



July 29th, 2026

Chairman : Councillor D Bassett

Vice Chairman : Alderman J Tinsley

Aldermen : O Gawith, M Gregg and A Grehan

Councillors : S Burns, P Catney, D J Craig, J Lavery BEM, A Martin and N Trimble

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 3rd August 2026** at **10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

(i) Conflict of Interest on any matter before the meeting (Members to confirm the specific item)

(ii) Pecuniary and non-pecuniary interest (Member to complete the Disclosure of Interest form)

Attachment: Disclosure of Interests form Sept 24.pdf

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3.0 Minutes of the Planning Committee Meeting held on 6 July 2026

For Approval

Attachment: PC 06.07.2026 - Draft Minutes for Adoption.pdf

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

Attachment: Item 1 - Schedule of Applications.pdf

Page 11

- (i) LA05/2023/0316/F – Erection of 23 dwellings (amended layout and house types previously approved under reference Y/2009/0303/RM), landscaping and all other associated site works on lands to the west of 16-22, 30 and 32 Millmount Village Crescent and lands 40 metres to the south 11-22 Millmount Village Way

Attachment: Appendix 1.1a Addendum Millmount (2.2.26).pdf

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Attachment: Appendix 1.1b Addendum Millmount (2.2.26).pdf

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Attachment: Appendix 1.1c LA05.2023.0316.F - Millmount Final (12.1.26).pdf

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Attachment: Appendix 1.1d Chronology.pdf

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Attachment: Appendix 1.1e Legal Submission.pdf

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- (ii) LA05/2026/0089/F – Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works at 43 Edentrillick Road, (directly opposite and to the north of 46) Royal Hillsborough

Attachment: Appendix 1.2 LA05.2026.0089.F 43 Edentrillick Road Final.pdf

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- (iii) **LA05/2026/0137/RM – Erection of dwelling, garage and associated siteworks on land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn**
Attachment: Appendix 1.3a Site Visit Crewe Road addendum report.pdf *Page 86*
- Attachment: Appendix 1.3b Final Report of Site Visit LA05-2026-0137-RM - 23.07.2026.pdf* *Page 88*
- Attachment: Appendix 1.3c LA05.2026.0137.RM Crewe Road.FINAL.pdf* *Page 90*
- (iv) **LA05/2025/0269/F – Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works on land approximately 20 metres east of 8 Brooklands Drive, Dundonald**
Attachment: Appendix 1.4 LA05.2025.0269.F Brooklands WWPS Final.pdf *Page 118*
- (v) **LA05/2025/0270/F - Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works on land approximately 50 metres south of 240 Comber Rd, Dundonald**
Attachment: Appendix 1.5 LA05.2025.0270.F comber Rd WWPS.pdf *Page 150*
- (vi) **LA05/2025/0099/F - Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a water booster set, telemetry and lighting aerial above ground. Other works include a 2.4m high paladin fence, access gate and associated site and access works at Millars Lane WwPS 5 Millmount Quarry Close, Dundonald**
Attachment: Appendix 1.6 LA05.2025.0099.F Millars Lane Final.pdf *Page 179*

4.2 Statutory Performance Indicators - June 2026

For Noting

Attachment: Item 2 - Statutory Performance Indicators - June 2026.pdf *Page 205*

Attachment: Appendix 2 Lisburn_Castlereagh_June_Monthly_MI.pdf *Page 207*

4.3 Appeal Decision– LA05/2025/0712/CLOPUD

For Noting

Attachment: Item 3 - Appeal Decision -LA05 2025 0712CLOPUD.pdf *Page 209*

Attachment: Appendix 3 Appeal decision LA05 2025 0712CLOPUD.pdf *Page 211*

4.4 Appeal Decision – LA05/2022/0799/O

For Noting

Attachment: Item 4 -Appeal decision LA05 2022 0799o.pdf *Page 220*

Attachment: Appendix 4 Appeal decision LA05 2022 0799 o.pdf *Page 222*

4.5 Appeal Decision – LA05/2023/0069/O

For Noting

Attachment: Item 5 - Appeal Decision -LA05 2023 0069o.pdf *Page 232*

Attachment: Appendix 5 Appeal decision LA05 2023 0069o.pdf *Page 234*

4.6 Notification by telecommunication operator(s) of intention to utilise permitted development rights

For Noting

Attachment: Item 6 - Notifications from an Operator in respect of intention.pdf *Page 243*

Attachment: Appendix 6 List of Notifications - August 2026.pdf *Page 245*

4.7 Notification from DfC Historic Environment Division confirming the listing of a building at 20 Soldierstown Road Aghalee

For Noting

Attachment: Item 7 - Notification re listing.pdf *Page 246*

Attachment: Appendix 7a HB19 03 070 Listing Schedule.pdf *Page 248*

Attachment: Appendix 7b HB19 03 070 Listing Map 1 1250 PW.pdf *Page 252*

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

1. Pecuniary Interests

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council.

Pecuniary (or financial) interests are those where the decision to be taken could financially benefit or financially disadvantage either you or a member of your close family. A member of your close family is defined as at least your spouse, live-in partner, parent, child, brother, sister and the spouses of any of these. Members may wish to be more prudent by extending that list to include grandparents, uncles, aunts, nephews, nieces or even close friends.

This information will be recorded in a Statutory Register. On such matters **you must not speak or vote**. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, **you must withdraw from the meeting whilst that matter is being discussed**.

2. Private or Personal Non-Pecuniary Interests

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code).

Significant private or personal non-pecuniary (membership) interests are those which do not financially benefit or financially disadvantage you or a member of your close family directly, but nonetheless, so significant that could be considered as being likely to influence your decision.

Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and **you must withdraw from any Council meeting (including committee or sub-committee meetings) when this matter is being discussed**.

In respect of each of these, please complete the form below as necessary.

Pecuniary Interests

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Pecuniary Interest:

Private or Personal Non-Pecuniary Interests

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Private or Personal Non-Pecuniary Interest:

Name:

Address:

Signed:

Date:

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*If you have any queries please contact David Burns, Chief Executive,
Lisburn & Castlereagh City Council*

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LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 6 July, 2026 at 10.00 am

PRESENT IN CHAMBER:

Councillor D Bassett (Chair)

Alderman J Tinsley (Vice-Chair)

Alderman O Gawith

Councillors S Burns, P Catney, D J Craig, J Lavery, A Martin and N Trimble

PRESENT IN REMOTE LOCATION:

Alderman M Gregg

IN ATTENDANCE:

Director of Regeneration and Growth
Head of Planning & Capital Development
Senior Planning Officers (MB and LMcC)
Member Services Officers (FA and HB)

Cleaver Fulton Rankin

Mr B Martyn, Legal Advisor
Ms C McPeake (remote attendance)
Ms I Kelly (remote attendance)

Commencement of Meeting

At the commencement of the meeting, the Chair, Councillor D Bassett, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. The Head of Planning & Capital Development outlined the evacuation procedures in the case of an emergency.

1. Apologies

Councillor N Trimble arrived at the meeting during this item (10.03 am).

It was agreed to accept an apology for non-attendance at the meeting on behalf of Alderman A Grehan.

2. Declarations of Interest

There were no declarations of interest made.

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3. Minutes of Meeting of Planning Committee held on 1 June, 2026

It was proposed by Alderman J Tinsley, seconded by Councillor D J Craig and agreed that the minutes of the meeting of Committee held on 1 June, 2026 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Councillor D Bassett, advised that there were 1 major and 4 local applications on the schedule for consideration at the meeting, and 1 had since been withdrawn.

4.1.1 Applications to be Determined

The Legal Advisor, Mr B Martyn, highlighted paragraphs 43-46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

- (i) LA05/2025/0390/F – Residential development comprising 113 dwellings, including a mix of detached, semi-detached, and apartments, associated open space, landscaping, and infrastructure works. The proposal includes two apartment blocks providing 24 affordable housing units, a pedestrian link to Baronscourt Road, and a bus service roundabout to facilitate public transport connectivity on lands at Baronsgrange, Comber Road, Carryduff

The Senior Planning Officer (MB) presented the above application as outlined within the circulated report.

The committee received Mr D Worthington to speak in support of the application and a number of Members queries were addressed.

Planning Officers responded to questions from Members.

Debate

During the debate:

- Councillor D J Craig advised that while he could see no overall rationale for going against the recommendation of the Officers, he could see the potential for issues with the junction at Baronsgrange Road and the Comber Road. Councillor Craig continued that without the installation of traffic lights at the junction there could be delays at peak times, however, given that the Department of Infrastructure (DfI) Roads had no objection to the application as it was presented subject to the conditions recommended, he had no reason to go against the Officers recommendation;
- Alderman M Gregg proposed that should the application be approved, delegated authority be given to Officers to amend the final condition on the

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- (i) LA05/2025/0390/F – Residential development comprising 113 dwellings, including a mix of detached, semi-detached, and apartments, associated open space, landscaping, and infrastructure works. The proposal includes two apartment blocks providing 24 affordable housing units, a pedestrian link to Baronscourt Road, and a bus service roundabout to facilitate public transport connectivity on lands at Baronsgrange, Comber Road, Carryduff (Cont'd)

report which related to a wastewater network engineering solution. This amendment would be to remove the ambiguity in the wording and state that the wastewater solution must be implemented once the 95th dwelling was occupied. Alderman Gregg spoke of the distance of the site from the play park and queried the lack of open space in the application. He advised that he found himself on the fence in relation to the application, however welcomed the inclusion of 24 affordable homes which were greatly needed in then area and welcomed the compliance with policy RE2 across all dwellings;

- Councillor P Catney advised that he would support the Officers recommendation and spoke of a concern he had relating to road safety which had been discussed during questions to Officers; and
- Councillor N Trimble seconded the proposal made by Alderman M Gregg. Councillor Trimble continued to speak on the lack of green space within the application and the distance from the play park, but advised that he felt it met the requirements of policy HOU5, and as such he was happy to vote in favour of the application.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application. This approval was subject to delegated authority being given to Officers to amend the wording in the last condition relating to a wastewater network engineering solution, as debated by Members.

Adjournment of Meeting

The Chair, Councillor D Bassett, declared the meeting adjourned at this point for a comfort break (11.04 am).

Resumption of Meeting

The meeting was resumed at 11.10 am.

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- (ii) LA05/2023/0961/F – Proposed erection of 30 dwellings (10 detached, 10 semi-detached and 10 apartments), including garages, alterations to access, parking, refurbished pedestrian linkage, landscaping and all other associated site works at the former Moira House, 122 Hillsborough Road, Lisburn

The Senior Planning Officer (LMcC) presented the above application as outlined within the circulated report.

The committee received Ms D McMillan to speak in support of the application. Ms McMillan was joined by Mr T Stokes and together they responded to questions from Members.

Members' queries were responded to by Planning Officers.

Debate

During debate:

- The Vice-Chair, Alderman J Tinsley stated that he welcomed the application which would tidy up the entrance to Lisburn from Sprucefield, on a site which had laid derelict for many years. He advised that he felt it would complement the neighbouring nursing home, tow path and mature trees which border the site, and that it was good for the city as a whole;
- Councillor P Catney echoed the comments of the Vice-Chair and commented that it was great to see a high-quality housing scheme at the gateway to Lisburn;
- Councillor D J Craig concurred with the comments of the Vice-Chair and Councillor Catney and welcomed the potential development. He advised that it would be a great asset to the city as a whole in regards to the aesthetics of entering and leaving via the Hillsborough Road;
- Councillor N Trimble welcomed the application and advised that it would be a much-needed improvement to the site; and
- Alderman O Gawith advised that he was delighted to see the site being used for something useful and that he was pleased to see the conditions that Officers had recommended.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

Adjournment of Meeting

The Chair, Councillor D Bassett, declared the meeting adjourned at this point for a comfort break (11.45 am).

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Resumption of Meeting

The meeting was resumed at 11.51 am. Alderman M Gregg did not return to the meeting after the comfort break but would return at a later stage.

- (iii) LA05/2026/0137/RM – Erection of dwelling, garage and associated siteworks on land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn

Before the Senior Planning Officer presented the above application it was proposed by Alderman O Gawith and seconded by Councillor J Lavery to defer the application to allow for a site visit. On a vote being taken, this proposal was declared 'carried', the voting being 5 in favour and 2 against.

- (iv) LA05/2023/0808/O – Site for a two-storey dwelling, garage and ancillary siteworks on lands between 1 Old Forge Mews and Maze telephone exchange, Moira Road, Lisburn

Alderman M Gregg returned to the meeting during the hearing of this application (11.57 pm).

The Senior Planning Officer (LMcC) presented the above application as outlined within the circulated report.

No-one was registered to speak on this application.

Planning Officers responded to a number of questions from Members.

Debate

During the debate:

- Alderman O Gawith advised that he would follow the Officers recommendation and advised that access to the site from the Moira Road was not a good thing to do given the speed of the traffic;
- Councillor N Trimble stated that he believed the Officers assessment of the application was sound and that access onto the Moira Road would prejudice road safety; and
- Councillor P Catney queried the lack of correspondence from the applicant at times. He referred to the assessment of the environmental impact in the Officers report and advised that he would support the recommendation of the Officers.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to refuse planning permission. Alderman M Gregg did not participate in the vote as he was not present to hear the item in full.

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4.2 Statutory Performance Indicators – May 2026

The Head of Planning and Capital Development presented the report to Members and advised that due to resourcing issues the usual performance report was unavailable. He explained that a manual count had been completed to provide detail for the report and responded to questions from Members. It proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed that information relating to Statutory Performance Indicators for May 2026 be noted.

