approximately 9.7m x 3m and is constructed of corrugated metal, dark green colour. As previously stated in the 2019 Case Officer Report, it is considered that the container does not have an adverse impact on the visual appearance of the area given its placement within a car park. The

backdrop of both the scrub and grass covered sand dunes helps with aiding integration into the area.

The container is used for the storage of a boat and also as a place for club meetings. It is positioned within an existing public car park that serves community facilities including recycling bottle and clothes banks, a public toilet block and a play park and so there is already a level of activity occurring at the site. The container is positioned approximately 30m south of the nearest residential property No.27 Springfield Road. No objections have been received therefore it is considered that the existing use is not causing any disturbance in relation to noise. Environmental Health were consulted on the original application and did not offer any objections.

There will be no prejudice to public safety. The development is compatible with other countryside uses. There are no other ancillary buildings proposed. The storage container is sited within an existing car park and is accessible by private car and public transport. It is considered that the road network can safely handle any additional traffic associated with the container. There will still be ample space left in the car park for the parking of vehicles for persons with disabilities.

PPS 21 Sustainable Development in the Countryside

As discussed previously in this report, the container is not considered to have a detrimental impact on the character of the area. It is not considered to be prominent as it benefits from a backdrop of scrub and grass covered sand dunes.

PPS 21 CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or erode the rural character of the area. The site is located immediately adjacent to but outside the development limit boundary for Portavogie and would appear to be within an urban context rather than a rural one. There are residential properties to the north, south and west of the site with the coastline to the east. The container is positioned within an existing car park and area of hardstanding that has a number of structures on site including a toilet block. When viewed with these other structures the container does not have an unfavourable impact on the character of the area as seen in Image 1 below.



Image 1: Existing container on site

Access & Parking

The proposal has been assessed against Policy AMP7 of PPS3 Access Movement and Parking. DfI Roads had been consulted on the previous application and provided no objection to the proposal in terms of road safety.

The container takes up a small area of the car park as seen above. The car park would only ever reach full capacity on rare occasions such as during a community event.

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. In the previous application, NIEA: Marine & Fisheries was consulted on the proposal and offered no objections.

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. In the previous application, the Council's Biodiversity Officer had assessed the potential impacts of the proposal against biodiversity and natural heritage issues and based on the information provided it was considered that the proposed container would not have an impact upon biodiversity.

5. Representations

No representations were received.

6. Recommendation

Grant Planning Permission

7. Conditions

1. This approval shall be for a limited period, whereupon the container marked green on DRG 01: Site Location Plan shall be removed, and the land reinstated to its former condition on or before 5th November 2029.

Reason: This type of temporary accommodation is such that its permanent retention would harm the character and amenity of the area.

2. Should the use of the container hereby approved for a limited period of five years, cease, the container marked green on DRG 01: Site Location Plan shall be removed within 3 months from the date it was last used, and the land reinstated to its former condition.

Reason: To protect the amenity of the area.

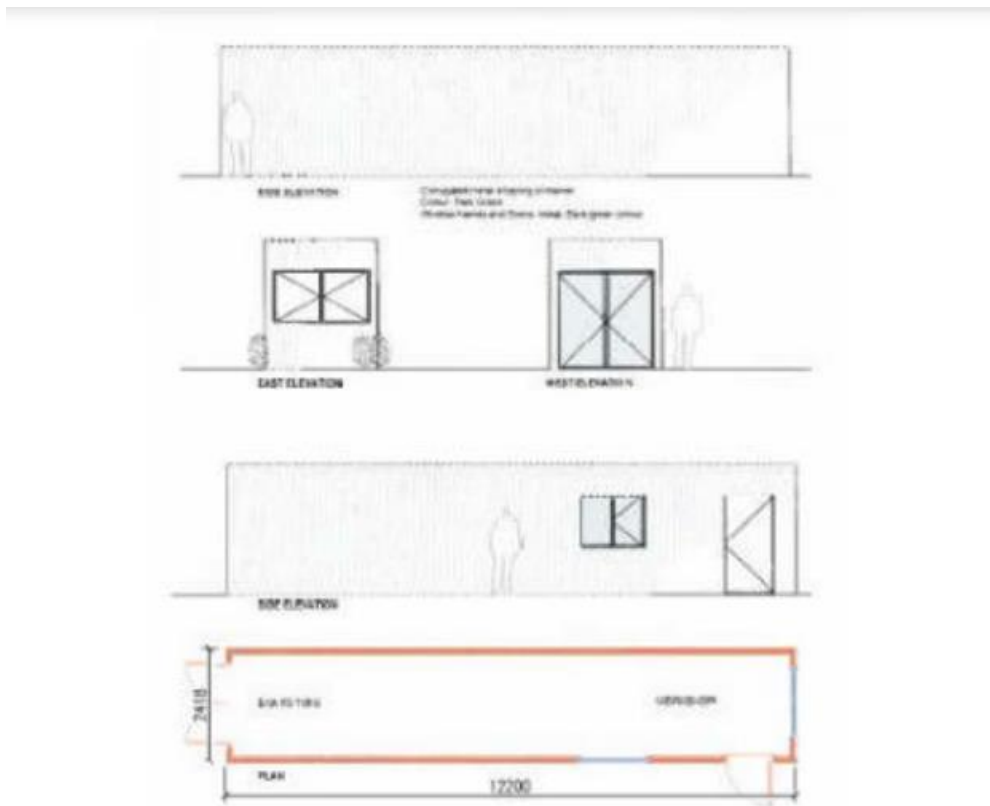
Informative

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



Site Location Plan



Proposed Plans & Elevations

ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2024/0157/F
Proposal	Alterations to car park, inc. improved layout to increase the number of parking spaces from 9 to 23, hard and soft landscaping, drainage improvements and resurfacing
Location	Moat Entry Car Park, 4m south of 9 Knock Eden Park, Donaghadee DEA: Bangor East & Donaghadee
Committee Interest	Council Application
Validated	29/02/2024
Summary	<ul style="list-style-type: none"> • No objections from consultees. • Three letters of objection received raising road safety, increased traffic movement, the need of addition spaces and increased anti-social behaviour. • Site in conservation area. No requirement for Conservation Area Consent with partial removal only of means of enclosure walls less than 1m in height. • Application does not conflict with planning policy. • DfI Roads content with proposal following amendments to improve sightlines. • HED and Council Conservation Area Officer do not object to proposed reorientation of car park. • Soft landscaping proposed including grassed area, no impact on biodiversity or Marine life.
Recommendation	Approval
Attachment	Case Officer Report 4.5a

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2024/0157/F	DEA: Bangor East & Donaghadee		
Proposal:	Alterations to car park, inc. improved layout to increase the number of parking spaces from 9 to 23, hard and soft landscaping, drainage improvements and resurfacing.			
Location:	Moat Entry Car Park, 4m south of 9 Knock Eden Park, Donaghadee			
Applicant:	Ards and North Down Borough Council			
Date valid:	29.02.2024	EIA Screening Required:	No	
Date last advertised:	13.06.2024	Date last neighbour notified:	05.08.2024	
Letters of Support: 0		Letters of Objection: Three (3)	Petitions: 0	
Consultations – synopsis of responses:				
Conservation Officer		No objection.		
DFI Rivers		No objection.		
DFI Roads		No objection.		
Historic Environment Division		No objection.		
NIEA		No objection.		
NI Water		No objection, subject to conditions.		
Shared Environmental Service		No objection		
Summary of main issues considered:				
The main issues to consider in the determination of this application are:				
<ul style="list-style-type: none"> • Principle of Development; • Design and appearance; • Impact on Character and Appearance of designated Conservation Area; • Impact on listed monuments and built heritage; • Conflict with adjacent land uses; • Parking, Access and Road Safety; • Residential amenity; • Surface Water, Drainage and Rivers; • Impact on natural heritage and designated sites. 				
Recommendation: Grant Planning Permission				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://submissions.planningsystemni.gov.uk/app/applications				

1. Site and Surrounding Area

The application site is located at Moat Entry Car Park, 4m south of No. 9 Knock Eden Park, within the designated settlement limit of Donaghadee as per the Ards and Down Area Plan 2015. The site is also located within a designated Area of Archaeological Potential, within close proximity of a modern church on the site of a medieval church (DOW003:006), a holy well (DOW003:004), the historic settlement of Donaghadee (DOW003:011), and Donaghadee Motte (DOW003:003) and is within the designated Donaghadee Conservation Area. The application site is located on the western side of Shore Road, across the road from the designated coastline.

The application site is located at the northern end of Donaghadee. The site consists of a rectangular area of public realm/carparking which is accessed via Moat Entry. The front portion, adjacent to Shore Road, consists of a large circular planter with bench seating and a low-level stone wall and planted area behind. To the rear of this is a small public car park with nine defined spaces. The stone walling continues around the perimeter of the site and encloses some planted areas.



Figure 1: Front of application site



Figure 2: Rear of application site

The site is at the foot of Moat Hill, with the listed gunpowder store building sitting on top of it. There is detached and semi-detached housing to the north of the site on Shore Street and Knock Eden Park. A three-storey apartment building adjoins to the south. Its side gable faces Moat Entry, which also provides access to its basement parking area and to the garages and yards of some terraced properties on Shore Street.



Figure 3: Moat Hill adjacent to rear of site



Figure 4: Adjacent to residential dwellings

The character of the surrounding area is generally residential, interspersed with other elements typical of the coastal location such as slipway and boatyard opposite and public amenity areas with seating overlooking the sea.

2. Site Location

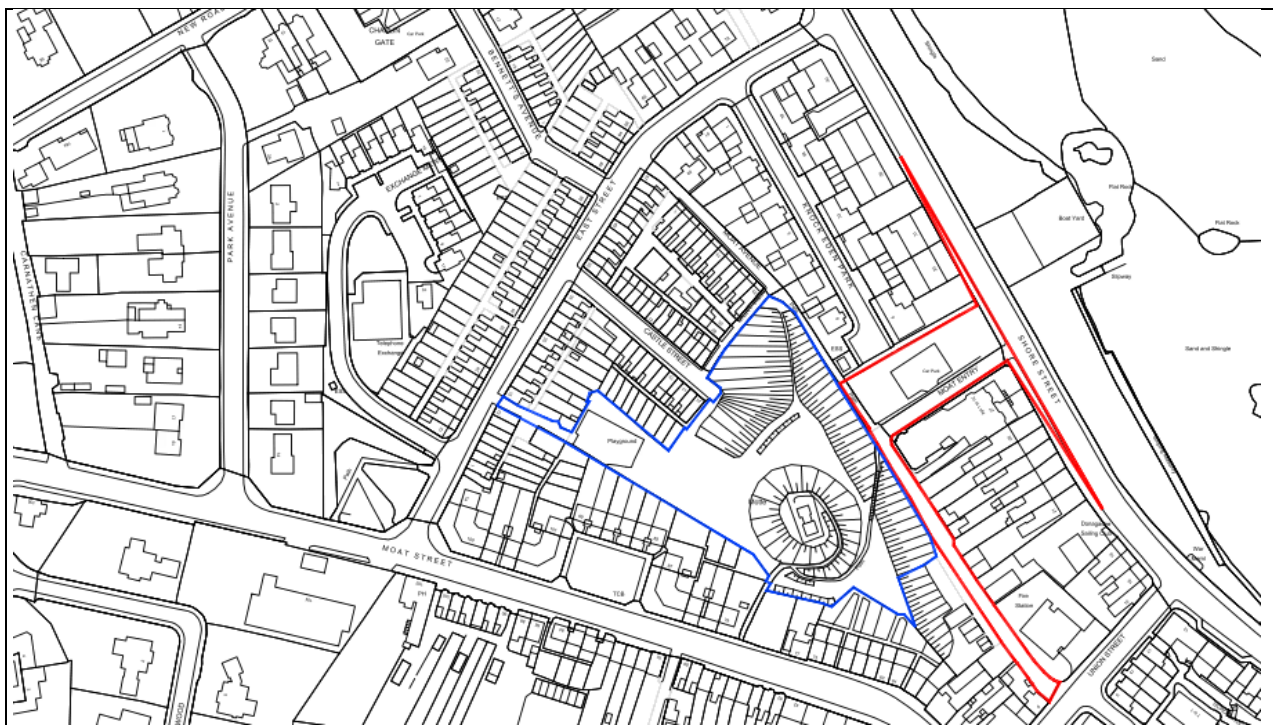


Figure 5: Drawing No. 01A - Site Location Plan

3. Relevant Planning History

The application site has no planning history that is deemed pertinent to the assessment of this application, with it acknowledged that there is a current application that seeks to attain planning permission for public realm improvements to the site of The Moat building:

Planning Ref: LA06/2023/2188/F

Site: The Moat, Moat Street, Donaghadee, BT21 OED.

Proposal: Public realm improvements to The Moat site including resurfacing of existing steps, provision of handrails in some areas, new gate, augmented signage, new hedge and associated landscaping.

Decision: Pending.

4. Planning Assessment

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

- Ards & Down Area Plan 2015,
- Strategic Planning Policy Statement for Northern Ireland,
- Planning Policy Statement 2: Natural Heritage,
- Planning Policy Statement 3: Access, Movement & Parking,
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage,
- Planning Policy Statement 15: Planning and Flood Risk.

Supplementary Planning Guidance

- Donaghadee Conservation Area.

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 application site is located at Moat Entry Car Park, 4m south of No. 9 Knock Eden Park, within the designated settlement limit of Donaghadee, within a designated Area of Archaeological Potential and within the designated Donaghadee Conservation Area as per the Ards and Down Area Plan 2015, which sets out the designations, policies, proposals and zonings specific to the Ards and Down Area.

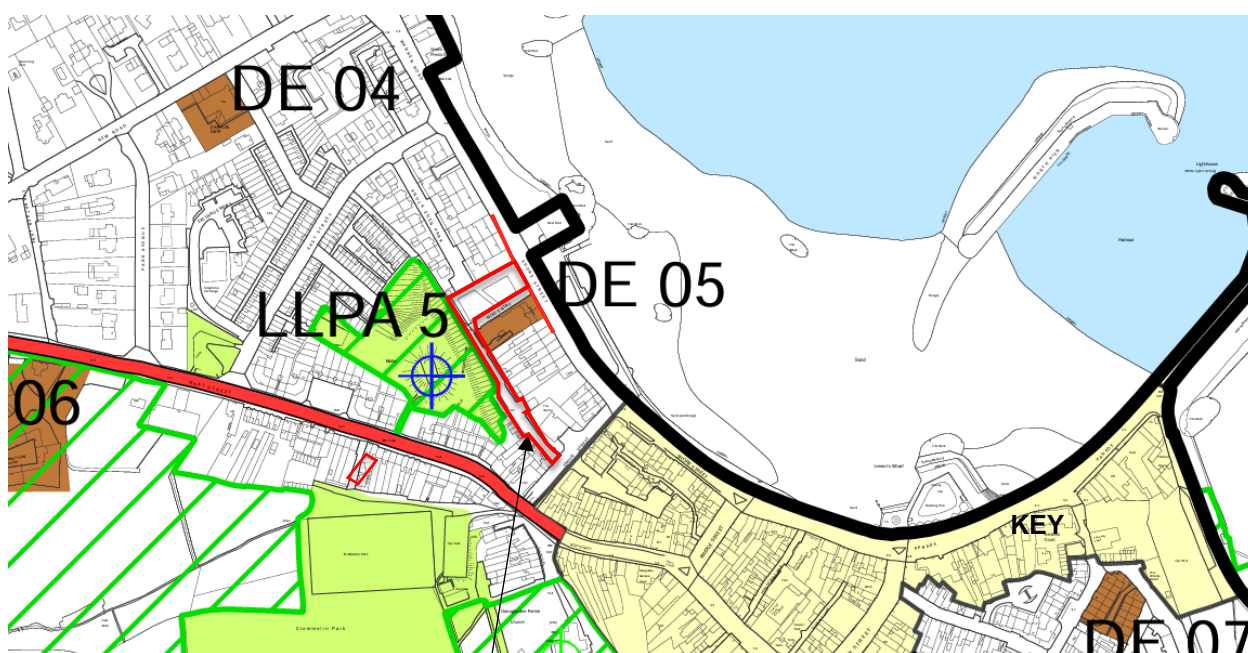


Figure 6: Application site - Ards and Down Area Plan 2015

The application seeks permission for alterations to the existing car park, including improving the layout, hard and soft landscaping, drainage improvements and resurfacing. By demolishing elements of the existing stone walls to the east of the site and around its perimeter, and by improving the layout, including removing large redundant areas of footpath with the parking spaces relocated to the perimeter of the site, the capacity of the car park shall be increased – with levels of parking provision increasing from nine (9) space to twenty-three (23) marked spaces without increasing the scale of the footprint of the carpark from that of the existing carpark. Given the existing car park use at this location, the proposal for extension and alterations is acceptable in principle.

The SPPS articulates a presumption in favour of development so long as development is in the public interest and does not compromise environmental standards. No conflict arises between the provisions of the SPPS and any retained policies regarding issues raised by this development. Within this context, the principal policy considerations are PPS 2: Natural Heritage, PPS 3: Access, Movement & Parking, PPS 6: Planning, Archaeology and the Built Heritage and PPS 15: Planning and Flood Risk.

As per The Planning (General Development Procedure) Order (Northern Ireland) 2015, the requirement for the submission of a design and access statement is stipulated in Section 6: Para. 1, with design and access statements to be submitted with an application for planning permission which is for:

- a) development which is major development;
- b) where any part of the development is in a designated area, development consisting of
 - (i) the provision of one or more dwelling houses, or
 - (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.

Whilst the application site is located within the boundaries of Donaghadee Conservation Area, designated by reason of its special architectural and historic interest on 13 January 1994, the scale and nature of the development does not require the submission of a design and access statement.

Impact on Visual Amenity

The proposal is for alterations to the existing car park, including an improved layout, hard and soft landscaping, drainage improvements and resurfacing. To facilitate the proposed demolition of part of the existing stone walls on site will occur as indicated below:

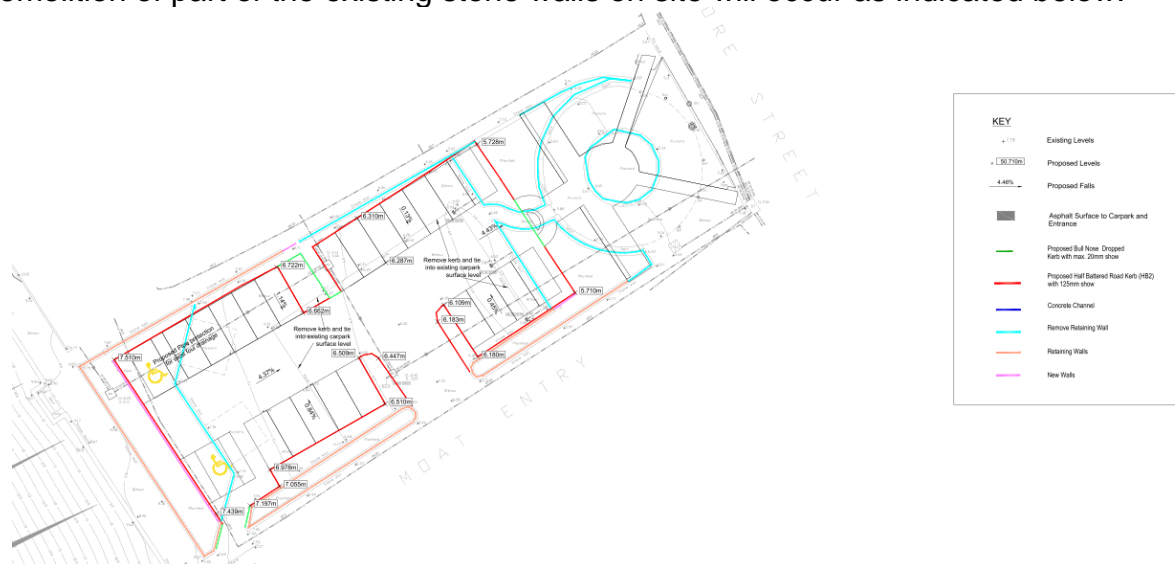


Figure 7: Proposed site layout – walls to be demolished marked in turquoise



Figure 8: Elements of the walls that are to be demolished

As the application site is located within a designated Conservation Area, as per Section 105 of the Planning (NI) Act 2011, it must be considered whether the proposed partial demolition of stone walls require conservation area consent.

The walls comprise natural stone and are an attractive feature within the local urban environment. The Planning (Control of Demolition in Conservation Areas) Direction 2015 specifically states under point 3(b) that Section 105 of the Act does not apply to ‘a gate, wall fence or other means of enclosure which is less than 1m abutting on a highway

(including a public footpath) or public open space or 2m high in any other case. As confirmed by the Council's Conservation Area Officer, an application for conservation area consent is not required in this instance because the walls to be demolished in site are less than 1m.

Section 104 (11) of the Planning Act (NI) 2011 states that in designated Conservation Areas, special regard must be given to:

- a) preserving the character or appearance of that area where an opportunity for enhancing its character or appearance does not arise;
- b) enhancing the character and appearance of that area in cases where the opportunity to do so does arise.

This statutory duty is reflected in the wording of paragraph 6.18 of the SPPS, with the SPPS further developing Section 104 (11) of the Planning Act (NI) 2011 by stating that there will be a general presumption against the granting of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. The general presumption should only be relaxed in exceptional circumstances where it is outweighed by other material considerations grounded in the public interest.

The application seeks to attain permission to increase the area of the existing car park by removing large redundant areas of footpath and relocating the marked car parking spaces to the perimeter of the site. This shall create an additional fourteen (14) spaces on site, increasing the capacity to twenty-three (23) marked spaces within the walled area, from an existing nine (9) vehicle spaces.

As addressed above, whilst elements of the walls on site are to be demolished, it is acknowledged that a significant portion of the wall along the western boundary with Moat Entry, and part of the northern perimeter boundary are being retained with elements of the wall also being replaced. It is therefore considered that the proposal is acceptable and that the proposal to demolish some of the walls shall have no significant detrimental impact upon the appearance of the application site, or upon the wider Conservation Area, with the retention of part of the stone walls sympathetic to the surrounding area and shall help facilitate the integration of the new layout within the area.



Figure 9: View of existing stone wall

The proposal shall retain planted areas to both sides of the carpark entrance, and to the west at the foot of Moat Hill. The hard landscaped seating area to the east of the site is to be grassed, with pathways and seating benches retained.

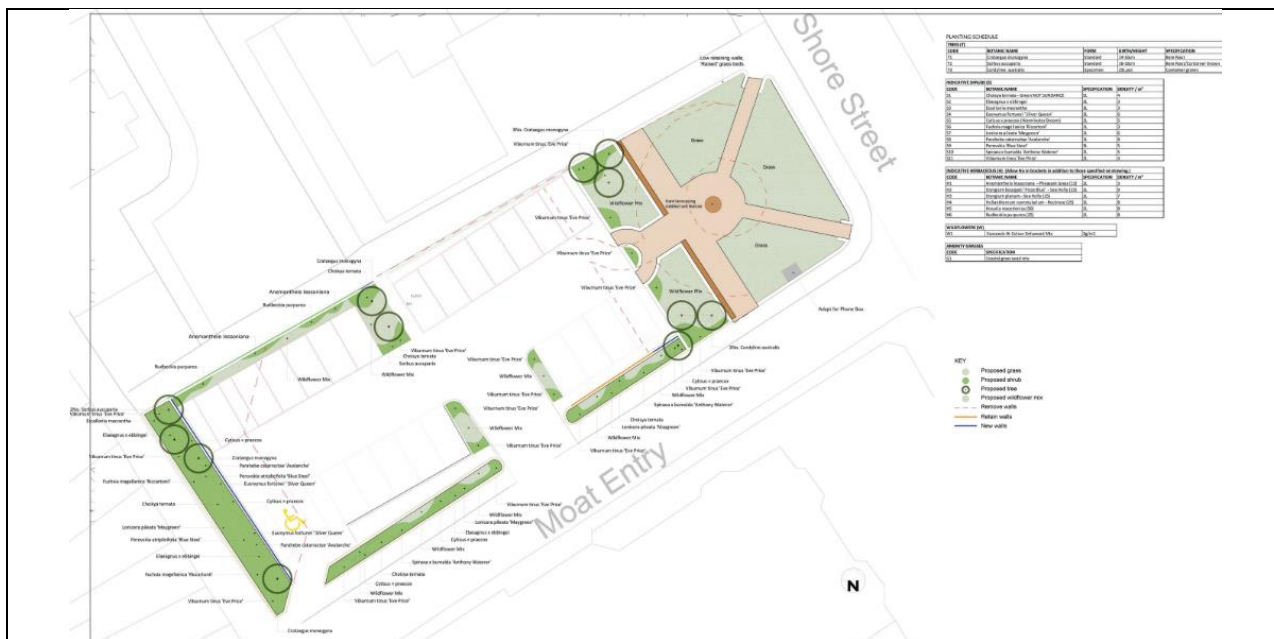


Figure 10: Proposed landscaping plan

The proposal shall entail drainage improvements such as a new stormwater sewer, road gullies and concrete channels, and include alterations to the finishes of the surfaces as per Drawing No. 04 including SMA Surface to the new and existing carpark spaces, asphalt concrete surface to the entrance and cobble paving apron. The materials to be used for the walling and carpark surfaces are acceptable and in keeping with the surrounding area, with the Conservation Officer content with the proposal and finishes.



Figure 11: Drawing No. 04 - Proposed surfacing layout

The proposal is considered to provide a betterment to the existing car park and a general improvement to the urban aesthetic within this part of the settlement of Donaghadee, with no detrimental impact upon the designated Conservation Area. The proposal is considered sympathetic in design and scale, given the proposal shall increase the provision of parking spaces on site without increasing the overall area of the site, nor shall the proposal result in the loss of any existing soft landscaped or grassed areas.

The Conservation Area Design Guide for Donaghadee does not specifically refer to public realm improvements or hard and soft landscaping, however it is generally accepted that works to make public areas more useable and attractive are in the public interest.

As per the consultation response from the Council's Conservation Officer, the submitted drawings have clarified that the replacement sections of wall are to be composed of greywacke stone, laid in a random rubble stone course and with mortar to match the existing walls throughout the site. This should tie in well with the overall aesthetic of the site, with no impact upon the character and appearance of the conservation area and accordingly the proposal satisfies Policy BH 12 of PPS 6 and the SPPS insofar as it refers to conservation areas.

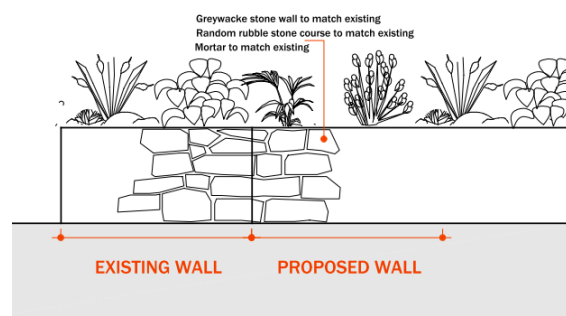


Figure 12: Elevations of stone wall

Impact on Residential Amenity and Neighbouring Land Uses

Given the established use of the application site, the design and layout of the proposal shall not create conflict with adjacent land uses and there shall be no unacceptable adverse impact on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or any other disturbance as a consequence of this proposal. The proposal shall have no detrimental impact upon neighbouring residential properties.

Three letters of representation pertaining to the proposed development have been received and are addressed within Section 5: Representations.

Access, Movement and Parking

The proposal seeks to increase the number of parking spaces on site, facilitated by the reorganisation of the layout, removal of existing walls and relocation of the parking spaces.

The proposal satisfies the relevant policies contained in PPS 3 and shall not prejudice the safe movement of pedestrians and vehicles, with DFI Roads consulted on the proposal, providing a consultation response stating no objections to the proposed development.

Surface Water, Drainage and Rivers

With the proposal including alterations to the finishes of surfaces and including a storm water sewer and drainage improvements the impact on surface water, drainage and rivers has been assessed.

DFI Rivers were consulted on the application, with no concerns associated with the application:

FLD1: Development in Fluvial and Coastal Flood Plains – Flood Maps indicate that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2: Protection of Flood Defence and Drainage Infrastructure – Based on the information provided, this is not applicable to the application site.

FLD3: Development and Surface Water – A Drainage Assessment will not be required for this application as the proposal does not exceed any of the following thresholds:

- It is a residential development comprising of 10 or more dwelling units.
- It is a development site in excess of 1 hectare.
- It is a change of use involving new buildings and/or hard surfacing exceeding 1,000m².