4.3 Appeal Decision – LA05/2025/0817/WPT

It was proposed by Councillor P Catney, seconded by Councillor J Lavery and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.4 Appeal Decision and costs claim – LA05/2025/0481/F

It was proposed by Alderman M Gregg, seconded by Alderman O Gawith and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.5 Appeal Decision – LA05/2023/0022/F

The Head of Planning and Capital Development presented the report to Members and clarified learnings from the decision of the Planning Appeals Commission to Members. It was proposed by Councillor P Catney, seconded by the Vice-Chair, Alderman J Tinsley and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.6 Appeal Decision – LA05/2025/0535/O

It was proposed by Alderman O Gawith, seconded by Councillor D J Craig and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.7 Pre-application Notice (PAN) for the proposed extension to existing sports facilities to include a 3g soccer pitch and GAA pitch with floodlighting, car parking, ball stop nets, additional fencing to match existing and associate works on lands adjacent to 95 Lisburn Road, Crumlin

The Head of Planning and Capital Development presented the report and following questions from Members, clarified that the public consultation had already taken place on 22 June 2026 but that the consultation remained open until 17 July 2026 for responses. It was proposed by Councillor P Catney, seconded by the Chair, Councillor D Bassett and unanimously agreed to approve the Pre-application notice as outlined within the report.

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- 4.8 Pre-application Notice (PAN) for a proposed Golf Club incorporating an 18-hole signature golf course of Championship standard including the re-profiling of ground levels, the incorporation of existing Mill Race into layout, new footbridges, and provision of natural, semi-natural and maintained landscape and new water features (incorporating sustainable drainage principles including the creation of wet and dry swales, attenuation basins and earth berms), with associated practice facilities including driving range, putting greens and a maintenance area; removal of various redundant agricultural outbuildings and structures to accommodate change of use with alterations/extensions of the Grade B1 listed buildings (Newgrove House) to provide a new club house and golf equipment storage cottage, with the erection of additional club house accommodation in a standalone detached single storey building; landscaping; car parking areas; relocated access and associated improvements from Ballylesson Road; upgrade to internal access road with new laneways and pathways; and ancillary site works at Newgrove House 191 Ballylesson Road, Belfast

Councillor S Burns left the meeting during this item (1.00 pm).

The Head of Planning and Capital Development presented the report to Members. Arising from discussion, Alderman M Gregg requested legal advice on how Members should handle Pre-application Notices.

"In Committee"

It was proposed by Alderman M Gregg, seconded by Councillor N Trimble and agreed to go 'into committee' to seek legal advice. Those members of the public and press in attendance left the meeting (12.51 pm).

Members were provided with legal advice in respect of the matter raised by Alderman M Gregg.

Resumption of Normal Business

It was proposed by the Vice-Chair, Alderman J Tinsley, seconded by Alderman O Gawith and agreed to come out of committee and normal business was resumed (12.59 pm).

The Head of Planning and Capital Development reminded Members to refer to Part 9 of the Northern Ireland Local Government Code of Conduct for Councillors in relation to planning matters. He also advised that refresher training in relation to the code of conduct and decision making could be arranged if required, and requested Members confirm in writing if they wished to avail of this.

It was proposed by the Vice-Chair, Alderman J Tinsley, seconded by Councillor P Catney and unanimously agreed to approve the Pre-application notice as outlined within the report.

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- 4.9 Pre-application Notice (PAN) for the submission of an application or applications under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Conditions 9, 10 & 22 (Remediation Strategy); Condition 14 (Acoustic Fencing); Condition 16 (Glazing Specifications); Condition 17 (Ventilation Specifications); and removal of Condition 20 (Pre-demolition Survey) of planning permission reference LA05/2021/0033/F as required at Carrow Hall residential development on lands formerly occupied by the Rolls Royce factory, north of Upper Newtownards Road, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald

The Head of Planning and Capital Development presented the report and responded to questions from Members. It was proposed by Councillor P Catney, seconded by the Vice-Chair, Alderman J Tinsley and unanimously agreed to approve the Pre-application notice as outlined within the report.

- 4.10 Notification by telecommunication operator(s) of intention to utilise permitted development rights

It was proposed by Councillor D J Craig, seconded by Alderman O Gawith and agreed that information regarding notification by telecommunication operators of intention to utilise Permitted Development Rights at locations in the Council area be noted.

5. Any Other Business

There was no other business to discuss.

Conclusion of the Meeting

At the conclusion of the meeting, the Chair, Councillor D Bassett, thanked those present for their attendance. There being no further business, the meeting was terminated at 1.11 pm.

Chair/Mayor

Committee:	Planning Committee
Date:	3 August 2026
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined
1.0	<u>Background</u> - The following applications have been made to the Council as the Local Planning Authority for determination. - In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) 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. - Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting. <u>Key Issues</u> - Six local applications are presented in accordance with the current scheme of delegation. Two of these has been called in, one was previously deferred for a site visit, an exception applies to one which is subject to a Section 76 planning agreement. The remaining three applications are referred by the Head of Planning and Capital Development in consultation with the Chair because they involve the development of wastewater infrastructure and give rise to objection or involve the development of Council land. - LA05/2023/0316/F – Erection of 23 dwellings (amended layout and house types previously approved under reference Y/2009/0303/RM), landscaping and all other associated site works on lands to the west of 16-22, 30 and 32 Millmount Village Crescent and lands 40 metres to the south 11-22 Millmount Village Way Recommendation – Approval - LA05/2026/0089/F – Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works at 43 Edentrillick Road, (directly opposite and to the north of 46) Royal Hillsborough Recommendation – Refusal - LA05/2026/0137/RM – Erection of dwelling, garage and associated siteworks on land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn Recommendation – Approval

- d) LA05/2025/0269/F – Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works on land approximately 20 metres east of 8 Brooklands Drive, Dundonald.
Recommendation – Approval
- e) LA05/2025/0270/F - Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works on land approximately 50 metres south of 240 Comber Rd, Dundonald
Recommendation – Approval
- f) LA05/2025/0099/F- Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a water booster set, telemetry and lighting aerial above ground. Other works include a 2.4m high paladin fence, access gate and associated site and access works at Millars Lane WwPS 5 Millmount Quarry Close, Dundonald.
Recommendation - Approval

2. The above referenced applications will be decided having regard to paragraphs 38 to 53 of the Protocol of the Operation of the Planning Committee.

Recommendation

For each application the Members are asked to make a decision having considered the detail of the Planning Officer's report, listen to any third-party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.

3.0 Finance and Resource Implications

Decisions may be subject to:

- (a) Planning Appeal (where the recommendation is to refuse)
- (b) Judicial Review

Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.

In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.

4.0 Equality/Good Relations and Rural Needs Impact Assessments

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.	

Appendices:	Appendix 1.1a Appendix 1.1b Appendix 1.1c Appendix 1.1d Appendix 1.1e Appendix 1.2 Appendix 1.3a Appendix 1.3b Appendix 1.3c Appendix 1.4 Appendix 1.5 Appendix 1.6	LA05/2023/0316/F second addendum LA05/2023/0316/F first addendum LA05/2023/0316/F LA05/2023/0316/F chronology LA05/2023/0316/F legal submission LA05/2026/0089/F LA05/2026/0137/RM addendum LA05/2026/0137/RM site visit LA05/2026/0137/RM LA05/2025/0269/F LA05/2025/0270/F LA05/2025/0099/F

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 August 2026
Committee Interest	Local Application (Called In) - Second Addendum
Application Reference	LA05/2023/0316/F
Proposal Description	Erection of 23 dwellings (amended layout and house types previously approved under reference Y/2009/0303/RM), landscaping and all other associated site works
Location	Lands to the west of 16-22, 30 and 32 Millmount Village Crescent and lands 40 metres to the south of 1-22 Millmount Village Way
Representations	None
Case Officer	Catherine Gray
Recommendation	Approval

Background

1. This application was included in the Schedule of Applications for consideration by the planning committee at a meeting on 02 February 2026.
2. The recommendation to grant planning permission was subject to a Section 76 planning agreement requiring five of the proposed dwellings to be affordable housing units.
3. In addition to the requirements set out at paragraphs 138 to 140 of the first planning report (presented on 12 January 2026) the committee resolved the decision would be subject to the junction of Old Mill Meadows and the Upper Newtownards Road being signalised before the occupation of any dwelling.
4. The reasons for the proposed roadworks were:
 - there had been three serious accidents at the junction in the past year; and the applicant was already in breach of a previous condition compelling them to provide traffic lights at the junction in question once 218 dwellings at the wider Millmount Village development were occupied and there were now approximately 700 occupied.
5. On 13 March 2026 the Council received correspondence confirming the applicant would not enter into a Section 76 planning agreement that included a requirement for the delivery of a signalised junction onto the Upper Newtownards Road/Old Mill Meadows prior to the occupation of any units.

6. The applicant further requested that the committee reconsider the application and permit further representations to be made.
7. Judicial Review proceedings were subsequently lodged on 01 May 2026 before officers had an opportunity to take advice and respond to the request.
8. The proceedings are now discontinued following agreement that the application would be reconsidered. The reasons for this were:
 - the resolution was no longer capable of being carried out as the developer was not willing to enter into the agreement; and
 - the likelihood of the Judicial Review proceedings succeeding were high.
9. This is the first opportunity officers have had to return the application to the committee.

Further Consideration

10. On 23 July 2026 a further representation was received from the applicant and is attached in full for the Members consideration. Attention is drawn to the two bullet points on page 6 in which Mr Orbinson KC states:
 1. *the Junction Works are not necessary to enable the Subject Application to proceed – the advice of DfI Roads confirmed that there are no safety or capacity issues requiring the Junction Works;*
 2. *the Junction Works are not directly related to the Subject Application and it is grossly disproportionate to impose major infrastructure works to the Subject Application unsupported by any identified need.*
11. The requirement to signalise the junction at Old Mill Meadows and the Upper Newtownards Road is a requirement of planning permission LA05/2018/0512/F.
12. This proposal uplifted the overall density of development previously granted under planning permission Y/1996/0407/O and Y/2009/0303/RM giving rise to the requirement to signalise two junctions.
13. It remains the stated position of the planning applicant that the trigger for the delivery of the works to the junction has not yet been reached.
14. As previously advised officers continue to monitor this planning permission. DfI Roads also confirm in correspondence on the 28 July 2026 that:

The current position with the design for the traffic signal junction at Upper Newtownards Road / Old Mill Meadows is that the Roads Safety Audit flagged a number of issues to be addressed. These are

- *Reverse the pedestrian stagger on western arm*
- *Ensure no more than 6mm kerb show at crossing points*

No revised drawings have been submitted to demonstrate these have been addressed.

When these 2 minor amendments have been made, DfI are content that the layout is suitable for a licence application.

15. This proposal for 23 dwellings is on land outside of the boundary of the LA05/2018/0512/F planning permission.
16. The applicant is correct in stating that the junction works are not directly related to the subject application and officers agree with the advice previously offered by DfI Roads that the scale of development proposed does not give rise to any road safety issue or adverse traffic impact.
17. It would not be appropriate to attach a condition to a grant of planning permission linking it to the delivery of a signalised junction at the junction of Old Mill Meadows and the Upper Newtownards Road or to seek to secure this by means of a Section 76 planning agreement.
18. There remains an alternative mechanism via compliance with a planning condition to secure the signalisation of the Upper Newtownards/Old Mill Meadows junction.
19. An alternative access is also available onto the Comber Road from the Millmount Road. This junction has been signalised in accordance with the requirements of the LA05/2018/0512/F planning permission.

Conclusion and Recommendation

20. The advice previously offered that planning permission be granted subject to a Section 76 planning agreement requiring five of the proposed dwellings to be affordable housing units is not changed.
21. The information contained in this addendum report should be read in conjunction with the advice set out in the planning officer's report previously presented on 12 January 2026 and subsequent addendum report presented on 02 February 2026.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 February 2026
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2023/0316/F
Proposal Description	Erection of 23 dwellings (amended layout and house types previously approved under reference Y/2009/0303/RM), landscaping and all other associated site works
Location	Lands to the west of 16-22, 30 and 32 Millmount Village Crescent and lands 40 metres to the south nos.11-22 Millmount Village Way
Representations	None
Case Officer	Catherine Gray
Recommendation	Approval

Background

1. This application was included on the Schedule of Applications for consideration by the Committee at a meeting on 12 January 2026. The recommendation was to approve planning permission.

Following the presentation by officers, Members agreed to defer consideration of the application to allow for further information, so that Officers could:

- obtain information from DfI Roads in relation to the safety of the junction in question; and
- obtain road traffic accident statistics from PSNI in relation to the junction in question for the three years prior.

Further Consideration

2. In response to the issues raised by members DfI Roads responded to confirm as follows:

Our last correspondence to RPS, the Applicant's Agent, was on the 22/12/25. In it we explained that DfI are content with the proposed layout and requested that they carry out a road safety audit on this basis.

Final acceptance of the layout will be subject to the outcome of the road safety audit. There has been no reply to date.

I have spoken to our Traffic Management Section and they have confirmed that:

- *(i)there has been no recorded Road Traffic Collisions (ref PSNI data) over the last 3 years at Old Mill Meadows/Upper Newtownards Road Junction; and*
 - *(ii)that the junction is not considered a priority on DfI Traffic Management's list of junctions for improvement.*
3. The design of the signalised junction at Coopers Mill with the Upper Newtownards Road is agreed in principle, and the separate approval process is at an advanced stage of processing. DfI Roads hold no record of accident history for this junction for the past three years.
 4. The advice offered by DfI Roads does not change the substance of the main report. It would not be appropriate to attach a planning condition to this proposal linking it to the delivery of a signalised junction onto the Upper Newtownards Road.
 5. An alternative access is available onto the Comber Road from the Millmount Road and the wider delivery of the improvements to the road network for other phases of the development are being managed through a separate regulatory process.

Conclusion and Recommendation

6. The advice previously offered that planning permission should be approved is not changed.
7. The information contained in this addendum should be read in conjunction with the main DM officer's report previously presented to Committee on 12 January 2026.