DFI Rivers note that where a Drainage Assessment is not required but there is potential for surface water flooding, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site, with it acknowledged that in addition to the existing stormwater sewer and road gully, the application entails a proposed stormwater sewer and road gully. This will involve acquiring consent to discharge storm water run-off from the site, with it noted that if the proposal is to discharge into a watercourse, then an application should be made to the local Rivers Directorate office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. If, however, it is proposed to discharge storm water into an NI Water system, then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out.

Based on the information provided FLD4: Artificial Modification of Watercourses and FLD5 Development in Proximity to Reservoirs are not applicable to the application site.

NI Water (Strategic Applications) were consulted on the proposal and were content, subject to the compliance of conditions.

The proposal is not considered to have a detrimental impact upon surface water, drainage or rivers, with DFI Rivers and NI Water content with the proposal.

Impact on the Historic Environment

The application site is located within an Area of Archaeological Potential and is within close proximity of following listed structures:

- A modern church on the site of a medieval church (DOW003:006),
- A holy well (DOW003:004),
- The historic settlement of Donaghadee (DOW003:011),
- Donaghadee Motte (DOW003:003).

As per the consultation response provided by Historic Environment Division (HED), HED consider the proposals shall constitute a slight improvement to the setting of the listed asset when viewed from Shore Street, by nature of the proposed new grass areas which shall soften the car park. HED Historic Monuments and Historic Buildings reviewed the information submitted and are content that the proposal is compliant with SPPS paragraph 6.12 and of PPS 6: Planning, Archaeology and the Built Heritage.

Designated Sites and Natural Heritage

Policy NH1 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), with the application site located within close proximity of Outer Ards SPA (~0.04km), East Coast Marine pSPA (~0.15km), North Channel SAC (~0.04km), Outer Ards ASSI (~0.04km) and Outer Ards Ramsar site (~0.04km).

Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. To this end, the NI Biodiversity Checklist has been used to identify whether the proposal is likely to adversely affect certain aspects of biodiversity including protected species. In this instance it has indicated that whilst the application is located on the opposite side of Shore Street from the designated shoreline, further consultation with NIEA and Shared Environmental Services would be required.

As per the consultation response from NIEA, Marine Conservation Branch has considered the impacts of the proposal and on the basis of the information supplied is content that there should be no adverse impacts on Marine Protected Areas, marine habitats and marine species.

As per the consultation response from Shared Environmental Services, SES have reviewed the information and due to the scale and nature of the proposal, it is not considered that the proposal will have a likely significant effect on the conservation objectives of the nearby marine environment and associated European site designations - as such it is not necessary for the Council to appoint someone to undertake a HRA.

Given the limited scale of the proposal, for alterations to the car park, inc. improved layout, hard and soft landscaping, drainage improvements and resurfacing, with appropriate separation distance to the designated shoreline located on the opposite side of the road from the application site, the proposal is not considered likely to have a significant effect on the features, conservation objectives or status of any of these sites.



Figure 13: Application site located on opposite side of Shore Street from designated coastline

5. Representations

Three representations pertaining to the proposed development were received:

1. The email from Mr Waterworth raised concerns pertaining to road safety, including concerns pertaining to the number of vehicles in the area and the speed at which vehicles travel within the area.

Whilst the applicant stated that *'adding car parking spaces in the existing car park at Moat Entry will not make any difference to traffic or people visiting the town'*, it is acknowledged that the creation of an additional fourteen (14) car parking spaces shall help alleviate some of the issues surrounding on-street parking within the immediate area. The existing car park provides only nine (9) car parking spaces in an area where parking is at a premium and the proposal helps to address this demand in a manner that does not increase the footprint of the car park from what currently exists on site. On receipt of the email of representation DFI Roads were re-consulted for further investigation. Upon the submission of amended plans to demonstrate visibility splays, DFI Roads provided a consultation response stating that the objections have been noted, with DFI Roads content with the proposal. As such, the proposal is considered acceptable and shall not prejudice pedestrian or vehicular safety within the immediate or wider area.

2. The second email of representation, from Ms Turner, raised concerns associated with the application due to increased traffic movement and movement of people outside neighbouring residential properties; specifically, the apartments across the road from the application site. The application site is within an urban area and consists of an existing car park that is within proximity of the historical landmark 'The Moat' building and across the road from the public slipway. Consequently, there is a level of noise and movement that would be anticipated within the area, and whilst there shall be the provision of an additional fourteen (14) car parking spaces, the proposal is not considered to be so significant so as to have a material impact upon levels of pedestrian movement that will result in additional noise.

3. The third letter of representation raised queries regarding the need for the additional car parking spaces, with planning assessing the application based on what has been submitted without prejudice. The provision of additional parking with an improved layout is intended to alleviate on-street parking provision within the area, with DFI Roads having acknowledged the objections raised and are content with the application. There is an existing car park, with the provision of additional parking not considered to facilitate or encourage additional anti-social behaviour.

A further comment was submitted online by a Mr Brown, stating the intention to submit a letter of representation. The comment was received on the 14th June, with the neighbours having been renotified since that date. No letter of representation has subsequently been submitted.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. All hard and soft landscape works shall be carried out in accordance with the approved Drawing No. 02 and the appropriate British Standard or other recognised Codes of Practice. The works shall be completed during the first available planting season after commencement of the approved development and shall be permanently retained thereafter.

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

3. The hard surfacing materials and the materials of the wall shall be carried out in accordance with the approved Drawing No. 02 and shall be permanently retained thereafter, unless removal is necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 28 days.

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

4. If any retained or proposed trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

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

5. No development shall commence until the applicant has attained written confirmation from the Council that NIW is content that the proposed development will not affect this sewer, and sufficient drawings have been submitted, which clearly indicate the required wayleaves.

Reason: To prevent disturbance / damage to existing sewers and in the interest of public safety.

6. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

7. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016).

8. All services within the development should be laid underground.

Reason: In the interests of visual amenity.

9. Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interest of public health.

10. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

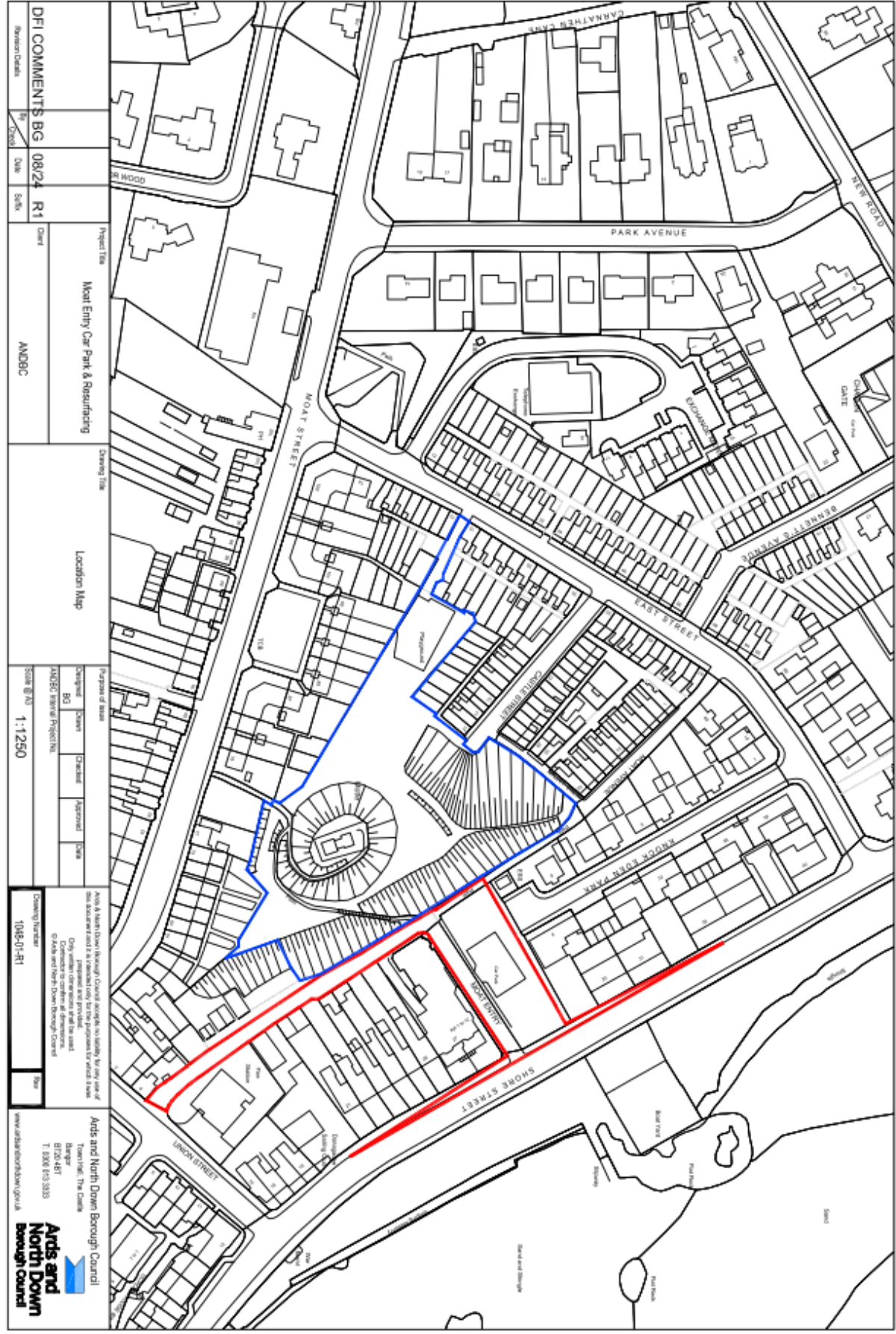
Reason: To safeguard the site and adjacent land against flooding and standing water.

Informative

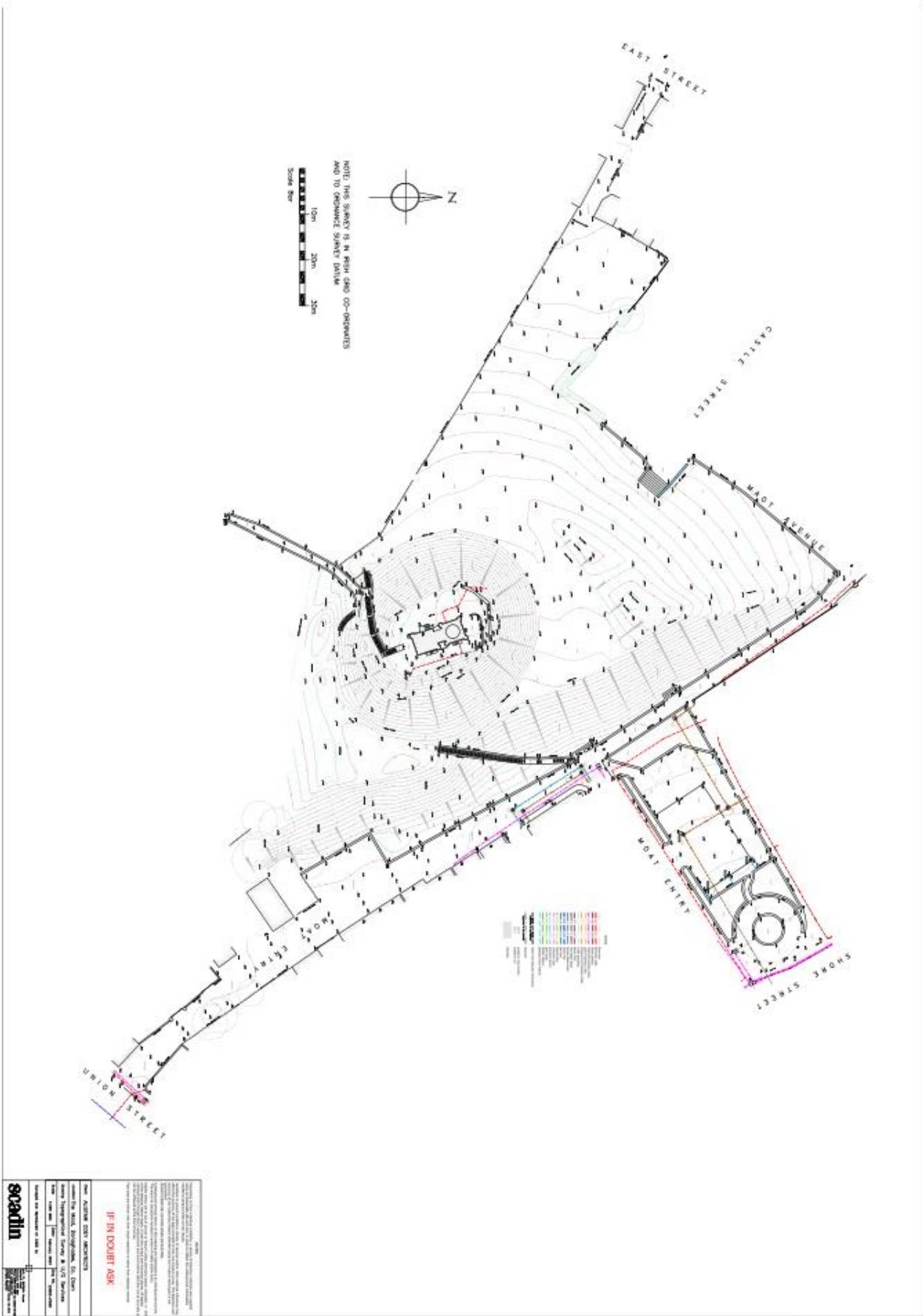
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where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

Drawing No. 01: Site Location Plan

Plot Date : 31/08/2024 15:46:27
 File Name : S:\RDP\REGENERATION\URBAN DEVELOPMENT\PROJECTS\1048 MOTT CAR PARK PLANNING\COUNCIL PLANNING APPLICATION\1048-01



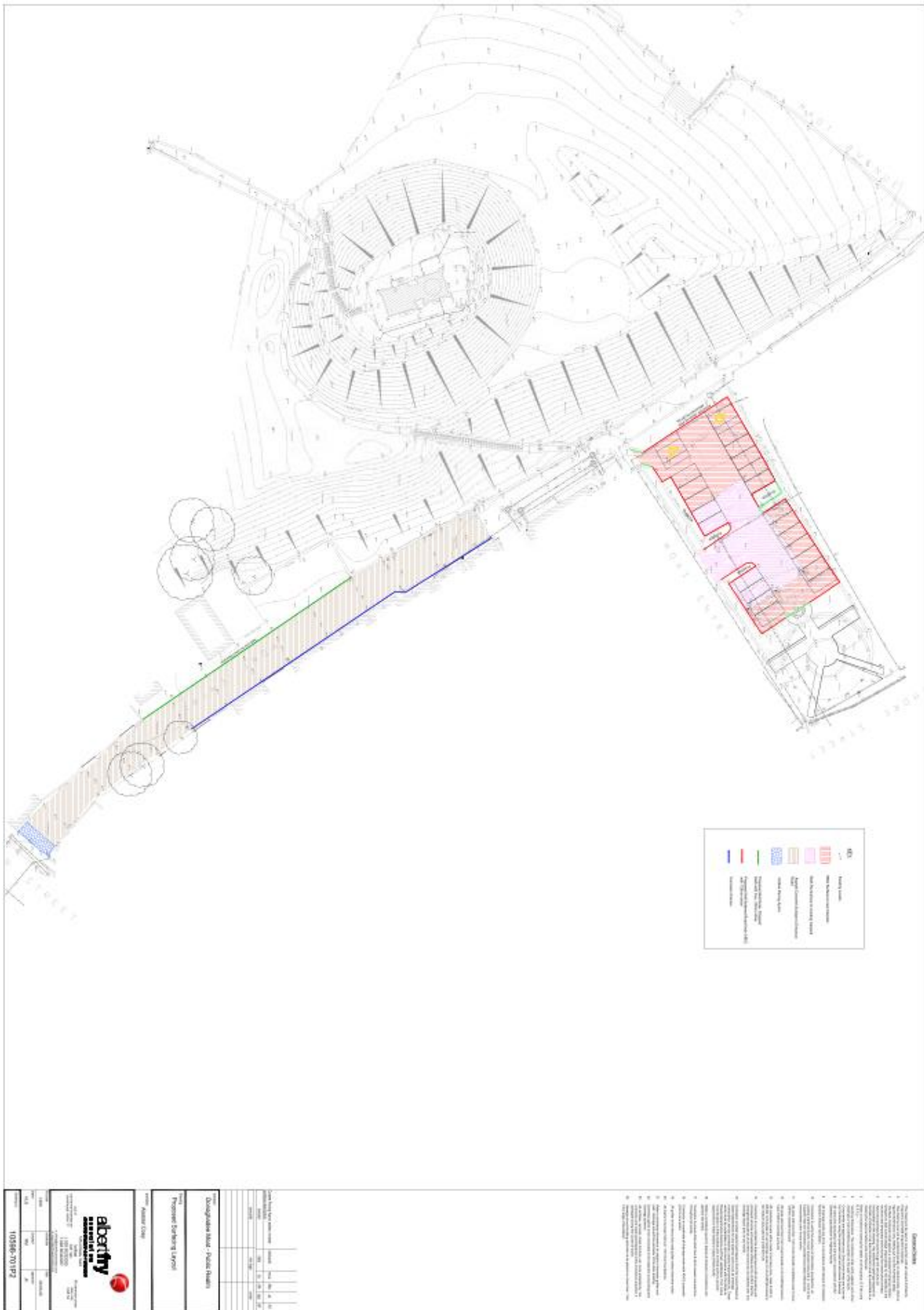
Drawing No. 02: Topographical Survey



Drawing No. 03: Proposed Site Layout



Drawing No. 04: Proposed Resurfacing

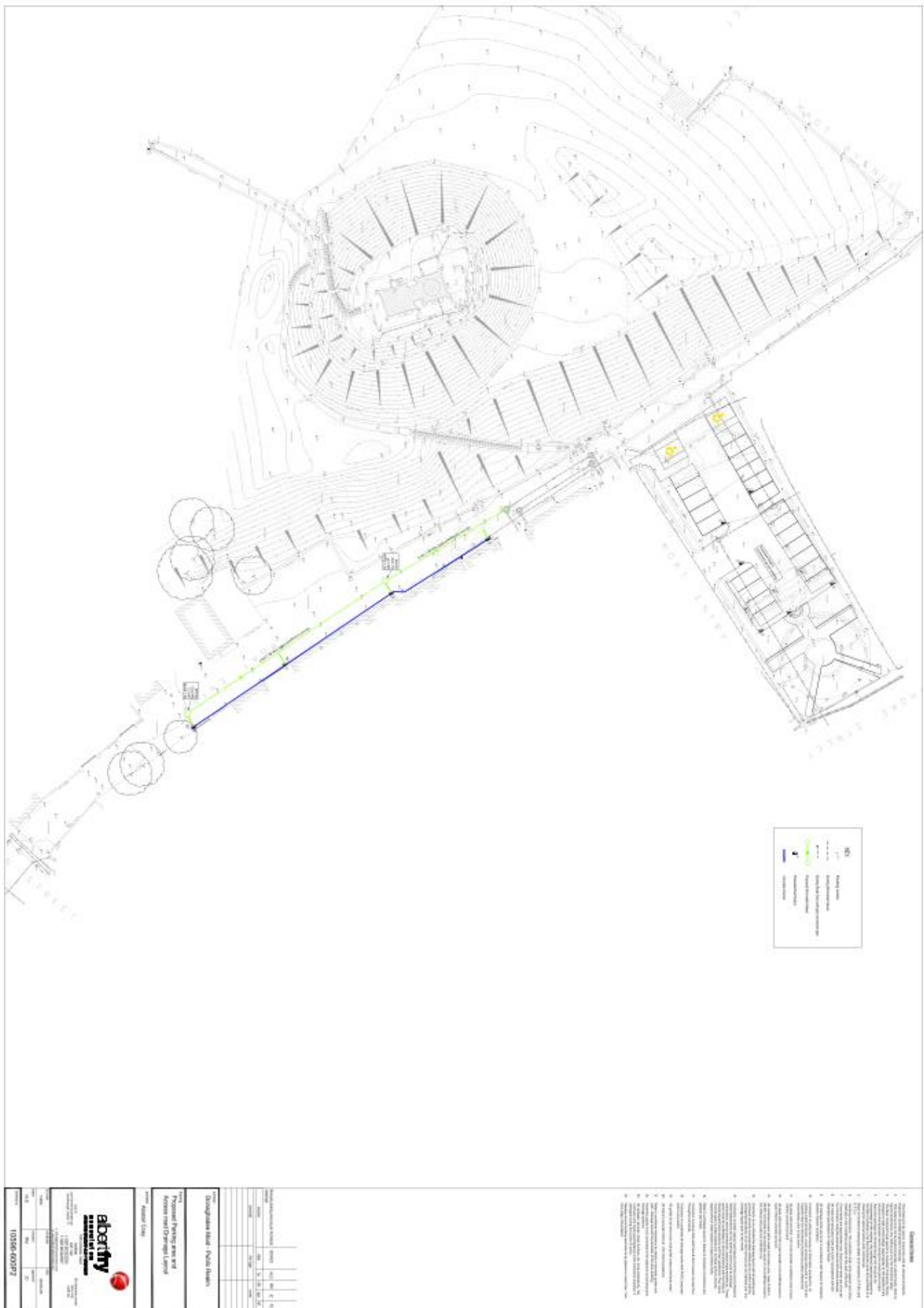


alberthy
 CONSULTANTS
 10596-701P2

NO.	DESCRIPTION	DATE	BY	CHKD.
1	DESIGNED	10/15/2024
2	CHECKED
3	APPROVED

DISCLAIMER
 THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER OF THIS INFORMATION ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR IN CONNECTION WITH THE USE OF THIS INFORMATION. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER OF THIS INFORMATION ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR IN CONNECTION WITH THE USE OF THIS INFORMATION.

Drawing No. 05: Proposed Drainage Layout



abertay
 landscape architects
 108566-603172

Client: Douglasdale Road - Public Realm
Project: Proposed Public Realm and
 Access to Douglasdale Road
Author: [Name]
Checker: [Name]

Item	Description	Scale	Date
1	Site Plan	1:500	15/08/23
2	Proposed Path	1:500	15/08/23
3	Proposed Tree	1:500	15/08/23
4	Proposed Tree Symbol	1:500	15/08/23

- Comments:**
1. The proposed path is shown in blue and yellow.
 2. The proposed trees are shown as circles with a cross inside.
 3. The proposed tree symbols are shown as circles with a cross inside.
 4. The proposed tree symbols are shown as circles with a cross inside.
 5. The proposed tree symbols are shown as circles with a cross inside.
 6. The proposed tree symbols are shown as circles with a cross inside.
 7. The proposed tree symbols are shown as circles with a cross inside.
 8. The proposed tree symbols are shown as circles with a cross inside.
 9. The proposed tree symbols are shown as circles with a cross inside.
 10. The proposed tree symbols are shown as circles with a cross inside.
 11. The proposed tree symbols are shown as circles with a cross inside.
 12. The proposed tree symbols are shown as circles with a cross inside.
 13. The proposed tree symbols are shown as circles with a cross inside.
 14. The proposed tree symbols are shown as circles with a cross inside.
 15. The proposed tree symbols are shown as circles with a cross inside.
 16. The proposed tree symbols are shown as circles with a cross inside.
 17. The proposed tree symbols are shown as circles with a cross inside.
 18. The proposed tree symbols are shown as circles with a cross inside.
 19. The proposed tree symbols are shown as circles with a cross inside.
 20. The proposed tree symbols are shown as circles with a cross inside.

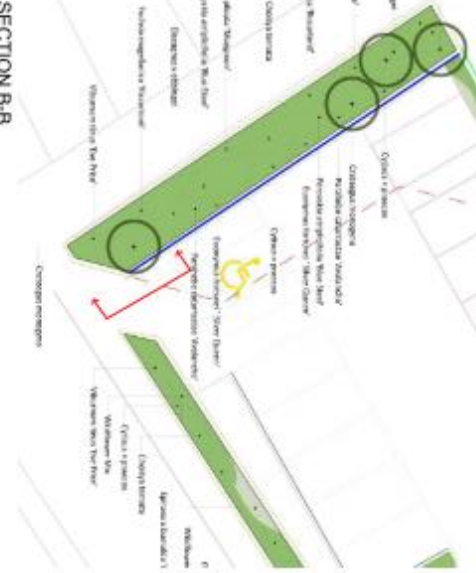
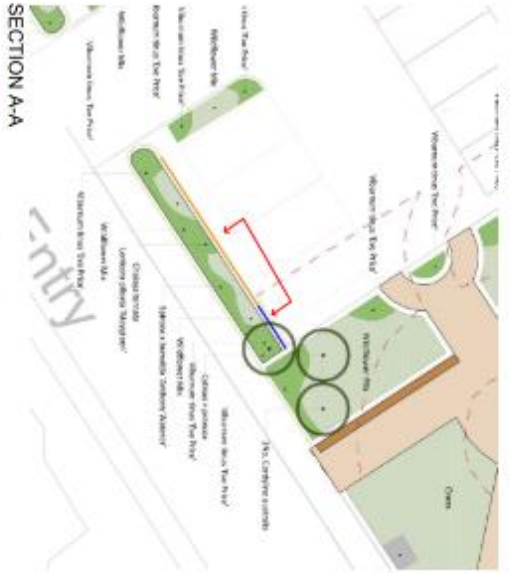
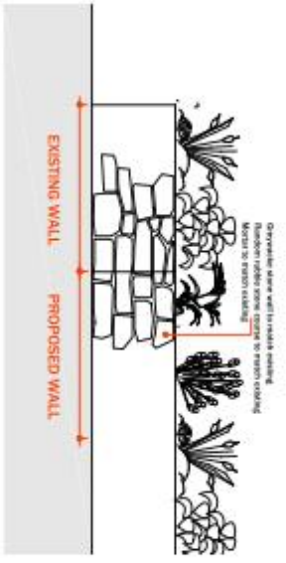
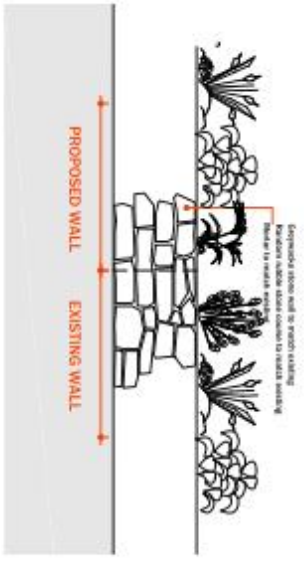
Drawing No. 06A: Proposed Landscape Layout



Drawing No. 07: Stone Wall elevations

File Name: S:\RD\PREGENERATION\URBAN DEVELOPMENT\PROJECTS\1048 MOTT CAR PARK PLANNING\COUNCIL PLANNING APPLICATION\1048-09 STONE WALL DETAILS

ALL STONE WORK TO BE CARRIED OUT IN ACCORDANCE WITH ENGLISH HERITAGE PRACTICAL BUILDING CONSERVATION, STONE
 ALL STONE WORK TO BE CARRIED OUT IN ACCORDANCE WITH BS EN 12059-2:2008+A1:2011



Project Title		Drawing Title	
MOAT CAR PARK		STONE WALL ELEVATIONS	
Client		ANDBC	
Revision Details	By	Drawn	Scale
Purpose of Issue			
Designed	Checked	Approved	Date
ANDBC Internal Project No.			
Scale @ No.	1:50	Drawing Number	1-1250
Ards and North Down Borough Council accepts no liability for any use of this document and it is provided only for the purposes for which it was prepared. Any other use is prohibited. Design is the property of Ards and North Down Borough Council.			
Ards and North Down Borough Council Town Hall, The Causeway Bangor BT22 4BT T: 028 933 3333 www.ardsandnorthdown.gov.uk			

Site photos









Unclassified

117

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

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	01 October 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	17 September 2024
File Reference	N/A
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 Appeal decision 2024/A0001

Appeal Decisions

- The following appeal was dismissed on 17 September 2024.

PAC Ref	2024/A0001
Council Ref	LA06/2021/1493/O
Appellant	Mr Peter Knight
Subject of Appeal	Refusal of outline planning permission for a detached dwelling and associated siteworks.
Location	Lands approximately 40m north of 194 Church Road, Holywood

The Council refused the above application on 21 December 2023 for the following reasons:

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are

Not Applicable

118

no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long-term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of the case.
3. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not constitute a small gap sufficient only to accommodate a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted result in the creation of ribbon development along Church Road.
4. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, would be unable to provide a suitable degree of enclosure for any building to integrate into the landscape and relies upon the use of new landscaping for integration.
5. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted further erode the character of the area due to a build-up of development and create a ribbon of development.