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	12 January 2026
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2023/0316/F
District Electoral Area	Castlereagh East
Proposal Description	Erection of 23 dwellings (amended layout and house types previously approved under reference Y/2009/0303/RM), landscaping and all other associated site works
Location	Lands to the west of 16-22, 30 and 32 Millmount Village Crescent and lands 40 metres to the south nos.11-22 Millmount Village Way
Representations	None
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that the application requires a legal agreement to secure the delivery of affordable housing.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3, HOU4 and HOU5 of Lisburn and Castlereagh City Council Plan Strategy in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
3. Furthermore, the density is not significantly different than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for

affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.

5. The proposal complies with policies NH1, NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
6. The proposal complies with policy TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footway along the front of the site.
7. The proposal complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of two new accesses will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
8. The proposal complies with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
9. The proposal complies with policies HE2, HE4 and HE9 of the Plan Strategy subject to the implementation of a developer-funded programme of archaeological works to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ. Furthermore, it is demonstrated that the proposal will not adversely affect the setting of a listed building Millmount House which is located within the site but excluded as part of this proposal.
10. The proposed development complies with policies FLD 1, 2 3 of the Plan Strategy as it is demonstrated that adequate drainage can be provided within the site to service the proposal without causing or exacerbating flooding elsewhere.
11. The proposal complies with policy RE2 as the new dwellings are to be constructed in accordance with current building control standards and DfC design standards which encourages sustainable design and energy efficiency.

Description of Site and Surroundings

Site Context

12. The 1.87 application site is located in Dundonald to the south of Millmount Road and northeast of the Comber Road and occupies land which is partially cleared for development and is currently used as a builder's compound for the storage of construction materials.

Surrounding Context

The land to the north, south and east of the site is residential in character and comprised of recently constructed dwellings that are part of the Millmount Village development. To the southwest the land has been cleared for further residential development.

Proposed Development

13. This is a full application for the erection of 23 dwellings (amended layout and house types previously approved under reference Y/2009/0303/RM), landscaping and all other associated site works.
14. The following documents are submitted in support of the application:
 - Design and Access Statement
 - Outline Construction Environmental Management Plan (OCEMP)
 - Northern Ireland Biodiversity Checklist and Preliminary Ecological Appraisal
 - Bat Survey
 - Drainage Assessment
 - Drainage Assessment Addendum
 - Drainage Assessment Addendum 2
 - Flood Risk Assessment
 - Landscape Management Plan
 - Tree Survey and Report

Relevant Planning History

15. The relevant planning history associated with the application site is set out in the table below:

Reference Number	Proposal	Decision
LA05/2022/1005/F	Erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM), landscaping and all other associated site works (Amended plans) at Lands approx. 44m west of 32 Millmount Village Crescent, BT16 1YT and 9m west of 9 Millmount Road, BT16 1UY	Permission Granted 28/11/2024

LA05/2018/0512/F	Erection of 49 apartments and 244 dwellings, realignment of Spine Road granted approval under Y/2009/0303/RM, access arrangements, signalisation of Newtownards Road / Old Mill Meadows and Comber Road / Millmount Road junctions car parking, landscaping and associated site works (293 residential units in total).	Permission Granted 25/03/2020
Y/2009/0303/RM	Reserved matters for a residential development of 483 dwellings comprising detached and semi-detached, townhouses and apartments including distributor road, cycle/footpaths, access, landscaping and associated site works (reduction in residential unit numbers).	Permission Granted 05/07/2017
Y/1996/0407	Residential Development	Permission Granted September 2002

Consultations

16. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection in principle
DfI Rivers Agency	No objection
Housing Executive	No objection
LCCC Environmental Health	No objection
NI Water	No objection
NIEA Natural Heritage	No objection
NIEA Water Management Unit	No objection

Consultee	Response
DfC Historic Environment Division: Historic Monuments	No objection
DfC Historic Environment Division: Historic Buildings	No objection

Representations

17. No representations have been received in respect of the application.

Environmental Impact Assessment (EIA)

18. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.
19. The site area is 1.87 hectares and exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
20. An EIA determination was carried out, and it was concluded that given the scale and nature of the proposal there is not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Local Development Plan

21. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

22. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption, the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1

state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

23. In accordance with the transitional arrangements the existing BUAP and the Plan Strategy are the local development plan. Draft BMAP remain material considerations.
24. The BUAP identified the application site as being located outside the settlement limit of Metropolitan Castlereagh.
25. In draft BMAP the site is located within the settlement limit of Metropolitan Castlereagh and zoned for housing under designation MCH 03/12 as a large part of the zoning has been already developed through a series of previous planning applications.
26. This proposal is for new residential development on land within a settlement. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

27. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

28. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

29. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 06 – Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

30. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

31. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in*

Table 3

- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

32. The following operational policies in Part 2 of the Plan Strategy also apply.

Housing in Settlements

33. As this application is for new residential development policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed-use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

34. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

35. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*

- j) *the design and layout should where possible include use of permeable paving and sustainable drainage.*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles.*
- l) *the development is designed to deter crime and promote personal safety.*
- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

36. The Justification and Amplification states that:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

37. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

38. This proposal is for 23 dwellings on a site that measures 1.87 hectares (albeit a large part of this is existing on a new road).

39. The site is more than one-hectare. Policy HOU5 - Public Open Space in New Residential Development states that:

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

- a) *the open space must be at least 10% of the total site area*
- b) *for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.*

The following exceptions to the above open space provision will apply where:

- a) *the residential development is designed to integrate with and make use of adjoining public open space*
- b) *the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space*
- c) *in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is*

being provided.

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

Public open space required by this policy will be expected to conform to all of the following criteria:

- *it is designed as an integral part of the development with easy and safe access from the dwellings*
- *it is of demonstrable recreational or amenity value*
- *it is designed, wherever possible, to be multi-functional*
- *its design, location and appearance take into account the needs of disabled persons and it respects the amenity of nearby residents*
- *landscape and heritage features are retained and incorporated in its design and layout.*

In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

40. *As more than five dwellings are proposed there is a need to consider the requirement for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:*

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

41. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

42. The Glossary associated with Part 2 of the Plan Strategy states that

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

43. Given this is a large site the potential impact on the natural environment is considered. Policy NH1 European and Ramsar Sites – International states:

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:

- a) *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)*

b) a listed or proposed Ramsar Site.

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council, through consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA), is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

a) there are no alternative solutions; and

b) the proposed development is required for imperative reasons of overriding public interest; and

c) compensatory measures are agreed and fully secured.

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

a) it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or

b) agreed in advance with the European Commission.

44. Policy NH2 Species Protected by Law states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

a) there are no alternative solutions; and

b) it is required for imperative reasons of overriding public interest; and

c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and

d) compensatory measures are agreed and fully secured.

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect the, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

45. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

46. The application proposes the use of an existing access from the Millmount Road. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, were appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

47. Policy TRA 2 – Access to Public Roads states:

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

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

48. The justification and amplification states that:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

49. In curtilage and visitor parking is proposed. Policy TRA7 – Car Parking and Servicing Arrangements states:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

Beyond areas of parking restraint, a reduced level of car parking provision may be acceptable in the following circumstances:

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*
- b) *where the development is in a highly accessible location well served by public transport*
- c) *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*

d) where shared car parking is a viable option

e) where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Historic Environment and Archaeology

50. Although subject to a previous application process and acknowledging part of the site is cleared and used for the storage of building materials the application site remains within a consultation zone of archaeological sites and monuments and also in close proximity to Millmount House a listed building which as previously stated is within the site but excluded as part of this proposal. The nearest proposed dwelling is 24 metres from the Listed Building

51. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states:

Proposals which would adversely affect archaeological sites or monuments which are of local importance, or their settings shall only be permitted where the Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.

52. Policy HE3 Archaeological Assessment and Evaluation states:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

53. Policy HE4 Archaeological Mitigation states:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation

and recording examination and archiving of remains before development commences or the preservation of remains in situ.

54. Policy HE9 Development affecting the Setting of a Listed Building states:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) the detailed design respects the listed building in terms of scale, height, massing and alignment*
- b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building*
- c) the nature of the use proposed respects the character of the setting of the building.*

Flooding

55. Given the size of the site and the amount of hardstanding proposed flooding and drainage are also considered.

56. Policy FLD1 Development in Fluvial (River) Flood Plains states

New development will not be permitted within the 1 in 100 year fluvial floodplain (AEP of 1%) plus the latest mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

57. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) a residential development of 10 or more units*
- b) a development site in excess of 1 hectare*
- c) a change of use involving new buildings and/or hard surfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- it is located in an area where there is evidence of historical flooding.*
- surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA

is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Renewable Energy

58. The use of renewable energy is encouraged in new residential development in the Plan Strategy. Policy RE1 Renewable Energy Development states:

The generation of energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) public safety, human health, or residential amenity*
- b) visual amenity and landscape character*
- c) biodiversity or the natural or historic environment*
- d) local natural resources, such as air quality or water quality or quantity*
- e) public access to the countryside. Proposals will be expected to be located at, or as close as possible to, the resources needed for that particular technology, unless it can be demonstrated that the benefits of the scheme outweigh the need for transportation of raw materials.*

Proposals likely to result in unavoidable environmental damage should indicate how this will be minimised and mitigated.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 as amended.

Wind Energy Development

For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance of not less than 500m will generally apply.

59. Policy RE2 Integrated Renewable Energy states:

Planning permission will be granted for a development proposal which integrates renewable energy technology including micro-generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

Waste Management.

60. Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Regional Policy and Guidance

Regional Policy

61. The SPPS Edition 2 was published in September 2025. It is the most recent revision to regional planning policy, and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

62. Paragraph 2.1 of the SPPS Edition 2 recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

63. It states that:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

64. Paragraph 3.6 of the SPPS Edition 2 states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

65. Paragraph 3.8 of the SPPS Edition 2 states:

Under the SPPS, the guiding principle for planning authorities in determining planning applications is 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. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

66. Paragraph 6.232 of the SPPS Edition 2 states:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.

67. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

68. There are no new implications for this proposal following the publication of the SPPS Edition 2, only paragraph 6.232 is added and the need for integrated renewable energy was previously taken account of in the preparation of policy within the LDP Plan Strategy. The requirements of policy RE2 are considered later in the report.

Retained Regional Guidance

69. Whilst not policy, the following guidance documents remain material considerations.

Creating Places

70. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
71. The guide is structured around the process of design and addresses the following matters:
 - the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.

72. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

73. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 – Housing in Existing Urban Areas

74. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Policy HOU 1 – New Residential Development

75. This application is for 23 residential units within the Settlement Development Limit of Metropolitan Castlereagh. Significant material weight is attached to the proposed housing zoning in draft BMAP for the reasons set out earlier in this report. As new residential development is acceptable on zoned housing land the policy tests of Policy HOU1 are met.

Policy HOU3 – Site Context and Characteristics of New Residential Development

76. The application site is a portion of land within the wider Millmount housing development.
77. The surrounding developed land contains a mix of detached, semi-detached, terrace housing and apartment blocks. The dwellings are set in medium sized plots with in-curtilage parking and communal off-street parking. Areas of open space and two playparks are also provided as part of the wider development.
78. This proposal comprises 7 detached dwellings and 8 pairs of semi-detached dwellings (16 units).
79. The dwellings vary in size and design but are typical of a suburban residential setting.
80. The form and general arrangement of the buildings are characteristic of those built and currently under construction within Millmount Village.
81. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
82. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development, and it is considered that the established residential character of the area would not be harmed by either the form or scale of development proposed.
83. The layout of the rooms in each of the units, the position of the windows and separation distance also ensure that there is no overlooking into the private amenity space of neighbouring properties.
84. The separations distances between the existing and proposed development are acceptable and would minimise any overlooking from existing properties.
85. The buildings are not dominant or overbearing and no loss of light would be caused.
86. Having regard to this detail and the relationship between the buildings in each plot and having considered the guidance recommended in the Creating Place document, criteria (a) of policy HOU3 is met.
87. With regard to criteria (b), the site is within a consultation zone surrounding archaeological sites and monuments. It is considered that provided archaeological mitigation is conditioned in any planning permission that the proposal would not have a negative impact on any archaeological interests.
88. The site is also adjacent to Millmount House which is a Grade B1 Listed Building. Following consultation with Historic Environment Division, it is considered that the proposal will have no adverse impact on the setting of the listed building due to the layout and design of the proposal and the separation distance to the nearest

proposed dwelling.

89. There is a band of trees to the north of the site just outside the application boundary which are to be retained as part of the wider scheme. The proposed scheme does not cause any additional impact as the majority are to be retained as part of another planning permission and the two that were scheduled to be felled were to facilitate the entrance road into the site(which is also in accordance with planning permission LA05/2022/1005/F which overlaps slightly with the boundary of this application).
90. No other landscape characteristics/features have been identified that required integration into the overall design and layout of the development and as such all the requirements of policy HOU3 are met.

Policy HOU4 – Design in New Residential Development

91. A number of different house types proposed, and a description of these house types is outlined below.
92. Site numbers 572, 588 and 589 consist of house type SR3.6 which are three-bedroom two storey dwelling with a single storey rear projection sunroom and has a ridge height of 9.1m above the finished floor level.
93. Site numbers 573, 574, 575, 576, 582 and 583 consist of house type MV4 which are four-bedroom three storey semi-detached dwellings with a ridge height of 9.1m above the finished floor level.
94. Site numbers 577, 578, 584 and 585 consist of house type LAQ01 which are two-bedroom two storey semi-detached dwellings with a ridge height of 7.4m above the finished floor level.
95. Site number 581 consists of house type SR2.1 which is a three-bedroom two storey detached dwelling with a ridge height of 9.0m above the finished floor level.
96. Site numbers 579 and 580 consist of house type SR15.2 which are three-bedroom two storey semi-detached dwellings with a single storey rear sunroom projection. They have a ridge height of 8.7m above the finished floor level.
97. Site numbers 587 and 590 consist of house type A which are four-bedroom two storey detached dwellings with a single storey rear projection garden room with attached covered decking area to the rear. They have a ridge height of 8.1 above the finished floor level.
98. Site number 586 consists of house type B which is a four-bedroom two storey detached dwelling with single storey and two storey projection to the rear. It has a ridge height of 8.5m above the finished floor level.
99. Site numbers 591 and 592 consists of house type MV3(S2) which are three-bedroom two storey semi-detached dwellings with a single storey rear projection sunroom, and one has a single storey front porch. They have a ridge height of

8.4m above the finished floor level.