In terms of the appeal there were two preliminary matters dealt with, one relating to the landownership certificate, the other an incorrect scale on the Site Location Plan. The Commissioner was satisfied that following the service of the correct certificate post hearing no prejudice had been caused to the landowner, who is the applicant's mother, to invalidate the appeal. Secondly, the Site Location Plan met the legislative requirements in line with the Planning (General Development Procedures) Order (NI) 2015

This application for a dwelling had been sought under Policy CTY 6 for personal and domestic circumstances. The applicant put forward that the daily and long terms needs to assist with his daughter's health conditions that she has had since birth required the construction of a new dwelling at this location. The Council does not dispute the medical information supplied, and nor did the Commission.

The central issue in this case is whether this is an exceptional case and there are no alternate solutions open to the applicant to accommodate his daughter when required. The appellant's daughter lives with her mother (appellant's ex-wife) in her family home from Monday to Wednesday and is in a care home Thursday to Saturday. The appellant takes care of his daughter across one or two nights at weekends (depending on daughter's routine). The appellant hopes

Not Applicable

119

to spend more time with his daughter in retirement which is approximately two years away.

The site-specific reasons put forward were that adaptations to the appellant's mother's house, which is adjacent to the site, and the appellant's rented home are not possible due to ownership issues.

The Commissioner agreed with the Council that the appellant had failed to properly consider alternative solutions including adapting/extending the adjacent mother's dwelling or an outbuilding within that curtilage. The Commissioner concluded that there was no persuasive evidence submitted to support the site-specific need for a dwelling at this location and as such the proposed failed to meet the policy requirements of policy CTY 6 of PPS 21. The appellant's daughter currently lives in an adapted home in a nearby settlement. The Commissioner further concluded that the appellant could purchase or rent a dwelling in a nearby settlement with adaptations in place. The Commissioner acknowledged the appellant's situation; however, commented that the policy test is stringent with the daughter's needs currently catered for and which are unlikely to change.

The appellant had also forwarded a case at the hearing of the need to care for his mother, following the recent death of his father; however, no persuasive evidence was presented to demonstrate an on-site need and it was noted at the hearing that the appellant's sister lives nearby and assists with caring needs.

In terms of policy CTY 8 of PPS 21 the Commissioner found that the appeal site does not represent an exception and is not considered a small gap site capable of accommodating a maximum of two dwellings. The Commissioner concluded that the site would add to a ribbon of development along Church Road, Hollywood, failing to meet the requirements of policies CTY 8 (ribbon development) and CTY 14 (adversely impacting the rural character of the area).

In terms of policy CTY 13 of PPS 21 the Commissioner found that the site is exposed with no backdrop and lacks long established boundaries, therefore would rely on new landscaping for integration. It was concluded that the appeal site fails to meet the policy requirement.

New Appeals Lodged

- The following appeal was lodged on 20 August 2024.

PAC Ref	2024/A0057
Council Ref	LA06/2022/1258/F
Appellant	Peter Kelly
Subject of Appeal	Refusal of planning permission for 'Farm shed for storage of fodder and machinery (Retrospective)'
Location	2b Ballyblack Road, Portaferry

Not Applicable

120

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

RECOMMENDATION

It is recommended that Council notes the report and attachment.

Unclassified

121

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

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	01 October 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	16 September 2024
File Reference	N/A
Legislation	The Planning (Northern Ireland) Act 2011 The Planning (General Development Procedure) Order (Northern Ireland) 2015 as amended
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 the Statutory Consultations Annual Performance Report
Attachments	Item 6a -Statutory consultations Annual Performance Report

1. The purpose of this report is to inform members of the annual performance report prepared by the Department for Infrastructure (DfI) which sets out the performance of statutory consultees in the planning process. The report details a list of statutory consultees at the end on page 19.
2. Members should note that Council also on occasion consults with non-statutory consultees, for example Environmental Health, the Council's Tree Officer or Conservation Area Officer, which are not bound by any statutory response time.
3. Relevant legislation is set out in The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) ("the GDPO") which provides

Not Applicable

122

instruction regarding statutory consultations on applications for planning permission. The structure/names of Departments were amended in 2016.

4. The requirement for DfI to provide an annual report is set out in Article 16 of the GDPO. Each statutory consultee is required, by legislation, to provide details to DfI of how it has purportedly met its statutory requirements (in respect of providing a substantive response within the timeframe or other timeframe as agreed between the council and the consultee). Such a report is required to relate to the period of 12 months commencing on 1st April in the preceding year.
5. The report details of the volume of statutory consultation that has taken place during 2023/34 with comparative information for earlier years. This is the first annual report to be produced for statutory consultation since introduction of both Planning Portals (that is for Mid Ulster, and that is for the remaining 11 planning authorities, which includes DfI).
6. Members should note that the figures contained in the report are extracted from each respective Planning Portal, reflect management information and should not be considered as official statistics and therefore should not be quoted as such.
7. Regionally significant applications are dealt with by DfI with Councils dealing with applications in the category of 'major' and 'local' development. Major developments are those developments which have the potential to be of significance and interest to communities and will be subject to processes such as Pre-Application Community Consultation (PACC), the submission of a Design and Access Statement (D&AS) and determination by Planning Committee. They are likely to be developments that have important economic, social and environmental implications for a council area.
8. For Ards and North Down the statutory consultee response rate for major applications was 37% within the statutory target, the lowest of any of the 11 Council areas, (Table 4e, page 11 of the report), with a figure of 72% for local applications (only DfI Planning had a lower response rate).
9. Tables 4c and 4f do not break down DfI Roads into Divisional Offices and members will be aware that it is acknowledged by DfI Roads that Southern Division, serving Ards and North Down and Newry Mourne and Down Council areas, has been and continues to experience resourcing issues, which is more borne out in Table 4e in respect of 'On Time' for AND at the aforementioned 37% for major applications.
10. In terms of consultations on applications in the local category of development, this Council fared slightly better in respect of 72% of its consultee responses being returned 'On Time'; however, there is no breakdown in respect of the different consultees by Council area in this regard, where we are aware that particular consultees are experiencing resource issues.
11. It is assumed that the reference to 'No response' relates to those consultation responses which were not received in that particular year, and would therefore appear as 'Late' in the following year.

Not Applicable

123

12. Members should note that although the Planning Act places a duty to respond to consultation within a period of 21 days beginning with the day on which the Council ... “is satisfied that it has supplied the statutory consultee with the information it believes necessary for the consultee to make a substantive response”, consultees are entitled to request a longer period of time to respond, which the Council can determine whether it agrees. It is an ongoing issue whereby some consultees do not engage this process.
13. It is also worth noting that while a consultee may have responded within the 21-day target date, the Council may deem the response insufficient and have to reconsult requesting additional consideration which inevitably will have an impact on response times. Conversely, a consultee may request additional information in order to be able to provide a ‘substantive response’ as detailed in legislation.
14. Members will also be aware that throughout the processing of an application there may be various amendments which materially change the proposal to the extent that further consultation is required by Council. Council also occasionally seeks consultees to comment on representations made which may seem to contradict consultee findings which is achieved via further formal consultation.
15. Members should note that with the proposed introduction of statutory validation checklists (as part of the Planning Improvement Programme), ‘frontloading’ of applications will seek to reduce the requirement for additional time to be afforded to consultees to comment as applicants will be required to submit a full suite of required studies relevant to their proposal at the outset of the processing period. This, however, will not address the ongoing resourcing issue in some departments.

RECOMMENDATION

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

2024



Department for
Infrastructure
An Roinn
Bonneagair

124

Department for
Infrastructure
www.infrastructure-ni.gov.uk

Statutory Consultations Annual Performance Report

This is the fourth annual performance report highlighting the performance of statutory consultees in the planning process. This report provides details of the volume of statutory consultation that has taken place during 2023/24 with comparative information for earlier years. The figures contained in this report are extracted from the Planning Portals, are management information, and should not be treated or considered as official statistics.

*****THE INFORMATION IN THIS REPORT IS NOT CONSIDERED OFFICIAL STATISTICS AND SHOULD NOT BE QUOTED AS SUCH*****



Contents

Summary infographic	3
Introduction.....	4
Statutory consultations	4
Planning Applications Received.....	5
Statutory consultations response times.....	7
2023/24 in more detail – statutory consultee analysis.....	11
User guidance	19

Planning Statutory Consultations 2023/24

Statutory consultations, for the purposes of this report, are consultations marked as 'Statutory' for application types 'full', 'outline' and 'reserved matters' on the Planning Portals

Statutory consultations raised

Number of statutory consultations raised



22,224

statutory consultations were raised in 2023/24. Of these:



20,776
(93%)

were on local applications



1,437
(6%)

were on major applications



11
(<0.1%)

were on regional applications

Statutory consultations response times



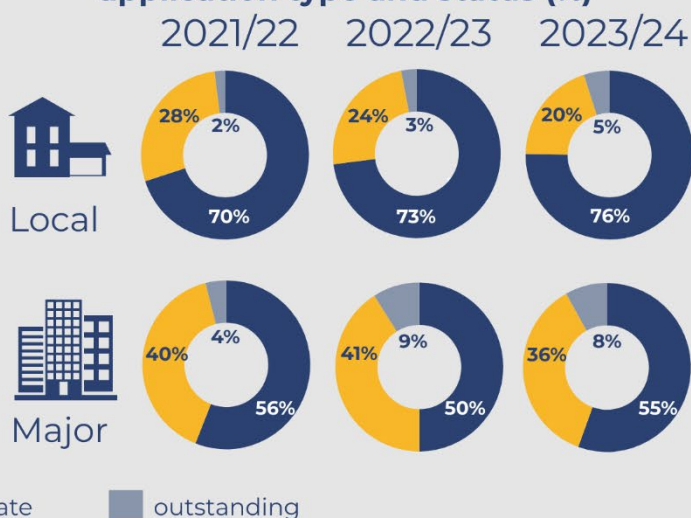
74%

of statutory consultations in 2023/24 were responded to on time (i.e. within the 21-day response target or the extended target)

Number of responses to statutory consultations received by status

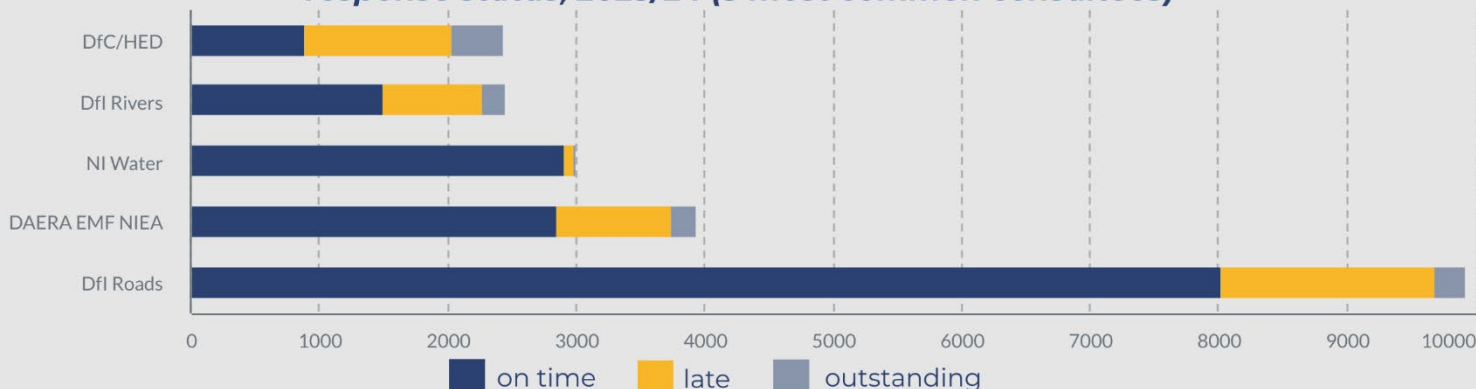


Responses to statutory consultations received by application type and status (%)



Statutory consultees

Number of responses to statutory consultations received by statutory consultee and response status, 2023/24 (5 most common consultees)



The information in this report is not considered official statistics and should not be quoted as such

Statutory Consultations Annual Performance Report – 2023/24

Introduction

This is the fourth annual performance report highlighting the performance of statutory consultees in the planning process. This report provides details of the volume of statutory consultation that has taken place during 2023/24 with comparative data from earlier years.

This is the first annual report to be produced for statutory consultation since the introduction of the two new Planning Portals. It is important therefore to note that finalised data for 2022/23 is presented in this report.

The Planning Portals were introduced in June (Mid Ulster) and December 2022 (all other planning authorities) and will have had some impact on the quality of the data for level of consultation and the management of consultation responses. This impact whilst considered to be minimal may cause some changes at lower levels of data disaggregation. This should be borne in mind when using data from 2022/23.

The figures contained in this report are extracted from the Planning Portals, are management information, and should not be treated as official statistics.

Statutory consultations

During 2023/24 (1 April 2023 to 31 March 2024) there were 39,975 consultations/advice queries raised with 73% (29,051) of these consultations sent to key statutory consultees¹. Of the 29,051 consultations/advice queries raised with statutory consultees, 76% (22,224) were deemed to be statutory consultations², with the remainder largely made up of consultations on full applications (2,313), discharge of conditions (1,316), pre application discussions (1,135), listed building consents (625), advertising (571) and outline applications (443).

The number of statutory consultations raised by application type is reported in Table 1. The series is available from 2017/18.

Table 1 below shows the number of statutory consultations sent to key statutory consultees annually from 2017/18. In 2019/20 and 2020/21 the level of consultations was lower when compared with 2018/19. It is likely that some of the decrease recorded in late 2019/20 and continuing into early 2020/21 related to the reduction in the number of planning applications received over the same period, because of the coronavirus (COVID-19) pandemic.

Over the data series available, the level of statutory consultation was greatest in 2021/22 with 27,191 statutory consultations sent to key statutory consultees. Since this peak the level of statutory consultation has declined with the 22,224 consultations recorded in 2023/24. This marks the lowest number of consultations received annually over the last seven years. See Table 1 and Chart 1 for further information.

¹ See [User Guidance](#) for a list of key statutory consultees.

² A statutory consultation for the purpose of this report is a consultation marked as 'Statutory' for application types 'full', 'outline' and 'reserved matters' for the statutory consultees listed in the [User Guidance](#) section.