100. Site numbers 593 and 594 consists of house type MV3(S1) which are three-bedroom two storey semi-detached dwellings and one has a single storey rear projection sunroom and the other has a side single storey porch area. They have a ridge height of 8.1m above the finished floor level.
101. There are also two difference garage types proposed. There is garage type Ga.3h to site 588 and garage type Ga.3 to site 589. They are single storey garages designed to match the detail and finishes of the associated dwelling house.
102. The external material finishes include concrete interlocking roof tiles grey or blue/grey in colour; walls to be smooth render in off white or white in colour and select facing brick and the windows and doors are a mixture of hardwood and upvc with rainwater goods to be uPVC pipes and guttering. These are acceptable for the site and its location in the urban context.
103. The size and design of the buildings means that they are not dominant or overbearing. This in combination with the separation distances between the properties will ensure that no loss of light to any adjacent property will arise.
104. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
105. Millmount House is located adjacent and east of the site and was excluded from the housing zoning. The proposed dwellings are set to the side and south and west of Millmount House with the closest dwelling having a separation distance of 24 metres from the listed building with the road between. This ensures that there is no adverse impact on the amenity of the listed building by reason of overlooking or overshadowing/loss of light. The development on the site does not conflict with surrounding land uses.
106. The proposed layout is consistent with the type of housing found in the surrounding area. The proposed dwellings all face towards the road network, in curtilage parking spaces are provided for each dwelling.
107. Detail submitted with the application demonstrates that the provision of private amenity space varies from 27 square metres at the lower end, up to a maximum of 356 square metres. An average of 100.8 square metres is provided across the site which is far in excess of the guidance contained within Creating Places for a medium density housing development.
108. It can be seen from the above that seven of the sites offer a private rear amenity provision well in excess of the 70 square metres recommended in the guidance, with one plot having a particularly large area to the rear providing 356 square metres of amenity space.
109. The plots associated with the more affordable housing offer a slightly less amenity space however for these dwellings it is not significantly less than that recommended. When the overall site is viewed as a whole, it can be said that

there is a variety of garden sizes provided, giving greater choice for residents, which is outlined in the justification and amplification section of Policy HOU4.

110. The agent has also confirmed that the scheme will be constructed in line with current NI Building Regulations which emphasises sustainable design and energy efficiency primarily through a fabric first approach (for example reducing heating costs with good air tightness, thermal performance and reducing the effects of solar gain) and including renewable energy measures, such as solar panels. The specific energy efficient measures proposed in the scheme are outlined below.

Photovoltaic (PV) Panels

111. The development incorporates high-efficiency photovoltaic panels strategically positioned on rooftops to maximise solar energy capture. The panels are designed to integrate seamlessly with the architectural aesthetic of the buildings, using low-profile mounting systems to minimise visual prominence.
112. PV panels provide on-site renewable energy generation, significantly reducing reliance on non-renewable energy sources and supporting the council's sustainability objectives. Their placement has been optimized to avoid overshadowing and ensure minimal visual or amenity impact on neighbouring properties, in line with Policy RE1 requirements.

Thermally Efficient Insulation and Building Fabric

113. The development employs advanced thermally efficient insulation materials and a high-performance building fabric, including high-quality wall, roofs, and floor insulation, as well as double- or triple-glazed windows. These elements are incorporated into the design to enhance thermal performance and reduce heat loss.
114. The use of thermally efficient insulation and robust building fabric aligns with passive solar design principles, reducing energy demand for heating and cooling. This contributes to the development's energy efficiency, supports Policy RE2's focus on sustainable design, and ensures compliance with building regulations, with no adverse visual or amenity impacts.

High-Efficiency Boilers

115. High-efficiency condensing boilers are installed in each dwelling, designed to meet or exceed modern energy performance standards. These systems are compact and integrated within the building's utility spaces to maintain the aesthetic integrity of the development.
116. High-efficiency boilers reduce energy consumption and carbon emissions, supporting the microgeneration focus of Policy RE2. As internal systems, they have no external visual or amenity impacts, making them appropriate for the location and compliant with Policy RE1.

Airtight Construction

117. The development is designed to achieve a high level of airtightness, meeting or exceeding the requirements of current building regulations. This is accomplished through meticulous construction techniques, including sealed joints, high-quality membranes, and airtight window and door installations.
118. Airtight construction minimises heat loss and enhances energy efficiency, aligning with Policy RE2's emphasis on sustainable design. This measure supports the development's overall energy performance without impacting the visual or amenity character of the site, ensuring compliance with Policy RE1.

Low-Energy Light Fittings

119. Low-energy LED light fittings are installed throughout each dwelling, both internally and externally, to reduce electricity consumption. These fittings are selected for their compatibility with the development's aesthetic and functional requirements.
120. The use of low-energy light fittings contributes to the development's sustainability by reducing energy demand, supporting Policy RE2's focus on renewable and efficient energy use. External lighting is designed to minimise light pollution, ensuring no adverse amenity impact on the surrounding area.

Climate-Resilient Drainage System

121. The drainage system is designed to meet Northern Ireland Water's consent requirements, incorporating sustainable drainage systems (SuDS) to manage surface water effectively and compensate for climate change impacts, such as increased rainfall and flood risk.
122. The climate-resilient drainage system supports the sustainability aims of Policy RE2 by ensuring the development is adaptable to environmental challenges. It is integrated into the site layout to maintain amenity value and avoid adverse impacts on neighbouring properties or the local environment.
123. For the reasons outlined above, criteria (a), (e) and (f) of policy HOU 4 are met.
124. There is no requirement for the provision of local community or neighbourhood facility for this scale of development. A local neighbourhood facility has however been provided within the larger development at Coopers Mill and the site is accessible to shops and other neighbourhood facilities in Dundonald. Criteria (c) of policy HOU 4 is met.
125. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing. There is a mixture of fencing and boundary walls proposed. These are acceptable for this type of development in the urban context.

126. Landscaped areas are proposed as part of the overall development. The submitted landscape plan details the proposed landscaping to the area with the trees to be retained and to the boundaries and within the overall site. The proposed landscaping uses appropriate spaces of planting, and it softens the visual impact of the development. For the reasons outlined above, criteria (b) of policy HOU 4 are considered to be met.
127. With regard to criteria (d) the proposal is for 23 units on a site measuring 1.87 hectares which is not considered to be overdevelopment, and in line with policy HOU 4.
128. The proposed development will provide a residential density not significantly lower than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size exceeds space standards set out in supplementary planning guidance.
129. The internal road layout provides for safe and convenient access through the site, and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meet the required parking standards. Criteria (g) and (h) of policy HOU4 are met.
130. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (i) is met.
131. Permeable paving and sustainable drainage are proposed as part of the development in line with criteria (j) of the policy is met.
132. Provision is available for householder waste storage within the driveways of each dwelling, and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles.

Policy HOU 5 - Public Open Space in New Residential Development

133. Detail submitted with the application indicates that the site does exceed one hectare. As such open space must be provided as an integral part of this development.
134. There are three main areas of green open space are shown to be provided in the area, the area to the western side of the site, an area around Millmount House Listed Building and an area to the north of the site, as detailed in the maintained open space drawing.
135. The application provides for a change of house type for 23 dwellings that were previously approved as part of a wider housing development under Y/2009/0303/RM. Detail submitted with this application demonstrates that areas of open space were provided throughout the wider Millmount development. The site is also easily accessible to the Comber Greenway.
136. It is accepted that adequate provision is made in the wider scheme and that within the context of policy HOU 5 the thresholds and requirements for open

space is met.

137. Policy HOU10 - Affordable Housing

138. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 5 units.
139. A draft Section 76 agreement has been submitted for the Councils consideration. It details that 5 units for affordable provision are to be provided within the proposed development at sites 577, 578, 584, 585 and 591. No more than 13 of the private dwellings will be constructed until the five affordable housing units are constructed and available for occupation
140. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

141. A Biodiversity Checklist and Preliminary Ecological Appraisal and Bat Survey carried out by RPS group has been submitted in support of the application. An outline Construction Environmental Management Plan has also been submitted.
142. The Ecological Survey was carried out in April 2022 and included an Extended Phase 1 Habitat Survey, an Ecological Badger Survey, Preliminary Roost Assessment of Trees and Preliminary Ecological Appraisal for Bats.
143. NED noted that the Ecological Survey was outside of the 1-year permissible date and requested further surveys. This is dealt with further in this section.
144. The Preliminary Appraisal submitted states that:

The site of the proposal is not hydrologically directly connected to or located within 100m of any statutory designated sites of local or international importance. The nearest designated site is Dundonald Old railway SLNCI, located approximately 760m northwest of the proposed development boundary. The Enler River is located 54m west of the site boundary. The Enler River is Hydrologically connected to Strangford Lough SAC, SPA, ASSI and Ramsar Site, approximately 6.6km downstream. Pollution prevention measures as detailed in the Outline Construction Environmental Management Plan will be incorporated during the construction phase to prevent sediments and other pollutants entering watercourses. With the implementation of water pollution mitigation measures, there will be no effects to watercourses or downstream designated sites.

145. With regards to habitats, it states that:

The site is predominantly an operating construction site, with most of the land comprising of bare earth or gravel with occasional building material stockpiles. Typical common re-colonising plant species are scattered in areas of lower traffic and disturbance. A large earth heap is present in the centre of the site and a smaller heap to the south. These heaps have been partially re-

colonised by common agricultural and early colonising species, mainly including Yorkshire fog scattered gorse and broom saplings have also established in places.

146. With regards to semi-improved neutral grassland, it states:

An area of unmanaged semi-improved neutral grassland is present in the southwest of the site. Some patches occur in shallow, stoney soils. The species present include typical agricultural grasses.

147. The Preliminary Ecological Appraisal states:

Preliminary Ecological Appraisal for Bats

The proposed development site adjoins Millmount Village to the east and southwest. To the north and east by the Comber Greenway open space. These nearby areas may provide linkage for commuting or foraging bats; however, the site itself has been highly altered, with limited natural habitats available. The treelines, namely the large mature broadleaved treelines in the northeast which are largely being retained likely support a low number of foraging bats.

Given the presence of trees on the site, the site characteristic (active construction site), its connection to residential gardens and its partial connection to the wider countryside, it is considered that the site is of low foraging and commuting suitability.

Preliminary Roost Assessment of Trees and Structures

From ground level, a knothole type potential roost feature was identified on a mature beech tree which is located within the construction footprint of a proposed roadway. The feature is located approximately 4-5m on the eastern aspect. This tree will require felling to facilitate the development. To the immediate east, knothole PRFs were also identified on two horse chestnut trees. These features are considered to have moderate roosting suitability.

Badger and Otter

No evidence of badger or otter was recorded within 30m of the site boundary.

148. Details of mitigation/recommendations include the removal of any vegetation including hedgerows and shrubs should take place outside the bird breeding season which extends between 1st March and 31st August inclusive to ensure breeding birds are protected from harm.

149. The report also recommends that a Lighting Strategy for the proposed development should be designed in accordance with the Institution of Lighting Professionals (ILP2011) and Bats and Artificial Lighting in the UK (ILP 2018) and that artificial lighting will only be installed where and when necessary.

150. In line with NIEA Standing Advice and where badger activity is identified, all works should cease immediately, and further advice sought from NIEA Wildlife Team. This advice can be added as an informative,
151. As recommended in the PEA, a Bat Survey was carried out at three trees on the site and the findings submitted for consideration. The three trees have been classified as having moderate bat roost potential. Emergence and re-entry surveys were carried out.
152. The report details that bat activity was relatively low, with occasional brief bat passes and foraging and that for most of the duration of both surveys, bats were absent from the survey area. It also details that no bats were recorded emerging or entering and therefore there is no evidence to suggest that they are bat roosts. With the implementation of mitigation measures there will be no adverse impacts upon the local bat population.
153. The bat survey report recommends that prior to felling of tree, a survey must be carried out under NIEA licence between 15th March and 15th May or 15th August and 31st October inclusive, of any given year. If bats are found to be present, NIEA will be contacted for advice. It is also recommended that bat boxes will be erected on the trees which are to be retained on site to compensate for any loss.
154. The above documents were sent to NIEA Natural Environment Division (NED) for consultation. They initially responded noting that the survey assessment is outside the 1-year permissible submission date outlined in the NIEA Survey specifications. Taking a precautionary approach the applicant was asked for an updated bat survey.
155. The agent provided a statement outlining the reason why they felt additional surveys were not required. The statement details further information about the three trees in question, namely trees T1, T2 and T3. The statement concluded that Tree T1 is to be removed and the other two trees are to be retained and protected.
156. Furthermore, the statement outlines that the application boundary for this planning application overlaps with the application boundary for LA05/2022/1005/F. The subject trees are included in both planning application boundaries. LA05/2022/1005/F includes planning permission for the continuation of an internal road through the Millmount site, necessitating the removal of Tree T1.
157. This tree has been felled in accordance with planning permission LA05/2022/1005/F and tree protection measures have been installed to this part of the site to protect Trees T2 and T3 as required by condition 15 of the permission. This part of the site benefits from separate planning permission for the same works which has been implemented. Therefore, there is no need to necessitate further survey work relating to the trees in question.
158. NED have been re-consulted on the proposal and advise that they have considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.

159. Having regards to the content of the submitted reports and the advice of NED, for the reasons outlined above, it is considered that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such NH1, NH2 and NH5 of the Plan Strategy are met.