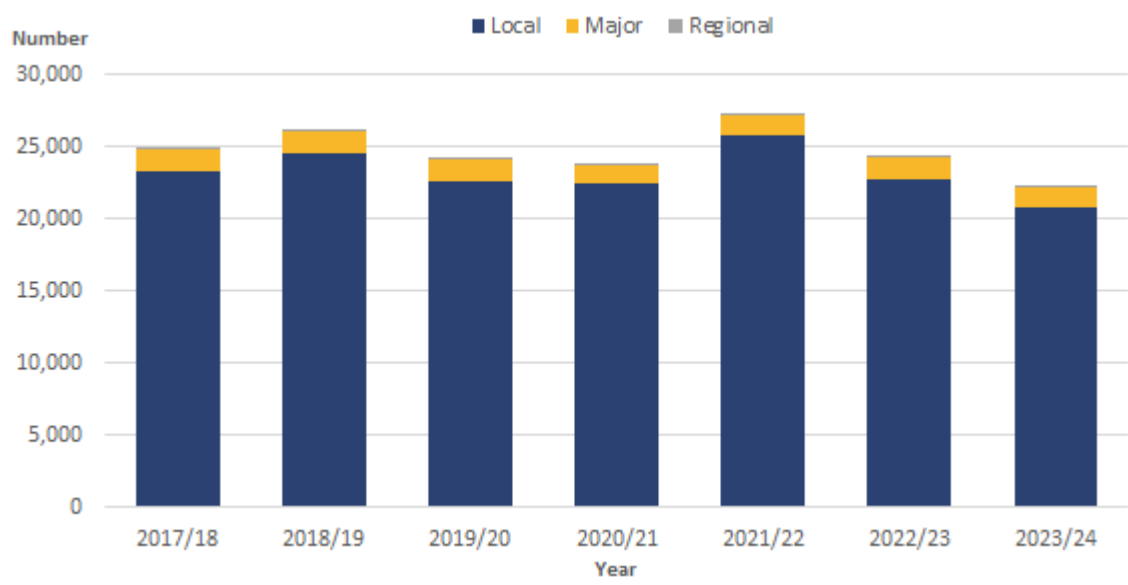
Table 1: *Number of statutory consultations raised by planning application type*

Year	Local	Major	Regional	Total
2017/18	23,368	1,506	21	24,895
2018/19	24,570	1,477	2	26,049
2019/20	22,603	1,479	8	24,090
2020/21	22,402	1,308	11	23,721
2021/22	25,825	1,364	2	27,191
2022/23	22,776	1,487	26	24,289
2023/24	20,776	1,437	11	22,224

Note: A statutory consultation for the purpose of this report is a consultation marked as 'Statutory' for application types 'full', 'outline' and 'reserved matters' for the statutory consultees listed in the [User Guidance](#) section.

Ninety-three percent of statutory consultations raised in 2023/24 related to local planning applications. This was similar to the previous year.

Chart 1: *Number of statutory consultations raised by planning application type*



Planning Applications Received

The number of planning applications received between 2017/18 and 2020/21 by the twelve planning authorities was relatively stable, with 99% of all planning applications received being local applications. In 2021/22 there was an increase with 13,600 applications received, the highest annual number since 2011/12. This was followed with a decline to 11,217 planning applications in 2022/23 and a further decline in 2023/24 to 10,025. The number of planning applications received in 2023/24 was the lowest since records began in 2002/03.

Table 2: *Number of planning applications received by planning application type*

Year	Local	Major	Regional	Total
2017/18	12,770	161	2	12,933
2018/19	12,404	137	0	12,541
2019/20	12,058	149	0	12,207
2020/21	12,709	123	1	12,833
2021/22	13,454	145	1	13,600
2022/23	11,072	144	1	11,217
2023/24	9,870	154	1	10,025

Source: DfI Northern Ireland Planning Statistics

The ratio of all planning applications received against all statutory consultations issued is 1 to 2. Focussing on major and regionally significant, the ratio is 1 to 10 based on the last five years of data. See Table 3 below for more detail.

Table 3: *Ratio of planning applications received against statutory consultations raised³ within each financial year by planning application type*

Year	Local	Major/Regionally Significant	Combined Overall Ratio
2017/18	2	9	2
2018/19	2	11	2
2019/20	2	10	2
2020/21	2	11	2
2021/22	2	9	2
2022/23	2	10	2
2023/24	2	10	2

³ Some consultations within each financial year will relate to planning applications that have been received in an earlier financial year. Although the counts of planning applications received, and statutory consultations raised within a given period are not directly related it provides an indicative picture of the level of statutory consultation taking place on planning applications.

Statutory consultations response times

During 2023/24 the proportion of statutory consultations responded to on-time⁴ was 74%, this rate increased from the 72% recorded on-time in 2022/23. Over the series reported, response rates on-time were highest in 2017/18 with 76% reporting on-time and lowest in 2021/22 (69%). It is noteworthy that a much higher level of statutory consultation was carried out in 2021/22 (27,191) when compared to other years in the series and the overall response rate was 69%. Chart 2 below shows the number of responses to statutory consultations by response status.

Chart 2: *Number of responses to statutory consultations received by response status*

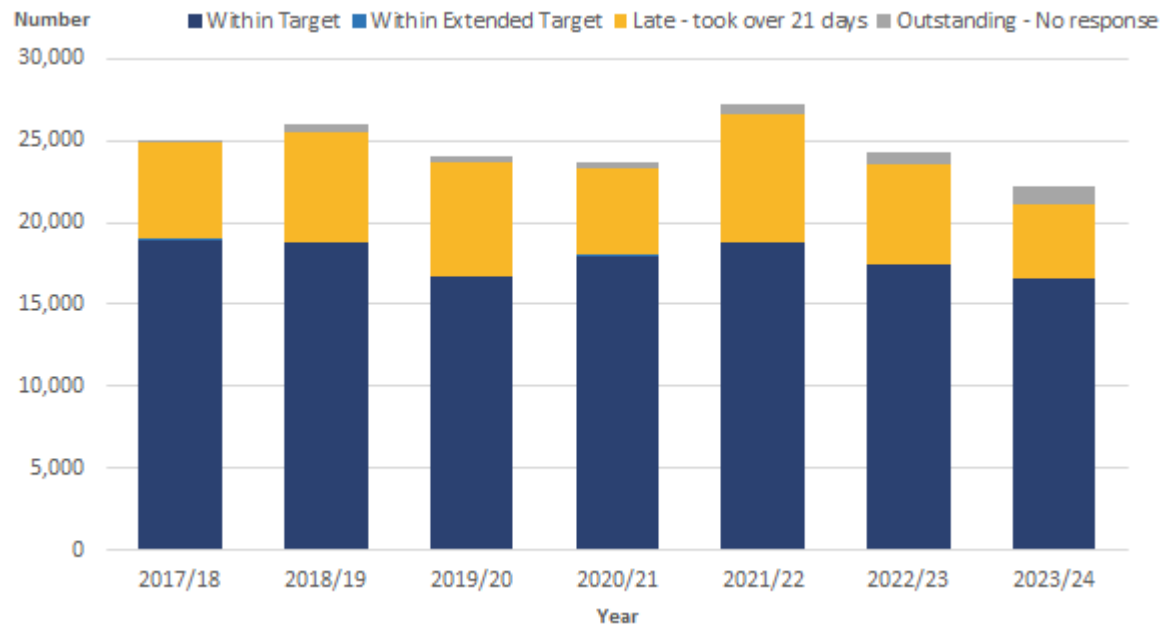
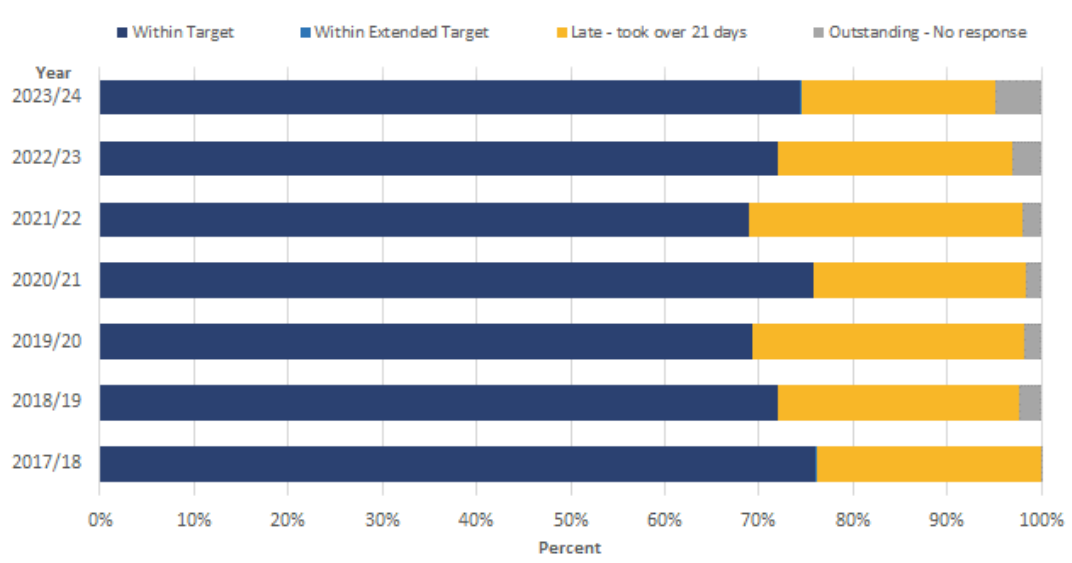


Chart 3: *Responses to statutory consultations received by response status (proportions)*



⁴ Includes those responded to within the 21-day target and the extended target, where applicable.

The response rate for statutory consultations responded to on-time⁵ varies from year to year. In broad terms the annual response rate on-time over the last seven years ranged between 69-76% for all statutory consultations. For consultations related to local planning applications the response rate on-time ranged between 70-77%, and for consultations related to major planning applications ranging between 50-65%.

In 2023/24 74% of responses to statutory consultations were on-time, with locals reported at 76%, majors at 55% and regionally significant at 27%. See Charts 4a, 4b and 4c for detail of annual performance.

Chart 4a: Responses to statutory consultations received for local planning applications by response status (proportions)

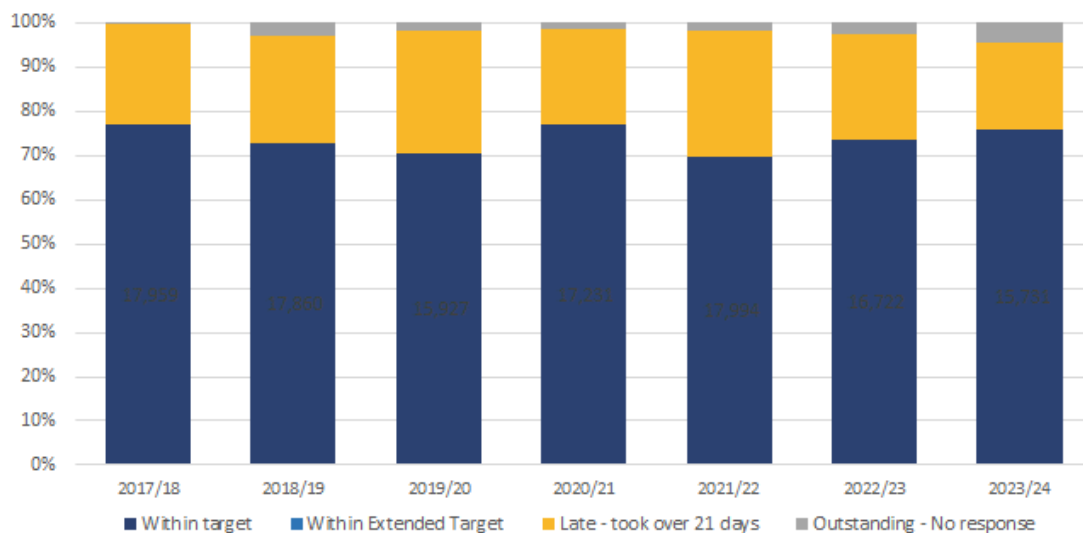
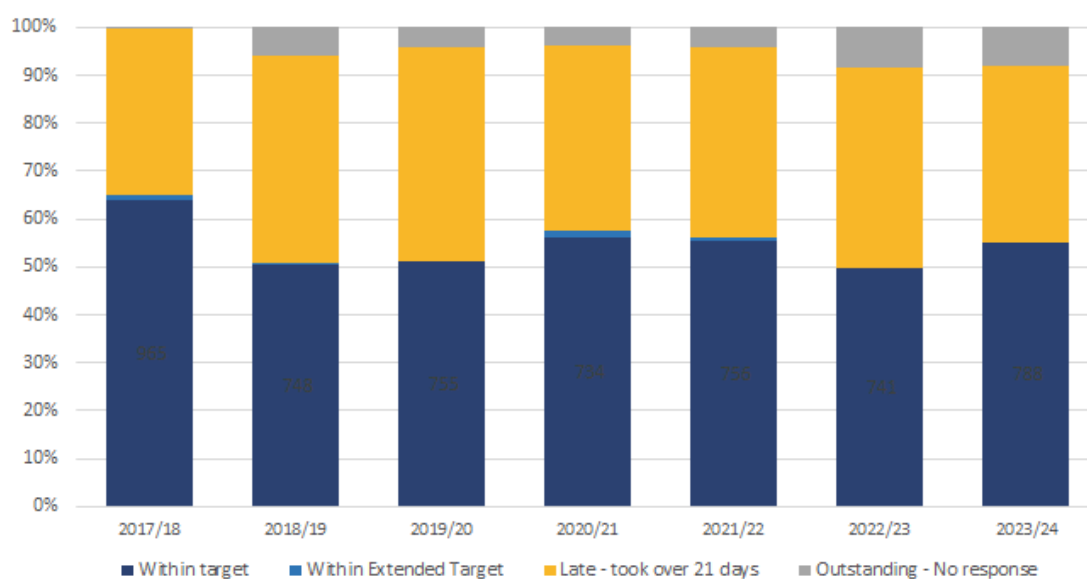
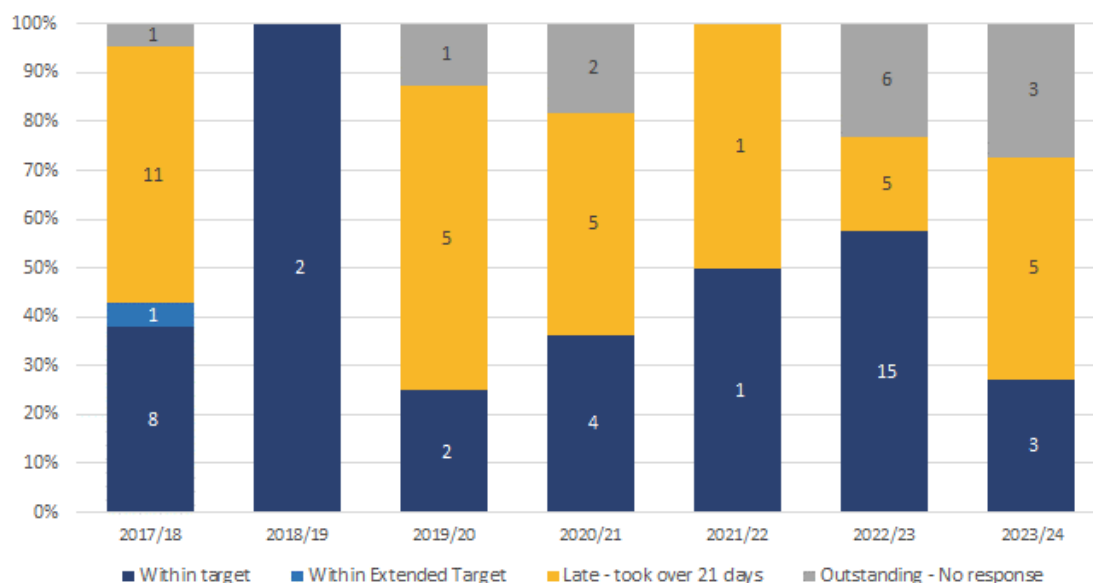


Chart 4b: Responses to statutory consultations received for major planning applications by response status (proportions)



⁵ Includes those responded to within the 21-day target and the extended target, where applicable.

Chart 4c: Responses to statutory consultations received for regionally significant planning applications by response status (proportions)



Note: due to the small numbers of responses to statutory consultations on regionally significant ('regional') applications, associated proportions reported in the above chart should be treated with caution; the numbers of such responses have been included as data labels.

Tables 4 (a-c) below provides an annual breakdown for 2023/24 by statutory consultee and planning application type. For each statutory consultee the tables 4(a-c) report the number of statutory consultations received by statutory consultees for regionally significant, major and local planning applications respectively and the percentage responded to on-time alongside response status counts.

Table 4a: Statutory consultation on regionally significant planning applications 2023/24

Statutory Consultee	Within Target	Within Extended Target	Late - took over 21 days	Outstanding - No response	Total	% on-time
DfI Roads	0	0	1	0	1	0%
DAERA EMF NIEA	1	0	1	2	4	25%
DfI Rivers	0	0	1	1	2	0%
DfC/HED	0	0	1	0	1	0%
HSENI	1	0	0	0	1	100%
Belfast International Airport	0	0	1	0	1	0%
Belfast City Airport	1	0	0	0	1	100%
Regionally Significant Total	3	0	5	3	11	27%

Table 4b: Statutory consultation on major planning applications 2023/24

Statutory Consultee	Within Target	Within Extended Target	Late - took over 21 days	Outstanding - No response	Total	% on-time
DfI Roads	302	1	135	33	471	64%
DAERA EMF NIEA	106	0	182	30	318	33%
DfI Rivers	151	8	96	24	279	57%
NI Water	146	0	8	1	155	94%
DfC/HED	40	0	89	25	154	26%
HSENI	4	0	6	3	13	31%
DfE/GSNI	12	0	3	1	16	75%
Belfast International Airport	16	0	3	0	19	84%
Belfast City Airport	2	0	0	0	2	100%
NIHE	9	0	1	0	10	90%
Major Total	788	9	523	117	1,437	55%

Table 4c: Statutory consultation on local planning applications 2023/24

Statutory Consultee	Within Target	Within Extended Target	Late - took over 21 days	Outstanding - No response	Total	% on-time
DfI Roads	7,714	5	1,531	211	9,461	82%
DAERA EMF NIEA	2,745	1	706	171	3,623	76%
DfI Rivers	1,324	11	679	158	2,172	61%
NI Water	2,772	0	58	22	2,852	97%
DfC/HED	850	0	1,061	372	2,283	37%
HSENI	47	0	11	9	67	70%
DfE/GSNI	41	0	12	1	54	76%
Belfast International Airport	124	0	16	1	141	88%
Belfast City Airport	50	0	0	1	51	98%
City of Derry Airport	28	0	0	0	28	100%
NIHE	36	0	8	0	44	82%
Local Total	15,731	17	4,082	946	20,776	76%

Tables 4 (d-f) below provides an annual breakdown for 2023/24 on consultations issued (by application type) from each planning authority to the statutory consultee and reports both the consultation percentage returned on-time to the planning authority and response status counts.

Table 4d: Planning Authority statutory consultations issued on regionally significant planning applications 2023/24

Planning Authority	Within Target	Within Extended Target	Late - took over 21 days	Outstanding - No response	Total	% on-time
LA03 - Antrim and Newtownabbey	1	0	1	0	2	50%
LA12 - DfI Strategic Planning Division	2	0	4	3	9	22%
Total	3	0	5	3	11	27%

Table 4e: *Planning Authority statutory consultations issued on major planning applications 2023/24*

Planning Authority	Within Target	Within Extended Target	Late - took over 21 days	Outstanding - No response	Total	% on-time
LA01 - Causeway Coast and Glens	79	1	29	7	116	69%
LA02 - Mid and East Antrim	62	2	34	2	100	64%
LA03 - Antrim and Newtownabbey	99	0	52	3	154	64%
LA04 - Belfast	111	2	68	24	205	55%
LA05 - Lisburn and Castlereagh	49	0	38	16	103	48%
LA06 - Ards and North Down	43	2	60	16	121	37%
LA07 - Newry, Mourne and Down	55	1	57	9	122	46%
LA08 - Armagh, Banbridge and Craigavon	50	0	34	13	97	52%
LA09 - Mid Ulster	66	0	54	17	137	48%
LA10 - Fermanagh and Omagh	57	0	35	9	101	56%
LA11 - Derry and Strabane	116	1	59	1	177	66%
LA12 - DFI Strategic Planning Division	1	0	3	0	4	25%
Total	788	9	523	117	1,437	55%

Table 4f: *Planning Authority statutory consultations issued on local planning applications 2023/24*

Planning Authority	Within Target	Within Extended Target	Late - took over 21 days	Outstanding - No response	Total	% on-time
LA01 - Causeway Coast and Glens	2,725	2	360	123	3,210	85%
LA02 - Mid and East Antrim	849	0	114	34	997	85%
LA03 - Antrim and Newtownabbey	1,072	1	240	41	1,354	79%
LA04 - Belfast	758	1	226	66	1,051	72%
LA05 - Lisburn and Castlereagh	1,352	1	377	138	1,868	72%
LA06 - Ards and North Down	979	0	316	70	1,365	72%
LA07 - Newry, Mourne and Down	2,326	10	673	188	3,197	73%
LA08 - Armagh, Banbridge and Craigavon	2,073	0	600	112	2,785	74%
LA09 - Mid Ulster	1,227	0	597	89	1,913	64%
LA10 - Fermanagh and Omagh	873	1	279	45	1,198	73%
LA11 - Derry and Strabane	1,496	1	300	40	1,837	81%
LA12 - DFI Strategic Planning Division	1	0	0	0	1	100%
Total	15,731	17	4,082	946	20,776	76%

2023/24 in more detail – statutory consultee analysis

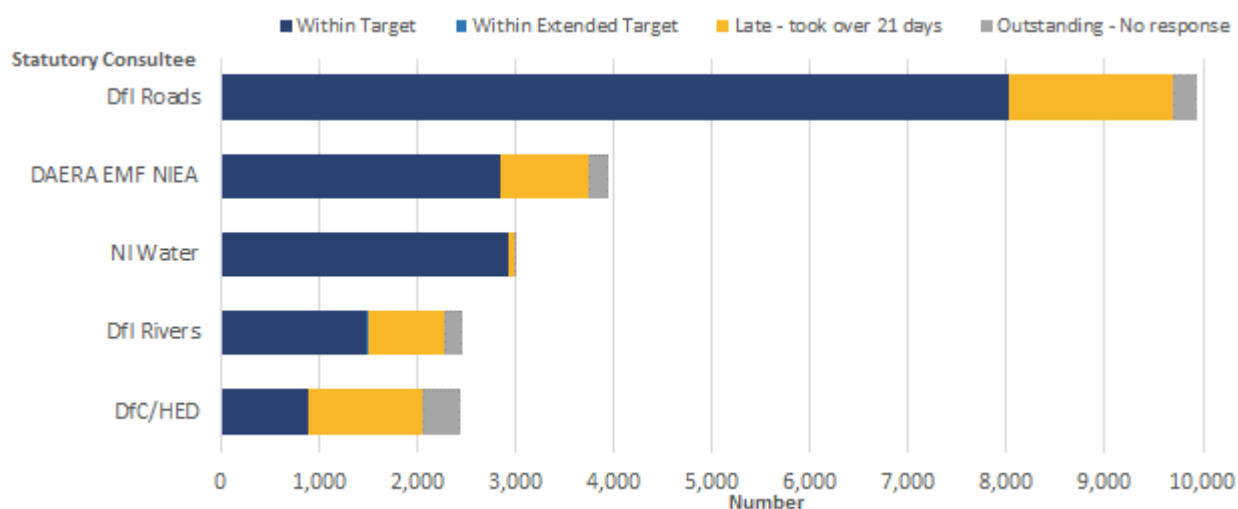
Statutory consultations received by statutory consultees for the last seven years are presented in Table 1⁶. During 2023/24 there were 24,224 statutory consultations received by statutory consultees, the lowest annual level recorded since records began in 2017/18. This reduction is most likely driven by the reduction in planning applications received over the same period.

Of the 22,224 statutory consultations received in 2023/24, DfI Roads received 45%, DAERA EMF NIEA 18%, NI Water 14%, DfI Rivers 11% and DfC / HED 11%. Together these five consultees accounted for 98% of the statutory consultations raised during the year (See Chart 6).⁷ This is like previous years.

⁶ Note: the number of statutory consultations raised by planning authorities in a given period will equal the number of statutory consultations received by statutory consultees in the same period. In effect, these terms are interchangeable.

⁷ See [User Guidance](#) for a full list of key statutory consultees.

Chart 6: *Number of responses to statutory consultations received by statutory consultee and response status, 2023/24 (5 most common consultees)*



During the year across all statutory consultees the proportion of responses received on-time⁸ ranged from 37% – 100%. In all, 74% of statutory consultations were responded on-time during 2023/24.

Table 5 below reports the percentage of statutory consultations received that were responded to on-time by statutory consultees over the last seven years.

Table 5: *Proportion of responses on-time⁹ 2017/18 to 2023/24*

Statutory Consultee	2017/18 % on-time	2018/19 % on-time	2019/20 % on-time	2020/21 % on-time	2021/22 % on-time	2022/23 % on-time	2023/24 % on-time
DfI Roads	70%	76%	72%	77%	69%	78%	81%
DAERA EMF NIEA	87%	72%	70%	68%	63%	59%	72%
NI Water	87%	79%	85%	88%	97%	92%	97%
DfC /HED	78%	74%	72%	76%	65%	54%	37%
DfI Rivers	65%	30%	30%	64%	40%	56%	61%
HSENI	68%	69%	60%	70%	86%	69%	64%
DfE / GSNI	73%	79%	81%	88%	94%	78%	76%
NIHE	93%	63%	59%	84%	79%	68%	83%
Belfast International Airport	83%	60%	77%	79%	99%	88%	87%
Belfast City Airport	96%	100%	99%	100%	100%	98%	98%
City of Derry Airport	86%	73%	93%	94%	100%	100%	100%
Overall Total	76%	71%	69%	76%	69%	72%	74%

Over the last year statutory consultees have recorded mixed performance with some improvement over the year. A fuller breakdown of individual statutory consultee responses and proportion returned on-time over the past seven years (2017/18 – 2023/24) is presented in Table 6 below.

⁸ Includes those responded to within the 21-day target and the extended target, where applicable.

Table 6: *Number of responses to statutory consultations received by statutory consultee, 2017/18–2023/24*

Statutory Consultee	Year	On-time ⁹	Total	% on-time
DfI Roads	2017/18	8,248	11,724	70%
	2018/19	9,067	11,880	76%
	2019/20	7,952	11,063	72%
	2020/21	8,442	10,907	77%
	2021/22	8,144	11,862	69%
	2022/23	8,303	10,628	78%
	2023/24	8,022	9,933	81%
DAERA EMF NIEA	2017/18	3,935	4,504	87%
	2018/19	3,541	4,911	72%
	2019/20	2,984	4,279	70%
	2020/21	2,563	3,795	68%
	2021/22	2,810	4,440	63%
	2022/23	2,501	4,267	59%
	2023/24	2,853	3,945	72%
NI Water	2017/18	3,021	3,487	87%
	2018/19	2,648	3,340	79%
	2019/20	2,651	3,118	85%
	2020/21	2,967	3,388	88%
	2021/22	3,940	4,062	97%
	2022/23	3,398	3,679	92%
	2023/24	2,918	3,007	97%
DfC /HED	2017/18	2,226	2,866	78%
	2018/19	2,426	3,269	74%
	2019/20	2,089	2,912	72%
	2020/21	2,223	2,925	76%
	2021/22	2,274	3,500	65%
	2022/23	1,487	2,761	54%
	2023/24	890	2,438	37%
DfI Rivers	2017/18	1,295	1,981	65%
	2018/19	681	2,291	30%
	2019/20	696	2,300	30%
	2020/21	1,460	2,293	64%
	2021/22	1,137	2,838	40%
	2022/23	1,396	2,476	56%
	2023/24	1,494	2,453	61%
HSENI	2017/18	72	106	68%
	2018/19	61	89	69%
	2019/20	55	92	60%
	2020/21	78	111	70%
	2021/22	108	125	86%
	2022/23	72	104	69%
	2023/24	52	81	64%

⁹ Includes those responded to within the 21-day target and the extended target, where applicable.