Access Movement and Parking

160. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
161. Access to the site will be via Millmount Road which was approved under LA05/2018/0512/F and has been constructed.
162. The detail associated with the application indicates that all dwellings will have at least two in-curtilage car parking spaces.
163. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways.
164. It is also considered having regard to the advice of DfI Roads that the development complies with policy TRA2 of the Plan Strategy in that the detailed road layout plan submitted demonstrates that the site can be connected to the existing road network without prejudice to road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
165. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that having reviewed the submitted plans that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Historic Environment and Archaeology

Policy HE4 - Archaeological Mitigation.

166. Historic Environment Division (Historic Monuments) commented that the application site is in close proximity to a number of recorded archaeological sites and monuments and further archaeological remains have been revealed during phases of the present development, and this archaeological mitigation is still ongoing. Due to this heightened archaeological potential archaeological mitigation would be appropriate consistent with other phases of this development.
167. Historic Environment Division (Historic Monuments) advise that they are content that the proposal satisfies the policy requirements, subject to conditions for the

agreement and implementation of a developer-funded programme of archaeological works.

168. Based on the information submitted and taking on board the advice from HED it is considered that the proposal complies with Policy HE4.

Policy HE9 Development affecting the Setting of a Listed Building

169. The site is in close proximity to Millmount House (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.
170. HED Historic Buildings commented that it has considered the impacts of the proposal on the building and based on the information provided, advises that it has no objection to the proposal.
171. Having regard to this advice and noting the closest dwelling is more than 24 metres from the listed building It is considered that policy HE9 is met, and the proposal will have no adverse impact on the setting of the listed building.

Planning and Flood Risk

172. The information submitted indicates that water connection would be through the public mains, that the storm water would be disposed of through the mains and that the foul would be disposed with via the mains.
173. There is an undesignated field drain that runs through a portion of the site. And outside the red line and west of the site is the Comber River with intervening land in between.
174. A Flood Risk Assessment and Drainage Assessment has been submitted in support of the application. The following issues are highlighted.
175. Rivers Agency Flood Maps indicate that the site is partially located within the floodplain. However, it is known that this mapping is out-dated given known changes to the route and structures along the local watercourses and changes to the terrain due to previous phases of development.
176. The proposal includes the abandonment of the undesignated tributary field drain within the site due to it serving no drainage function and where drainage is replaced by the proposed surface water sewer network serving the site and wider Millmount development. The Flood Model results derived from the proposed scenario model indicate that post-development flood levels are unchanged from the existing baseline scenario.
177. The summary of findings of the Flood Risk Assessment details that the DfI Rivers' flood model for the Millmount Stream and Comber River has been updated by the applicant and the updated flood model confirms that the site is unaffected by the 1% Annual Exceedance Probability and Climate Change floodplain.

178. The undesignated field drain that traverses the site is a tributary of the Comber River. Flood modelling confirms that there is no out of bank flooding from the drain due to backing up of the downstream Comber River flood plain. The applicant proposes to abandon this field drain within the site and advises that post-development flood modelling has confirmed that the abandonment will have no effect on flooding. Policy FLD1 is not engaged, and no land use restriction applies

179. In accordance with policy FLD 3 a Drainage Assessment was submitted. DfI Rivers Agency commented that:

Rivers Directorate, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.

It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors.

The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event including an allowance for climate change and urban creep could be contained within the attenuation system, when discharging at existing field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption.

However, in order to ensure compliance with LDP 2032, Rivers Directorate requests that the Planning Authority includes a Condition as part of its planning permission if granted.

180. It is advised that the condition offered in support of the above referenced comments states that prior to construction of the drainage network, a final drainage assessment should be submitted which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network in the event of a 1 in 100-year event including an allowance for climate change and urban creep. There is no reason to disagree with the advice that this condition should be included.

181. Turning to policy FLD4, the conditions on the ground and the detail in the Flood Risk Assessment demonstrates that the field drain is not functioning as a watercourse and has no drainage role and is redundant. Its abandonment will not give rise to the impacts that policy FLD4 seeks to control. DfI Rivers Agency have raised no objection to this and there is no reason to disagree with this advice in terms of consideration of the policy requirements.

182. Based on a review of the information and advice received from DfI Rivers, it is accepted that the proposal complies with policies FLD1, 2, 3 and 4 of the Plan Strategy.

Waste Management

183. Information submitted with the application indicates that water connection, surface water and foul sewerage will be through the public mains.
184. NI Water was consulted and recommend approval. They have confirmed that there is available capacity at the Waste-Water Treatment Works and there is a public foul sewer within 20 metres of the proposed development boundary which can adequately service the proposal.
185. Based on the information submitted and taking on board the advice from NI Water, it is considered that the proposal will not adversely affect the water environment and complies with policy WM2.

Recommendation

186. Based on the above consideration, the recommendation is to approve the application subject to conditions and to the Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

187. The following conditions are recommended:

- 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.

- No development shall take place until drawings necessary to enable a determination to be made in accordance with Article 3 of the Private Streets (Northern Ireland) Order 1980 have been submitted to, and approved by, the Council.

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

- Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event including an allowance for climate change and urban creep.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

- No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn and Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
 - The identification and evaluation of archaeological remains within the site.
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ.
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - Preparation of the digital, documentary and material archive for deposition.

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

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

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

- 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 xxxxx. 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

- No tree to be retained on the Soft Landscape Proposals Plan (drawing no. 25B published to the Planning Register on 12 February 2025) shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

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

- If any retained tree is removed, uprooted or destroyed or dies it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

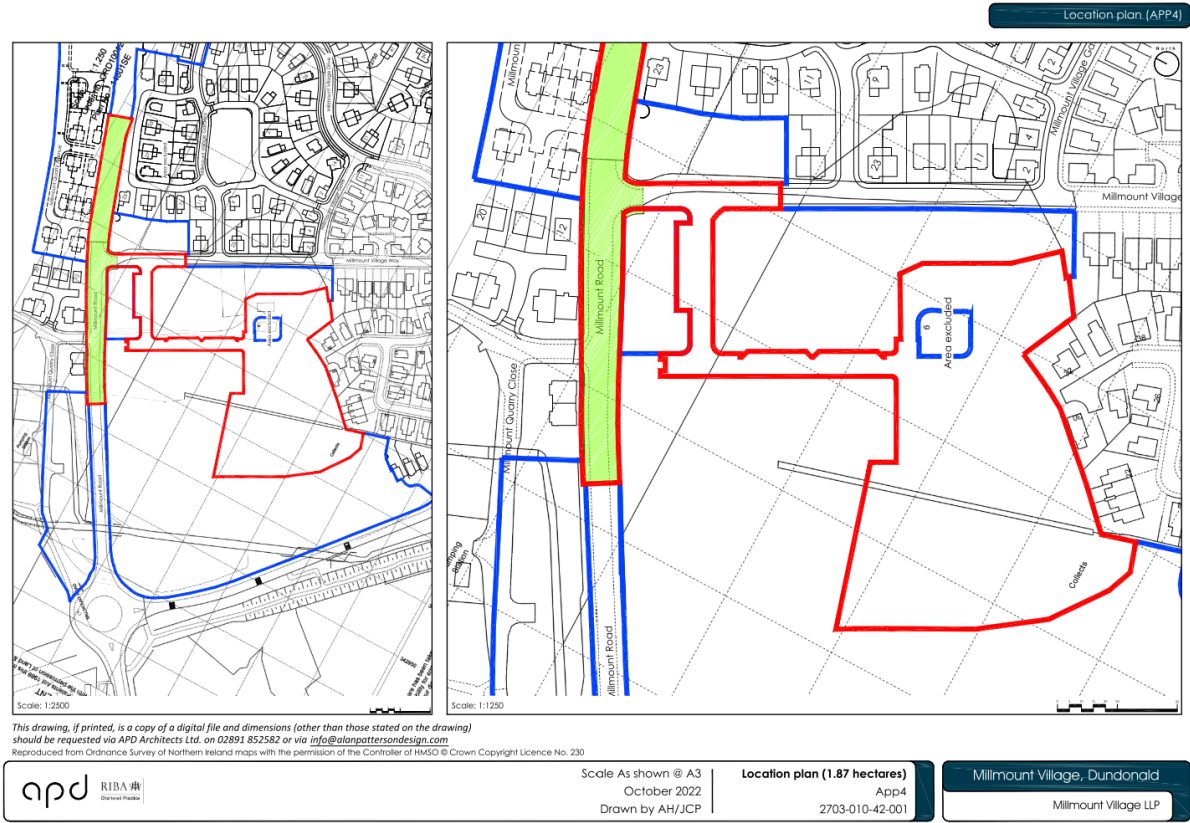
- All hard and soft landscape works shall be carried out in accordance with Drawing No. 25B published to the Planning Register on 12 February 2025 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

- 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.

Site Location Plan – LA05/2023/0316/F



Appendix 1

Chronology

Y/1996/0407/O

The initial approval for the Millmount site was granted in relation to 510 units.

This application was accompanied by an Article 40 Agreement providing for, amongst other things, the delivery of a link road and improvements to the existing road network required in connection with the construction of new dwellings.

PAC Appeal: 2004/A087

Planning in relation to Millmount House and a small area of adjoining land was separately approved via an appeal to the PAC. This appeal provided permission for the construction of 18 dwellings and the conversion of Millmount House into four apartments.

Together, Y/1996/0407/O and 2004/A087, along with the Article 40 Agreement, can be viewed as the original or parent permissions, and provided for 532 units. Neither of these permissions nor the Article 40 Agreement included any obligation in relation to the Junction Works.

LA05/2018/0512/F

This application was submitted in May 2018 and approved in March 2020 and provided for the construction of 49 apartments and 244 dwellings. This application replaced 118 dwellings previously approved and resulted in a net increase overall of 175 units.

Taken together, the three applications referred to above permitted 707 units, 32 of which were on the NIHE land.

This LA05/2018/0512/F permission is the first and only permission containing a condition relating to the Junction Works. These works were not required out of necessity but rather were volunteered by our client. The ‘trigger’ for these works was agreed at 218 dwellings occupied. This number is 100 units above the 118 units previously approved for that part of the site, which were superseded within application LA05/2018/0512/F, and 100 above the 535 approved up to that stage on the whole Millmount site.

The ‘trigger’ of 218 dwellings does not originate from either of the parent approvals Y/1996/0407/O or 2004/A087 and does not apply to the wider Millmount Village development.

It is exclusive to LA05/2018/0512/F and confined solely to the red-line of LA05/2018/0512/F and dwellings occupied under that permission.

The ‘trigger’ has not been reached and, in any event, this condition has no bearing on the Subject Application which is situated outside the red line of the LA05/2018/0512/F permission.

It should be noted that the Applicant applied for a licence to perform the Junction Works in 2022 and same is awaited. In addition, the delivery of the Link Road to Coopers Mill and the signalisation of the Millmount Road / Comber Junction has been performed by our client, both of which were conditions within the same LA05/2018/0512/F approval.

Legal Submission on behalf of Millmount Village LLP Application LA05/2023/0316/F

Background

On 12 January 2026, Application LA05/2023/0316/F in respect of the erection of 23 dwellings (amended layout and house types previously approved under reference Y/2009/0303/RM) and associated site works (“the Subject Application”) was recommended for approval to the Council’s Planning Committee (“the Committee”). During the meeting Alderman Gregg raised a query regarding an obligation relating to the delivery of a signalised junction onto the Upper Newtownards Road / Old Mill Meadows which was referred to in a separate application (LA05/2018/0512/F) (“the Junction Works”) and which is currently progressing through a separate regulatory process. On 12 January 2026, the decision on the Subject Application was deferred so officers could:

1. Obtain PSNI road traffic accident statistics for the Upper Newtownards Road / Old Mill Meadows junction covering the preceding three years; and
2. Obtain information from DfI Roads regarding the safety of the said junction.

On 2 February 2026, it was recorded at the Committee’s meeting that the advice of DfI Roads was:

1. That there were no recorded accidents at the junction within the last three years; and
2. That the junction is not considered a priority for any improvements on the basis of safety.

At the same meeting, the Case Officer and the Head of Planning were unequivocal in advising the Committee that it would not be appropriate to impose a condition requiring the Junction Works on the grant of planning permission on the Subject Application. The Head of Planning advised the Committee that such a condition would be unnecessary, irrelevant to the Subject Application, and vulnerable to challenge on appeal.

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NI Associate of PEBA: the Specialist Bar Association for Planning, Environment and Local Government
Affiliate of the Irish Planning Institute

Notwithstanding that Officer advice and the advice of DfL Roads, the Committee resolved to impose upon the grant of planning permission for Subject Application, as a Section 76 obligation, the delivery of the Junction Works by the Applicant. It did so in response to Alderman Gregg stating to the Committee:

1. That approval of the parent or original applications (Y/1996/0407/O and/or 2004/A087) contained a condition(s) imposing the delivery of the Junction Works prior to the occupation of the 218th dwelling on the overall Millmount site.
2. That by his calculation, 700 dwellings had been constructed and therefore the 'trigger' for the Junction Works has been reached and should have been carried out years ago.
3. The Applicant was already in breach of the condition to deliver the Junction Works.

As is evident from the chronology appended to this submission at Appendix 1, all of those statements were factually wrong, and so the resolution to impose the Section 76 obligation was grounded on mistakes of fact and entirely unjustified. In essence:

1. the approval of the parent or original applications did not involve the imposition of any condition(s) imposing delivery of the Junction Works;
2. the requirement to deliver the Junction Works was imposed only on a later permission LA05/2018/0512/F for the construction of 49 apartments and 244 dwellings and confined solely to the lands within the red-line of LA05/2018/0512/F and to the dwellings occupied under that permission;
3. the 'trigger' for the Junction Works to be delivered under permission LA05/2018/0512/F was stipulated as being when 218 dwellings of the dwellings authorised by that permission were occupied, as opposed to being constructed; it does not create any free-standing obligation to deliver the Junction Works, nor does it establish any cumulative, rolling or site-wide trigger across the wider Millmount development;
4. that 'trigger' point had not been reached;
5. accordingly, the Applicant was not in breach of the condition on permission LA05/2018/0512/F requiring delivery of the Junction Works, and no obligation arising under that permission was engaged by the Subject Application.

Moreover, the resolution to impose the Section 76 obligation was contrary to the clear advice of the Council's Officers and contrary to the evidentially-grounded advice of its expert consultee Dfl Roads, without there being any lawful basis for departing from that advice. No attempt was made to investigate, test or validate the contrary assertions advanced by individual Members, nor to revert those assertions to Dfl Roads for consideration and further advice. During the Committee meeting, there was no cogent or compelling evidence placed before the Committee as to why the advice of Dfl Roads or of the Officers should not be followed. Indeed, no reasons were given for the Committee departing from that advice or from the advice of Officers.

Following the institution of Judicial Review proceedings, the Applicant and Council have agreed that the Subject Application be referred back to the Committee for reconsideration and redetermination.

The Subject Application now stands to be reconsidered and redetermined within lawful bounds and in the light of applicable policy.

Relevant Legal Principles

Departures from advice of expert consultees

The importance of taking the expert advice of consultees was stressed by Weatherup J in *Re Murphy's Application* [2004] NIQB 85. Failing to take into account the expert assessment of Dfl Roads is to omit an important material consideration: *R (Thallon) v Department of the Environment* [1982] NI 26. In *R (Swainsthorpe Parish Council) v Norfolk CC* [2021] EWHC 1014 (Admin) Lang J held that in circumstances where an expert consultee is involved, its views must be given "*great or considerable weight*" and in order to depart from said views would require "*cogent and compelling reasons*" (emphasis added). In short, the expert advice of consultees cannot be set aside without a compelling, objective evidential basis for doing so. The objectively-unevidenced perceptions and concerns of Members come nowhere close to justifying a departure from the expert advice of consultees.

Mistakes of fact

If the decision-taker grounds its decision on a mistaken grasp of the facts, then the decision will be open to challenge: *Hollis v Secretary of State for the Environment* (1984) 47 P & CR 351, *Jagendorf v Secretary of State for the Environment* [1987] JPL 771, *Trustees of the Bristol Meeting Room Trust v Secretary of State for the Environment* (13 December 1989, unreported), *Simplex GE (Holdings) Ltd v Secretary of State for the Environment* (1989) 57 P & CR 306, *Re*

Treacy's and another's Application [2000] NI 330, *R (Alconbury Developments Ltd) v Secretary of State for the Environment, Transport and the Regions* [2003] 2 AC 295.

In *E v Secretary of State for the Home Department* [2004] EWCA Civ 49, Carnwarth LJ summarised when a decision can be impugned on the basis of a mistake of a material fact:

“First, there must have been a mistake as to an existing fact, including a mistake as to the availability of evidence on a particular matter. Secondly, the fact or evidence must have been "established", in the sense that it was uncontentious and objectively verifiable. Thirdly, the appellant (or his advisers) must not have been responsible for the mistake. Fourthly, the mistake must have played a material (not necessarily decisive) part in the Tribunal's reasoning”.

The duty of proper inquiry

Reaching a rational decision requires the decision-taker to take reasonable care to acquaint itself with the relevant facts. It follows that failure to make proper inquiries will render the resulting decision irrational.

The Committee is required to ask the right questions and taken reasonable steps to inform themselves of relevant information before making a decision. The *Tameside* duty (*Secretary of State for Education and Science v Tameside MBC* [1977] AC1014) exists to ensure that authorities make sufficient and rational inquiries. So, in *R v Secretary of State for the Home Department, ex parte Venables* [1998] AC 407, the Court of Appeal, having emphasised the "essential" requirement that the decision maker be “*fully informed of all the material facts and circumstances*”, at 455G, considered that he “... *did not adequately inform himself of the full facts and circumstances of the case*” (at 456E).

It follows that were, as here, there is a conflict between the views expressed by individual Members and the advice of DfI Roads the Committee was and is obliged to test or make inquiries into those conflicting positions. What the Committee cannot lawfully do is uncritically to accept the unsupported assertions of individual Members, particularly where that flies in the face of the properly evidenced advice of expert consultees: *Re Bow Street Mall Ltd* [2006] NIQB 28.

The duty not to act Wednesbury unreasonably

A planning decision may be so unreasonable that no reasonable planning authority could ever make it. In that event, it will be quashed as being irrational, or *Wednesbury* unreasonable: *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1947] 2 All ER 680, *R v South Hertfordshire District Council, ex parte Felton* [1991] JPL 633.

Such irrationality may be free-standing, or may flow from unjustified departure from the advice of Officer or expert consultees, or from mistakes of fact, or from a failure to make proper inquiries, as in *Re Bow Street Mall Ltd [2006] NIQB 28*, or from a failure to take into account a material consideration such as applicable policy tests.

Applicable policy in relation to Section 76 obligations

The Committee's decision to impose a Section 76 obligation relating to the Junction Works failed each of the SPPS policy tests for planning agreements.

Paragraph 1.5 of the SPPS (Edition 2, which was the operative version at the time of the impugned decision) confirms that SPPS provisions must be taken into account in the preparation of local development plans and are material to all decisions on individual planning applications and appeals.

In respect of Section 76 agreements, the SPPS states:

"5.66 Planning authorities can also use planning agreements to overcome obstacles to the grant of planning permission where these cannot be addressed through the use of conditions. A planning agreement may facilitate or restrict the development or use of the land in any specified way, require operations or activities to be carried 33 out, or require the land to be used in any specified way. An agreement may also require a sum or sums to be paid to the relevant authority or to a Northern Ireland department. A breach of a planning agreement may be enforced by way of a court injunction.

5.67 A planning agreement may be considered appropriate where what is required cannot be adequately addressed by the imposition of conditions and:

- is needed to enable the development to go ahead;*
- will contribute to meeting the costs of providing necessary facilities in the near future;*
- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it;*
- is designed to secure an acceptable balance of uses;*
- is designed to secure the implementation of development plan policies in respect of a particular area or type of development; or*
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development.*

5.68 A developer will be expected to pay for, or contribute to, the cost of infrastructure that would not have been necessary but for the development or which needs to be rescheduled to facilitate the development”.

These policy tests for planning agreements require that such obligations only be used where a condition cannot suffice and must be necessary to enable the development; directly related to the development; and proportionate in scope. In relation to the Subject Application, none of those criteria is met:

1. the Junction Works are not necessary to enable the Subject Application to proceed - the advice of DfL Roads confirmed that there are no safety or capacity issues requiring the Junction Works;
2. the Junction Works are not directly related to the Subject Application and it is grossly disproportionate to impose major infrastructure works to the Subject Application unsupported by any identified need.

No rational planning authority, directing itself properly as to the evidence and to the SPPS, could have concluded that such an obligation was justified or lawful. In fact, the Committee identified no evidential basis to contradict expert consultee advice that the Junction Works were unnecessary in respect of the Subject Application, nor did it make any further inquiry to find such basis. The imposition of the Section 76 obligation was perverse and irrational in the *Wednesbury* sense on both legal and policy grounds. Moreover, by so acting in the face of mandatory SPPS policy criteria, the Committee failed to take into account a material planning consideration, which compounds the irrationality.

As affirmed by the House of Lords in *Newbury DC v Secretary of State for the Environment* [1981] AC 578, planning obligations *ultra vires* policy are unlawful.

Conclusion

The Committee is invited to reconsider and redetermine the Subject Application within lawful bounds and in the light of applicable policy.

William Orbinson KC Legal Associate RTPI
30 June 2026

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	3 August 2026
Committee Interest	Local Application (Called in)
Application Reference	LA05/2026/0089/F
Date of Application	27 January 2026
District Electoral Area	Downshire West
Proposal Description	Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works
Location	43 Edentrillick Road, (directly opposite and to the north of No 46) Royal Hillsborough, BT26 6PG
Representations	None
Case Officer	Michael Vladeanu
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application is presented with a recommendation to refuse as the proposal is contrary to Policy COU1 of the Lisburn & Castlereagh City Council's Plan Strategy,

in that it is not a type of development which in principle is considered to be acceptable in the countryside.

3. The proposal is also contrary to Policy COU3 of the Lisburn & Castlereagh City Council's Plan Strategy, in that there is no building on site to be replaced which exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
4. The proposal is contrary to Policy COU8 of the Lisburn & Castlereagh City Council's Plan Strategy, in that the development would create a ribbon of development.
5. The proposal is contrary to criterion (e) of policy COU16 of the Lisburn & Castlereagh City Council's Plan Strategy, in that if built the dwelling would have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

6. The application site extends to approximately 0.34 hectares and is located on the north-eastern side of Edentrillick Road. A former 1.5-storey red brick dwelling has been demolished, the site cleared and foundations have been poured for a new building.
7. An outbuilding is located to the east of the foundations. It has side steps providing access to a first-floor doorway, with ground-floor access below. The front elevation at ground-floor level contains double garage doors and a window.
8. The southern, northern and most of the eastern boundaries were comprised of mature vegetation. The western boundary, adjoining the road, also includes mature trees and planting.
9. Access is from an existing entrance toward the northwestern corner. The site rises from the roadside to a level plateau and remains relatively flat throughout.

Surroundings

10. The site is located outside of any defined settlement limit in the open countryside. The land is mainly in agricultural use, and the character of the immediate area is rural in nature. There is however evidence of a local build-up of roadside development with a ribbon of houses extending along both sides of the Edentrillick Road.

Proposed Development

11. Full planning permission is sought for the erection of a replacement dwelling, solar panels to roof of existing garage, upgraded access arrangement and all associated site works.
12. The following documents have been submitted in support of the application:
 - Application Form
 - Biodiversity Checklist and Ecological Statement
 - Preliminary Ecological Appraisal
 - Supporting letter from agent setting out policy justification for recently demolished building
 - Letter from McCurdy Structural Design Ltd setting out justification for demolition
 - Supporting Planning Statement
 - Floor plans and elevations

Relevant Planning History

13. The Planning history associated with the application site is set out in the table below:

Reference	Description	Location	Decision
LA05/2021/1298/F	Proposed extension and alterations to existing property to include raised ridge, single storey rear extension and façade alterations	43 Edentrillick Road, Hillsborough, BT26 6PG	Permission Granted
LA05/2023/0313/F	Proposed alterations to existing garages to provide ancillary home office and gym	43 Edentrillick Road, Hillsborough, BT26 6PG	Permission Granted

Consultations

14. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
NI Water	No objection
NIEA Natural Environment Division	No objection
LCCC Environmental Health	No Objection
NIEA Water Catchment Unit	No objection

Representations

15. No representations have been received.

Local Development Plan

16. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications, regard must be had to the requirements of the local development plan, and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

17. It is stated at Part 1 of the Plan Strategy that:

‘Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be

the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.'

18. The site is located in the countryside in the Lisburn Area Plan (LAP). The site remains in the open countryside in both BMAP (2004) and subsequent revision to the draft (2014).
19. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*

20. The following operational policies in Part 2 of the Plan Strategy also apply.
21. The proposal is for a replacement dwelling. Policy COU1 – Development in the Countryside states:

'There are 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.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.'

22. In accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU3, COU8, COU15 and COU16 of the Plan Strategy.

Replacement dwellings

23. Policy COU3 – Replacement Dwellings states:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-Listed Vernacular Buildings

The retention and sympathetic refurbishment, with adaptation, if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with policies COU4 and HE13.

In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.

In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met:

- a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;*

- b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building;*
- c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.*

Infill/Ribbon Development

24. Policy COU8 Infill/Ribbon Development states that:

Planning permission will be refused for a building which creates or adds to a ribbon of development.

Exceptionally, there may be situations where the development of a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage, may be acceptable. For the purpose of this policy, a substantial and continuously built-up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway.

The proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. Buildings forming substantial and continuously built up frontage must be visually linked.

Integration and Design of Buildings in the Countryside

25. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) it is a prominent feature in the landscape*
- b) it is not sited to cluster with an established group of buildings*
- c) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) it relies primarily on the use of new landscaping for integration*
- f) the design of the building is inappropriate for the site and its locality*
- g) ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

26. Policy COU16 – Rural Character and other Criteria states;

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity.*
- g) *all necessary services, including the provision of non-mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Access and Transport

27. The proposal requires the alteration of an existing access to a public road. Policy TRA2 – Access to Public Roads states:

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

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

28. The justification and amplification states:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

Natural Heritage

29. A biodiversity checklist and Preliminary Ecological Appraisal have been submitted in support of this application. Policy NH2- Species Protected by Law states:

‘European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species, and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.’

30. Policy NH5 – Habitats, Species or Features of Natural Heritage Importance states:

‘Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) priority habitats*
- b) priority species*
- c) active peatland*
- d) ancient and long-established woodland*
- e) features of earth science conservation importance*
- f) features of the landscape which are of major importance for wild flora and fauna*
- g) rare or threatened native species*

h) wetlands (includes river corridors)

i) other natural heritage features worthy of protection including trees and woodland.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.'

Waste Management

31. The application form indicates that the water supply will come from mains, with surface water being disposed of via a sustainable drainage system and foul sewage disposed of by a septic tank.

32. Policy WM2 - Treatment of Wastewater states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non-main sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Integrated Renewable Energy

33. Proposals for all new developments should integrate micro-generation and passive solar design in its design. Policy RE2 of the Plan Strategy states:

Planning permission will be granted for a development proposal which integrates renewable energy technology including micro-generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

Regional Policy and Guidance

34. The SPPS Edition 2 was published in December 2025. It is the most recent Planning policy, and it is stated at Paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are

material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

35. Paragraph 3.8 of the SPPS states:

The guiding principle for planning authorities in determining planning applications is 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.

36. This proposal is for a replacement dwelling. Bullet point two of paragraph 6.73 of the SPPS states:

provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

37. It is further stated at paragraph 6.78 of the SPPS that:

'Supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.'