Table 6 continued:

Statutory Consultee	Year	On-time ¹⁰	Total	% on-time
DfE / GSNI	2017/18	68	93	73%
	2018/19	81	103	79%
	2019/20	87	107	81%
	2020/21	71	81	88%
	2021/22	85	90	94%
	2022/23	71	91	78%
	2023/24	53	70	76%
NIHE	2017/18	13	14	93%
	2018/19	20	32	63%
	2019/20	16	27	59%
	2020/21	26	31	84%
	2021/22	33	42	79%
	2022/23	15	22	68%
	2023/24	45	54	83%
Belfast International Airport	2017/18	74	89	83%
	2018/19	55	92	60%
	2019/20	82	107	77%
	2020/21	81	102	79%
	2021/22	138	140	99%
	2022/23	122	138	88%
	2023/24	140	161	87%
Belfast City Airport	2017/18	23	24	96%
	2018/19	31	31	100%
	2019/20	69	70	99%
	2020/21	72	72	100%
	2021/22	82	82	100%
	2022/23	103	105	98%
	2023/24	53	54	98%
City of Derry Airport	2017/18	6	7	86%
	2018/19	8	11	73%
	2019/20	14	15	93%
	2020/21	15	16	94%
	2021/22	10	10	100%
	2022/23	18	18	100%
	2023/24	28	28	100%
Overall Totals	2017/18	18,981	24,895	76%
	2018/19	18,619	26,049	71%
	2019/20	16,695	24,090	69%
	2020/21	17,998	23,721	76%
	2021/22	18,761	27,191	69%
	2022/23	17,486	24,289	72%
	2023/24	16,548	22,224	74%

¹⁰ Includes those responded to within the 21-day target and the extended target, where applicable.

Table 7: Number of responses to statutory consultations received by statutory consultees, 2023-24 Q1-Q4

Statutory Consultee	Quarter 2023/24	On-time ¹¹	Total	% on-time
DfI Roads	Apr-Jun	2,217	2,779	80%
	Jul-Sep	1,944	2,328	84%
	Oct-Dec	1,753	2,238	78%
	Jan-Mar	2,108	2,588	81%
	2023/24	8,022	9,933	81%
DAERA EMF NIEA	Apr-Jun	723	1,029	70%
	Jul-Sep	695	897	77%
	Oct-Dec	696	927	75%
	Jan-Mar	739	1,092	68%
	2023/24	2,853	3,945	72%
DfI Rivers	Apr-Jun	483	747	65%
	Jul-Sep	355	529	67%
	Oct-Dec	293	519	56%
	Jan-Mar	363	658	55%
	2023/24	1,494	2,453	61%
NI Water	Apr-Jun	807	834	97%
	Jul-Sep	597	637	94%
	Oct-Dec	610	614	99%
	Jan-Mar	904	922	98%
	2023/24	2,918	3,007	97%
DfC / HED	Apr-Jun	230	693	33%
	Jul-Sep	158	537	29%
	Oct-Dec	259	533	49%
	Jan-Mar	243	675	36%
	2023/24	890	2,438	37%
HSENI	Apr-Jun	19	28	68%
	Jul-Sep	12	17	71%
	Oct-Dec	4	9	44%
	Jan-Mar	17	27	63%
	2023/24	52	81	64%
DfE / GSNI	Apr-Jun	16	21	76%
	Jul-Sep	13	15	87%
	Oct-Dec	8	13	62%
	Jan-Mar	16	21	76%
	2023/24	53	70	76%
Belfast International Airport	Apr-Jun	47	55	85%
	Jul-Sep	29	38	76%
	Oct-Dec	38	40	95%
	Jan-Mar	26	28	93%
	2023/24	140	161	87%
Belfast City Airport	Apr-Jun	22	23	96%
	Jul-Sep	15	15	100%
	Oct-Dec	5	5	100%
	Jan-Mar	11	11	100%
	2023/24	53	54	98%
City of Derry Airport	Apr-Jun	9	9	100%
	Jul-Sep	2	2	100%
	Oct-Dec	6	6	100%
	Jan-Mar	11	11	100%
	2023/24	28	28	100%
NIHE	Apr-Jun	6	7	86%
	Jul-Sep	7	9	78%
	Oct-Dec	17	21	81%
	Jan-Mar	15	17	88%
	2023/24	45	54	83%
Overall Totals	Apr-Jun	4,579	6,225	74%
	Jul-Sep	3,827	5,024	76%
	Oct-Dec	3,689	4,925	75%
	Jan-Mar	4,453	6,050	74%
	2023/24	16,548	22,224	74%

¹¹ Includes those responded to within the 21-day target and the extended target, where applicable.

Table 8: Number of responses to statutory consultations received by statutory consultees, 2022-23 Q1-Q4

Statutory Consultee	Quarter 2022/23	On-time ¹²	Total	% on-time
DfI Roads	Apr-Jun	2,322	2,925	79%
	Jul-Sep	2,161	2,634	82%
	Oct-Dec	1,621	2,179	74%
	Jan-Mar	2,199	2,890	76%
	2022/23	8,303	10,628	78%
DAERA EMF NIEA	Apr-Jun	531	998	53%
	Jul-Sep	561	1,049	53%
	Oct-Dec	592	969	61%
	Jan-Mar	817	1,251	65%
	2022/23	2,501	4,267	59%
DfI Rivers	Apr-Jun	432	640	68%
	Jul-Sep	264	570	46%
	Oct-Dec	228	515	44%
	Jan-Mar	472	751	63%
	2022/23	1,396	2,476	56%
NI Water	Apr-Jun	1,012	1,075	94%
	Jul-Sep	905	962	94%
	Oct-Dec	703	773	91%
	Jan-Mar	778	869	90%
	2022/23	3,398	3,679	92%
DfC/HED	Apr-Jun	574	805	71%
	Jul-Sep	479	727	66%
	Oct-Dec	256	542	47%
	Jan-Mar	178	687	26%
	2022/23	1,487	2,761	54%
HSENI	Apr-Jun	28	40	70%
	Jul-Sep	20	25	80%
	Oct-Dec	10	20	50%
	Jan-Mar	14	19	74%
	2022/23	72	104	69%
DfE / GSNI	Apr-Jun	17	19	89%
	Jul-Sep	29	36	81%
	Oct-Dec	13	17	76%
	Jan-Mar	12	19	63%
	2022/23	71	91	78%
Belfast International Airport	Apr-Jun	24	28	86%
	Jul-Sep	40	40	100%
	Oct-Dec	27	29	93%
	Jan-Mar	31	41	76%
	2022/23	122	138	88%
Belfast City Airport	Apr-Jun	18	18	100%
	Jul-Sep	45	45	100%
	Oct-Dec	19	20	95%
	Jan-Mar	21	22	95%
	2022/23	103	105	98%
City of Derry Airport	Apr-Jun	4	4	100%
	Jul-Sep	6	6	100%
	Oct-Dec	3	3	100%
	Jan-Mar	5	5	100%
	2022/23	18	18	100%
NIHE	Apr-Jun	4	7	57%
	Jul-Sep	2	5	40%
	Oct-Dec	3	3	100%
	Jan-Mar	6	7	86%
	2022/23	15	22	68%
Overall Totals	Apr-Jun	4,966	6,559	76%
	Jul-Sep	4,512	6,099	74%
	Oct-Dec	3,475	5,070	69%
	Jan-Mar	4,533	6,561	69%
	2022/23	17,486	24,289	72%

¹² Includes those responded to within the 21-day target and the extended target, where applicable.

Table 9 below gives a quarterly breakdown by statutory consultee for 2021/22.

Table 9: *Number of responses to statutory consultations received by statutory consultee, 2021/22 Q1-Q4*

Statutory Consultee	Year	On-time ¹³	Total	% on-time
DfI Roads	Apr-Jun	2,282	3,265	70%
	Jul-Sep	1,931	3,086	63%
	Oct-Dec	1,846	2,803	66%
	Jan-Mar	2,085	2,708	77%
	2021/22	8,144	11,862	69%
DAERA EMF NIEA	Apr-Jun	910	1,203	76%
	Jul-Sep	743	1,115	67%
	Oct-Dec	631	1,065	59%
	Jan-Mar	526	1,057	50%
	2021/22	2,810	4,440	63%
NI Water	Apr-Jun	1,045	1,065	98%
	Jul-Sep	1,099	1,134	97%
	Oct-Dec	939	965	97%
	Jan-Mar	857	898	95%
	2021/22	3,940	4,062	97%
DfC /HED	Apr-Jun	708	979	72%
	Jul-Sep	480	959	50%
	Oct-Dec	536	794	68%
	Jan-Mar	550	768	72%
	2021/22	2,274	3,500	65%
DfI Rivers	Apr-Jun	224	775	29%
	Jul-Sep	217	753	29%
	Oct-Dec	237	650	36%
	Jan-Mar	459	660	70%
	2021/22	1,137	2,838	40%
HSENI	Apr-Jun	40	46	87%
	Jul-Sep	24	29	83%
	Oct-Dec	24	27	89%
	Jan-Mar	20	23	87%
	2021/22	108	125	86%
DfE / GSNI	Apr-Jun	27	29	93%
	Jul-Sep	27	27	100%
	Oct-Dec	17	19	89%
	Jan-Mar	14	15	93%
	2021/22	85	90	94%
NIHE	Apr-Jun	6	6	100%
	Jul-Sep	5	9	56%
	Oct-Dec	14	16	88%
	Jan-Mar	8	11	73%
	2021/22	33	42	79%
Belfast International Airport	Apr-Jun	48	48	100%
	Jul-Sep	40	42	95%
	Oct-Dec	28	28	100%
	Jan-Mar	22	22	100%
	2021/22	138	140	99%
Belfast City Airport	Apr-Jun	22	22	100%
	Jul-Sep	29	29	100%
	Oct-Dec	14	14	100%
	Jan-Mar	17	17	100%
	2021/22	82	82	100%
City of Derry Airport	Apr-Jun	2	2	100%
	Jul-Sep	0	0	-
	Oct-Dec	2	2	100%
	Jan-Mar	6	6	100%
	2021/22	10	10	100%
Overall Totals	Apr-Jun	5,314	7,440	71%
	Jul-Sep	4,595	7,183	64%
	Oct-Dec	4,288	6,383	67%
	Jan-Mar	4,564	6,185	74%
	2021/22	18,761	27,191	69%

¹³ Includes those responded to within the 21-day target and the extended target, where applicable.

Table 10 below gives a quarterly breakdown by statutory consultee for 2020/21.

Table 10: *Number of responses to statutory consultations received by statutory consultee, 2020-21 Q1-Q4*

Statutory Consultee	Year	On-time ¹⁴	Total	% on-time
DfI Roads	Apr-Jun	1,680	1,954	86%
	Jul-Sep	2,485	2,966	84%
	Oct-Dec	2,056	2,946	70%
	Jan-Mar	2,221	3,041	73%
	2020/21	8,442	10,907	77%
DAERA EMF NIEA	Apr-Jun	414	740	56%
	Jul-Sep	580	1,004	58%
	Oct-Dec	728	992	73%
	Jan-Mar	841	1,059	79%
	2020/21	2,563	3,795	68%
NI Water	Apr-Jun	550	630	87%
	Jul-Sep	630	883	71%
	Oct-Dec	858	926	93%
	Jan-Mar	929	949	98%
	2020/21	2,967	3,388	88%
DfC /HED	Apr-Jun	407	521	78%
	Jul-Sep	606	807	75%
	Oct-Dec	550	763	72%
	Jan-Mar	660	834	79%
	2020/21	2,223	2,925	76%
DfI Rivers	Apr-Jun	327	425	77%
	Jul-Sep	402	592	68%
	Oct-Dec	365	578	63%
	Jan-Mar	366	698	52%
	2020/21	1,460	2,293	64%
HSENI	Apr-Jun	5	9	56%
	Jul-Sep	13	22	59%
	Oct-Dec	31	46	67%
	Jan-Mar	29	34	85%
	2020/21	78	111	70%
DfE / GSNI	Apr-Jun	13	14	93%
	Jul-Sep	21	22	95%
	Oct-Dec	15	18	83%
	Jan-Mar	22	27	81%
	2020/21	71	81	88%
NIHE	Apr-Jun	4	5	80%
	Jul-Sep	2	4	50%
	Oct-Dec	5	5	100%
	Jan-Mar	15	17	88%
	2020/21	26	31	84%
Belfast International Airport	Apr-Jun	4	12	33%
	Jul-Sep	19	22	86%
	Oct-Dec	25	25	100%
	Jan-Mar	33	43	77%
	2020/21	81	102	79%
Belfast City Airport	Apr-Jun	14	14	100%
	Jul-Sep	18	18	100%
	Oct-Dec	20	20	100%
	Jan-Mar	20	20	100%
	2020/21	72	72	100%
City of Derry Airport	Apr-Jun	0	1	0%
	Jul-Sep	2	2	100%
	Oct-Dec	6	6	100%
	Jan-Mar	7	7	100%
	2020/21	15	16	94%
Overall Totals	Apr-Jun	3,418	4,325	79%
	Jul-Sep	4,778	6,342	75%
	Oct-Dec	4,659	6,325	74%
	Jan-Mar	5,143	6,729	76%
	2020/21	17,998	23,721	76%

¹⁴ Includes those responded to within the 21-day target and the extended target, where applicable.

User guidance

Data source

An extract of all consultations/advice queries raised from 1 April 2023 to 31 March 2024 were transferred on in May 2024 from the Planning Portals. The data were then validated. The relevant data is lifted at least one month after the end of the reference period to allow for the 21-day target response date, which applies to most statutory consultations, to have elapsed.

Reporting

This is the first annual report to be produced for statutory consultation since the introduction of the Planning Portals. It is important therefore to note that data for 2022/23 has been revised.

The Planning Portals were introduced in June (Mid Ulster) and December 2022 (all other planning authorities) and will have had some impact on the quality of the data for level of consultation and the management of consultation responses. This impact whilst considered to be minimal may cause some changes at lower levels of data disaggregation. This should be borne in mind when using data from 2022/23.

The figures contained in this report are extracted from the Planning Portals, are management information, and should not be treated as official statistics.

List of key statutory consultees

- Belfast City Airport
- Belfast International Airport
- City of Derry Airport
- Department of Agriculture, Environment and Rural Affairs (DAERA) Environment, Marine and Fisheries (EMF) and Northern Ireland Environment Agency (NIEA)
- Department for Communities (DfC) / Historic Environment Division (HED)
- Department for the Economy (DfE) / Geological Survey of Northern Ireland (GSNI)
- DfI Rivers
- DfI Roads
- Health and Safety Executive Northern Ireland (HSENI)
- Northern Ireland Housing Executive (NIHE)
- Northern Ireland Water.