38. Paragraph 6.232 of the SPPS Edition 2 states that:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies".

39. There are no implications for this proposal following the publication of the SPPS Edition 2, only paragraph 6.232 is new and the need for integrated renewable energy was taken account of in the preparation of policy within the LDP Plan Strategy.

40. Whilst not policy, the following retained regional guidance documents remain material considerations:

Building on Tradition

41. Paragraph 5.1.3 of Building on Tradition states that:

Replacement projects can help to reinvigorate our rural landscape through the sensitive redevelopment of the historic footprints of long-established buildings. Sites for replacement projects can prove an attractive option for building in the countryside as they will generally have key services in place in terms of access, water and power etc. but will also have well-established mature boundaries that will already have achieved a strong visual linkage with the landscape. Renewing development on these sites reinforces the historic rural settlement pattern.

42. At paragraph 5.2, it provides basic rules for replacement dwellings as follows:

The replacement dwelling should generally be placed as close as possible to the footprint of the original house, unless significant benefits are apparent in terms of visual and functional integration.

The replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits.

The proposal takes full advantage of the retention of established and mature landscape and boundary features and retains the discreet character of existing access points.

Use is made of recycled building materials in the new proposal.

43. It also notes with regards to visual integration that the following points be considered:

- *Work with the contours (not against them)*
- *Look for sheltered locations beside woodland*
- *Make use of natural hollows*
- *Avoid full frontal locations where bad weather can damage buildings*
- *Avoid north facing sloping sites (difficult to achieve good passive solar gains)*
- *Look for sites with at least two boundaries in situ and preferably three*
- *Look for sites that face south (easy to achieve good passive solar gains).*

44. It also includes design principles that have been considered as part of the assessment:

- *Get the size and scale right relative to what is existing.*
- *Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.*
- *Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.*
- *Retain existing hedgerows, boundaries and mature vegetation.*

- *Acknowledge building lines and informal setbacks.*
- *Maximise rural landscape treatments such as graveled lanes and driveways, grass verges and local native species for new planting.*

45. With regards to wastewater treatment, Building on Tradition [page 131] states that:

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata.

In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved.

Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

Development in the Countryside

Policy COU3 – Replacement Dwellings

46. The proposal is described as a site for a replacement dwelling, and the first step of the policy test normally is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.
47. It was observed during the site inspection that the former dwelling which once stood on the site had been completely demolished and the site cleared. Foundations were also poured for a new building. Consequently, there is no building remaining on the site capable of exhibiting the essential characteristics of a dwelling and no building which represents a replacement opportunity. Accordingly, the proposal fails the first test of policy COU3 in that there is no building on site to be replaced which exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
48. The policy does provide that, in cases where a dwelling has recently been destroyed, for example through an accident or fire, planning permission may be granted for a replacement dwelling where sufficient evidence is provided regarding

the status and previous condition of the building together with the cause and extent of the damage.

49. In support of the application statement setting out a planning justification for the demolition works along with the observations of a structural engineer setting out reasons why the existing structure could not carry the load of a first-floor extension and detailing asbestos found in the eaves and around the windows needed to be removed.
50. The Planning Statement outlines that:
 - *On 15th March 2022 the applicant was granted planning permission [LA05/2021/1298/F] for a proposed extension and alterations to their existing property to include raised ridge, single storey rear extension and façade alterations. This was granted subject to the normal 5 years expiry date, in accordance with section 61 of the Planning Act 2011.*
 - *In June 2025, new appointed consultants, Kris Turnbull Studios (KTS) produced a tender package for these works and sent to three contractors for pricing (Newmac Construction, MNH, Paul Gilbride). It is worth noting at this point that the initial tender package completed by KTS was in respect of the aforementioned planning approval and involved the retention of the walls in question. As such, from first appointment, and before further exploratory work took place, it had been the full intention of the applicant with KTS to carry out the work as approved with the retention of the external walls.*
 - *The three contractors separately carried out site visits to inspect the dwelling and garages.*
 - *Each of these contractors expressed concerns over the integrity of the existing construction, (which involved partial demolition of external brick walls), and advised to obtain an asbestos survey.*
 - *In July 2025, a completed asbestos survey was received (Annex 5). KTS were made aware that there is Asbestos Insulating Board (AIB) intertwined within the core brick and mortar of the main walls of the building.*
 - *KTS had discussions with the structural engineer (Michael McCurdy) and contractors and it was determined that the contractors could not build off the existing wall portions. The construction strengths of the portions of existing walls and foundations could not be easily ascertained, with an element of risk remaining of cracking or other defects by incorporating these elements into new structure. [See attached letter provided by structural engineer at annex 6]*

- *In light of the discussion above, the applicant sought a qualified asbestos contractor to remove the asbestos. It was noted that the extent and type of removal required was more onerous than expected, increasing removal costs significantly from what had been anticipated.*
 - *The applicant spent £12k to facilitate the appropriate removal of all asbestos by an approved contractor, [with the cost escalating due to the fact that it was the more dangerous type of substance found]. These works resulted in partial collapse and demolition of the external walls.*
51. The agent then goes on to explain at paragraphs 6.12 to 6.17 of the Planning Statement that the demolition is recent having occurred in the past six months and that the dwelling was destroyed by the removal of asbestos, leading to the collapse and demolition of this dwelling.
 52. The agent further states at paragraphs 6.15 to 6.17 that the policy is not so prescriptive that it excludes destruction because of a risk to health and that sufficient evidence about the status and previous condition of the building and the cause and extent of the damage is available to allow planning permission to be granted.
 53. Whilst the submitted information explains the sequence of events leading to demolition, officers are not satisfied that the proposal falls within the limited exception contained within Policy COU3 relating to dwellings that have been destroyed.
 54. It is the officer's learned experience that this policy applies to dwellings that are destroyed where something abnormal, unknown or not planned such as a fire or an accident occurs and the building is so damaged that it is beyond repair.
 55. Having read the supporting evidence it appears at the tender stage that the applicants took advice from their appointed design team and potential contractors that there was greater certainty that a new structure would be capable of accommodating the proposed first floor accommodation if this was a newbuild project.
 56. The correspondence from the structural engineer does not recommend that the building is destroyed on the grounds of health and safety. The building was not in imminent danger of collapse and a risk to the public.
 57. The asbestos survey was carried out before the building was demolished and the schedule of works at Appendix A describes asbestos in the window packer below a timber window cill in three rooms, an embedded pipe in the west wall in another and asbestos cement in the lining panel to timber door and panel above door in another. The report does not recommend full demolition of all the walls in these

rooms. It is further noted that none of the works were classified as red requiring urgent removal or amber requiring immediate encapsulation.

58. The balance of the asbestos was in the eaves externally and the roof was to be removed anyway to facilitate the first-floor extension.
59. Officers do not agree with the applicant's assertion that the dwelling was 'destroyed' because of the risk from asbestos. There is no photographic evidence of the demolition works or method statement describing how the works were carried out. No statutory declarations are provided from the contractor to confirm what works beyond those identified in the report resulted in the collapse of the ground floor structural walls.
60. It is the officer's assessment that the dwelling was knowingly destroyed as rebuilding the dwelling was the preferred method of construction based on the advice received at the tender stage of the project. There is no evidence to suggest that the applicants sought advice from the planning authority to establish whether planning permission would be required for the changes in the project. There was an opportunity to pause and make an informed decision on how best to proceed. The Council became aware of the demolition work following receipt of a complaint.
61. There is no dwelling on the site to replace the explanation and supporting information submitted by the applicant regarding the circumstances surrounding its demolition is not considered to meet the requirements of policy COU3 for a dwelling that has recently been destroyed.
62. The applicant has also referred to the previous planning permissions relating to alterations and extensions to the dwelling. Whilst this grant of planning permission remains extant, it can only be material if it is capable of being implemented. There is no dwelling to extend, and the planning history consequently has no weight as a material consideration.

Policy COU8 – Infill/Ribbon Development

63. The justification and amplification of Policy COU8 described a ribbon as:

A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development

64. Whilst not shown on the site location plan officers confirmed during site inspection that a dwelling has recently been erected and is occupied immediately west of the application site at 41 Edentrillick Road, approved under planning reference LA05/2018/1152/F. As mentioned above, where two buildings front a road and

are positioned beside one another, there may be a tendency to ribboning. Should planning permission be granted, the proposed dwelling and No. 41 Edentrillick Road would comprise two dwellings fronting onto Edentrillick Road and positioned beside one another. It is therefore considered that the proposal would create a ribbon of development, contrary to policy COU8 of the Plan Strategy.

Policy COU15 - Integration and Design of Buildings in the Countryside

65. The proposed dwelling is of a scale, massing and design that is comparable with other dwellings in the locality, for example at 41 and 44 Edentrillick Road. Furthermore, the application site is well contained by mature established boundary vegetation on all sides, which provides effective screening of the site from surrounding areas along the Edentrillick Road. Whilst the proposal would introduce a dwelling on a currently vacant site, the existing landscaping would ensure that it would not appear as a prominent feature in the landscape. The dwelling would also be well screened from long range views from Edentrillick Hill and Knox Road due to a combination of the intervening built development on the southern side of Edentrillick Road, established mature boundary treatment at the site and rising Land levels. As such it is considered that criterion (a) is met.
66. The proposed dwelling would be sited to cluster with the existing garage building on site and adjacent dwelling 30m west of the site at 41 Edentrillick Road. Criterion (b) is considered to be met.
67. The existing trees and vegetation provide a suitable degree of backdrop for a replacement dwelling to integrate and blend in with the landform. In addition, a condition would be placed on any approval requiring this vegetation to be retained to ensure that a suitable degree of natural backdrop is provided for any potential dwelling at the site. Criterion (c) is met.
68. The site features long established natural boundaries along all of its boundaries in the form of hedgerows and mature trees. These trees provide a suitable degree of enclosure and are due to be retained as part of the proposal as shown in drawing No. 02. Criterion (d) is considered to be met.
69. Whilst new landscaping is proposed along the rear amenity area and the vehicular turning area, the development would not rely on this landscaping for integration due to the retention of the existing vegetation within the site. Criterion (e) is met.
70. With regards to design, the proposed dwelling adopts a simple linear form with a pitched roof and gabled elevations. The use of light render, natural stone cladding, grey framed windows and a slimline tiled roof provide a simple and appropriate palette of materials matching those seen on the neighboring dwelling at 41 Edentrillick Road. The proposal is of an appropriate scale and design for its rural setting. It is also noted that planning permission was granted under application LA05/2021/1298/F for substantial alterations and extensions to the former dwelling which incorporated a similar contemporary design. Whilst the previous approval does not establish the principle of development, it is considered to be a material

consideration in assessing the design of the proposal which is considered to be acceptable and would therefore meet criterion (f).

71. In terms of ancillary works, as there are services on the site which served the previous dwelling, the proposal does not include many ancillary works. Given that the site is in existing residential use, and as there are residential dwellings along this part of Edentrillick Road, ancillary works would not look out of place in this context. DfL Roads were consulted on the application and following a review of the submitted plans, they have no objections to the proposal, subject to conditions. As such, it is unlikely that there would be a need for ancillary works including the use of retaining walls that would be unable to integrate into the site. As a result, it is considered that the proposed development would comply with criterion (g).

Policy COU16 – Rural Character and Other Criteria

72. For the reasons outlined above at paragraph 68 it is considered that the dwelling would not be unduly prominent in the landscape and hence would be in accordance with criterion (a).
73. As noted previously at paragraph 66, the proposal would cluster with an existing building on site and neighbouring dwelling at 41 Edentrillick Road. Criterion (b) is met.
74. A suitable designed proposal would be capable of respecting the traditional pattern of settlement exhibited within the area which features relatively large dwelling set within modest plots fronting onto the Edentrillick Road. Criterion (c) is considered to be met.
75. In terms of criteria (d), the proposal would not mar the distinction between a settlement and surrounding countryside. The site is sufficiently removed (2.88km) from the closest settlement limit of Drumlough Road. Criterion (d) is considered to be met.
76. Whilst the proposed dwelling is considered to be of an appropriate design, officers consider that the proposal would have an adverse impact on rural character because the dwelling if built would create a ribbon of development with the adjacent building at 41 Edentrillick Road as both buildings would be sited beside one another fronting onto the Edentrillick Road which is detrimental to the rural character and criterion (e) is not met. Ribboning
77. The closest residential dwelling to the application site is 41 Edentrillick Road. It is located approximately 34 metres from the proposed dwelling at its closest point, with mature boundary vegetation separating the two sites. Whilst there is a first-floor window proposed on the western elevation of the proposed dwelling this would serve a void and as such no concern is raised. Given the separation distance no concern is raised regarding loss of light or overshadowing. LCCC

Environmental Health has been consulted on the application and raise no objection. Criterion (f) is considered to be met.

78. As per the application form, surface water is to be disposed of via a soakaway, and foul sewage is to be disposed of via a septic tank. DAERA Water Catchment Unit, NI Water, LCCC Environmental Health, DfI Roads have been consulted on the details of the application. All consultees are content with the proposal subject to recommended conditions where necessary. Criterion (g) is met.
79. As outlined in paragraph 74 above, no concern is raised with regards to the impact of ancillary works on the rural character of the area. The ancillary works associated with the proposal would be limited when viewed from the main public road and therefore likely to integrate with the surroundings, and it is also the case that these ancillary works are unlikely to adversely impact on rural character in this case. Criterion (h) is met.
80. The vehicular access to the site would derive via the alteration of an existing access onto the Edentrillick Road. DfI Roads have been consulted and offer no objection to the development subject to the inclusion of conditions and informatics with any approval. As such, criterion (i) is met.

Access and Transport

Policy TRA2 - Access to Public Roads

81. As per the details submitted with the application indicated on the application form, the proposed scheme would involve the alteration of an existing access onto Edentrillick Road, which is a public road.
82. In-curtilage parking and turning would be accommodated within the site which would allow vehicles to enter and exit the site in forward gear.
83. DfI Roads were consulted as part of the processing of the application. In their final consultation response of 02 March 2026, DfI Roads offered no objection to the development, subject to the inclusion of stipulated conditions, as per their consultation response, with any approval.
84. Based on a review of the information and the advice from DfI Roads, it is accepted that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic and complies with Policy TRA2 of the Plan Strategy.

Natural Heritage

Policy NH2 – Species Protected by Law

Policy NH5 - Habitats, Species or Features of Natural Heritage Importance

85. The application form requires confirmation as to whether the applicant or agent is aware of the presence of any species protected under the Wildlife (Northern

Ireland) Order 1985 (as amended) on the application site. In this instance, the agent answered 'No'.

86. A Northern Ireland Biodiversity Checklist was submitted in support of the application. A number of responses within Parts 1 and 2 were identified as 'Yes', thereby triggering the requirement for Part 3 to be completed by a suitably qualified ecologist. Part 3 advises that protected species may be present within the site or the Zone of Influence of the proposed development and, applying the precautionary principle in accordance with NIEA, CIEEM and Bat Conservation Trust guidance, recommends that a Preliminary Ecological Appraisal (PEA) be undertaken to determine the potential presence of protected species.
87. Subsequently, a PEA was submitted for consideration which concludes that, given the nature and location of the proposed development, there would be no significant impact on any sensitive ecological features present on the site.
88. Officers find no reason to disagree with the conclusions raised within the PEA and note that the mitigations set out within section 5 of the PEA could be condition in the event of an approval to protect protected species and their habitats on site.
89. It is accepted that the proposal would not result in demonstrable harm being caused to any features of natural heritage and protected species importance and as such, the policy requirements of policy NH2 and NH 5 of Plan Strategy are met.

Waste Management

Policy WM2 – Treatment of Wastewater

90. The detail submitted with the application (Application Form and Plans) indicates that the source of water supply is to be from Mains sources. Surface water is to be disposed of by a sustainable drainage system, and foul sewage is to be disposed of via a septic tank.
91. Therefore, it would be applied as an informative with any approval.
92. DAERA Water Catchment Unit provided a response which to standing advice which would be included on any approval. When read in conjunction with the Environmental Health Unit response with no objection it is accepted that there is sufficient room in the site to accommodate a septic tank and soakaway subject to securing the requisite statutory approvals.
93. NI Water were also consulted as part of the processing of the application and offer no objection to the proposal.
94. Based on a review of the information and advice received from consultees, there are no concerns with regards to the proposal insofar as it relates to Policy WM2 – Treatment of Wastewater.

Integrated Renewable Energy

95. A RE2 Statement has not been submitted with the application. However, it is noted that the proposed dwelling and associated works would be required to comply with

all relevant Building Regulations performance standards, ensuring that the development meets modern expectations for energy efficiency. The walls, windows, and construction detailing would collectively enhance the dwelling's thermal performance. The dwelling's principal elevation, which hosts the majority of habitable rooms' primary windows, would be east/southeast facing, which would optimize natural daylight and passive solar gain thereby reducing energy demand. In addition, solar panels are proposed to be installed on the rear roof slope of the detached garage building.

96. Taking the above into account, the proposed development, through its energy-efficient design, and south facing orientation is considered to be consistent with the objectives of Policy RE2 and Paragraph 6.232 of the SPPS Edition 2.
97. All relevant policies have been considered.

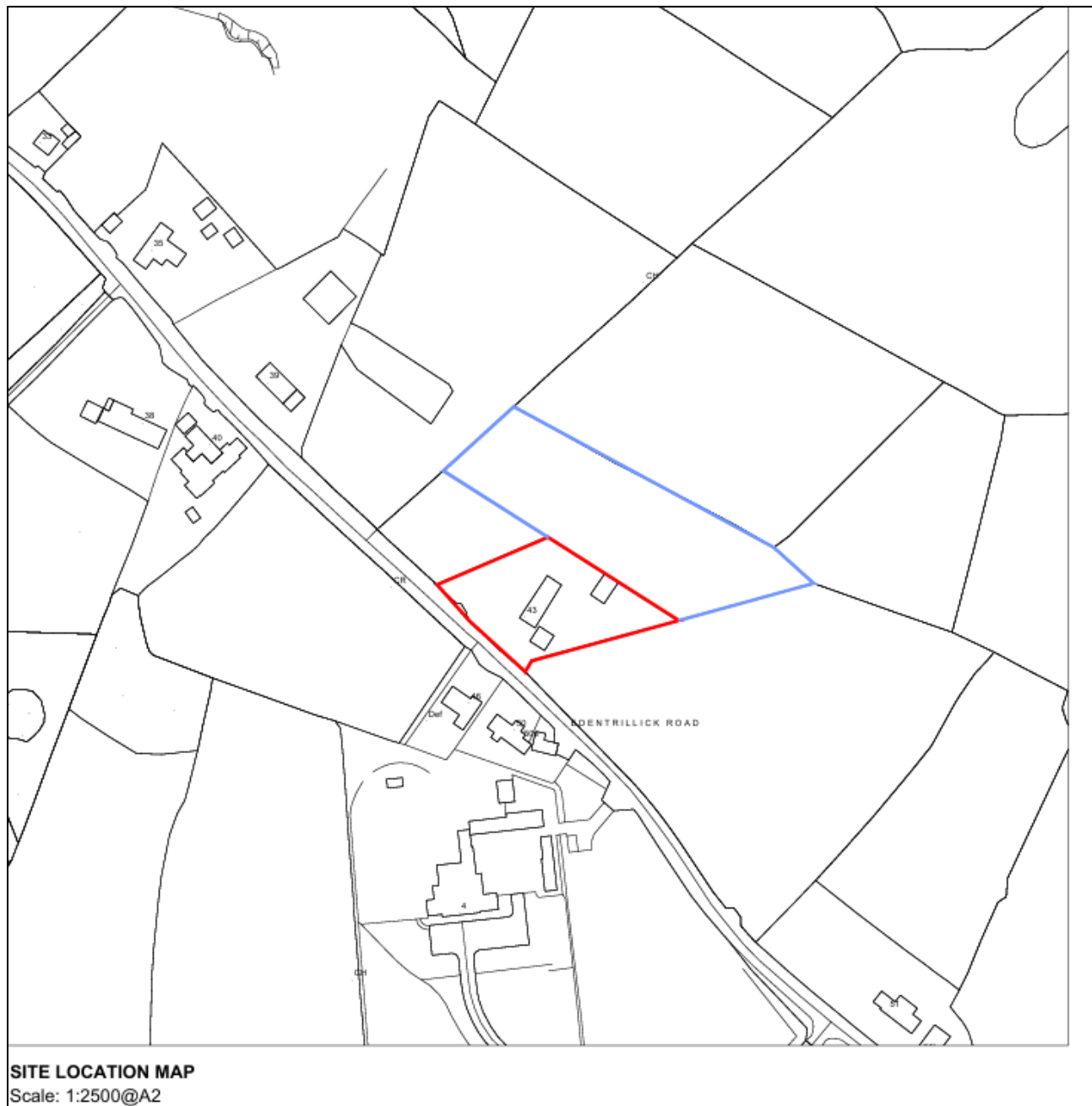
Conclusions and Recommendation

98. For the reasons outlined above, the proposed development is recommended for refusal as it fails to satisfy the requirements of policies COU3, COU8, and COU16 of the Plan Strategy. Consequently, as the proposal is not one of the types of residential development acceptable in the open countryside it is also contrary to policy COU1.

Reasons for Refusal

99. The following reasons for refusal are recommended:
 - The proposal is contrary to Policy COU1 of the Lisburn & Castlereagh City Council's Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
 - The proposal is contrary to Policy COU3 of the Lisburn & Castlereagh City Council's Plan Strategy, in that there is no building on site to be replaced which exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
 - The proposal is contrary to Policy COU8 of the Lisburn & Castlereagh City Council's Plan Strategy in that, the development would create a ribbon of development.
 - The proposal is contrary to criterion (e) of Policy COU16 of the Lisburn & Castlereagh City Council's Plan Strategy, in that if built the dwelling would have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2026/0089/F



Lisburn & Castlereagh City Council

Committee Report – Addendum	
Date of Committee Meeting	03 August 2026
Committee Interest	Local Application – Called In
Application Reference	LA05/2026/0137/RM
Date of Application	17 February 2026
District Electoral Area	Killultagh
Proposal Description	Erection of dwelling, garage and associated siteworks
Location	Land between 5 and 5a Crewe Road, Lisburn BT28 2PL
Representations	One
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. This application was included in the Schedule of Applications for consideration by the Committee on 06 July 2026. The officer’s recommendation was to approve the matters reserved.
2. Prior to the application being presented to the committee Members agreed to defer consideration of the application to allow for a site visit to take place.
3. A site visit took place on Thursday 23 July 2026. A separate note of this visit is provided as part of the papers.

Further Consideration

4. Members were reminded that the site visit was arranged to provide them with an opportunity to observe the proposed development in its context and to view the relationship between the proposed dwelling and the neighbouring properties either side of the site.

5. The Principal Planning Officer with the aid and assistance of site location and associated plans, outlined the position of the proposed dwelling relative to the site boundaries, the adjacent dwellings and the topography.
6. Members walked the site and observed what impact the proposed dwelling would have on the visual amenity of area and residential amenity of the neighbouring dwelling at 5 Crewe Road.
7. In response to members queries the Principal Planning Officer discussed how the proposed submission at the approval of reserved matters stages compared with the concept plan considered at the outline planning application stage.

Conclusions and recommendations

8. No new issues were raised that require further consideration in this report.
9. The advice previously provided by officers remains unchanged as the application is submitted in accordance with the outline planning permission and those matters which are reserved are in accordance with the requirements of policies COU8, COU15, COU16, TRA2, NH1, NH2, WM5 and RE2 of the Lisburn and Castlereagh City Council Plan Strategy.

Conditions

10. The conditions set out in the main report remain unchanged.

LISBURN & CASTLEREAGH CITY COUNCIL

Report of a Planning Committee Site Visit held at 10.10 am on Thursday, 23 July 2026 at land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn

PRESENT:

Alderman O Gawith

Councillors A Martin and N Trimble

IN ATTENDANCE:

Principal Planning Officer (PS)

Member Services Officer (FA)

The site visit was held in order to consider the following application:

- LA05/2026/0137/RM – Erection of a dwelling, garage and associated siteworks on land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn

In the absence of the Chair and Vice-Chair, the meeting was chaired by Alderman O Gawith who had proposed the deferment of the application for a site visit.

Apologies for non-attendance were submitted by the Chair, Councillor D Bassett, Alderman M Gregg, and Councillors S Burns and D J Craig.

This application had been presented for determination at the meeting of the Planning Committee held on 6 July 2026. Before the application was heard a site visit was proposed to allow the elected members to consider the detail of the submitted proposals in the context of the neighbouring property.

With the assistance of an indicative layout from the approved outline application, and the proposed site layout plan, floor plan and elevation plan which had been submitted as part of this application, the Principal Planning Officer outlined the nature of the proposed development to Members highlighting the topographical level changes, size of the proposed dwelling, it's location both within the site and the relationship to neighbouring properties.

In response to Members' queries, the Principal Planning Officer advised:

- Of the differences between the original site layout plan and the new site layout plan, highlighting the new proposed location for the garage,
- Of the new rear curtilage which reduced the length of the site; and
- Of a new access to be created for the site by altering existing access at 5a Crewe Road, thus creating a shared access to Crewe Road.

Members entered the site and walked to the proposed location of the dwelling. They noted the topographical change in levels between the proposed location and the property at 5 Crewe Road.

The Principal Planning Officer described the ridge height and orientation of the proposed dwelling and the location of the windows on the front elevation and gable wall closest to 5 Crewe Road.

Members walked to the boundary with 5 Crewe Road and looked back at the site from the prospective of the occupants at 5 Crewe Road. Members then walked to the gateway of 5a Crewe Road to look at the location of the proposed new shared access.

The Principal Planning Officer took photographs of the site from each angle, and of the entrance of 5a Crewe Road.

There being no further business, the site visit was terminated at 10.37 am.

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	6 July 2026
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2026/0137/RM
Proposal Description	Erection of dwelling, garage and associated siteworks
Location	Land between 5 and 5A Crewe Road Lisburn, BT28 2PL
Representations	One
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called in.
2. It is recommended that planning permission is granted for approval of reserved matters as all the relevant conditions of the outline permission have been fully and properly addressed in this application and that the proposed dwelling with detached garage in terms of siting, design and external appearance and landscaping will provide for a quality residential environment consistent with policy tests of the Plan Strategy (insofar as they relate to matters reserved) and the associated guidance detailed in the Building on Tradition document.
3. The details of the proposed access arrangements will also provide a safe means of access in accordance with the planning condition attached to the outline permission. The detailed design of the access is in accordance with the requirements of policy TR2 of the Plan Strategy and associated guidance in DCAN 15.
4. The detail of the submitted proposal is also in accordance with policies NH1, NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
5. The proposal complies with Policy RE2 as it shall be constructed in line with current NI Building Control Regulations and built to building control energy efficiency standards.

Description of Site and Surroundings

Site and Surroundings

- 6. The site is located to the western side of the Crewe Road and occupies part of a large rectangular agricultural field that is accessed from a field gate from the Crewe Road and part of the front of curtilage of property 5A Crewe Road.
- 7. The north western boundary is partially defined by a post and wire fence and partially undefined as it runs through the front garden and driveway of the adjacent property. The south western boundary is currently undefined as it runs through part of an agricultural field. The south east boundary is partially defined by a post and wire fence with some vegetation along it and partially undefined as it is part of the wider agricultural field.
- 8. Adjacent and north east of the application site is property number 5 Crewe Road and it occupies a single storey dwelling house with a sunroom and patio area to its north western side.
- 9. Adjacent and north of the application site is property 5a Crewe Road which is a large two storey dwelling with a rear return. It is currently used as a domestic home and part as a B&B for tourists, it is known as Kilcreeny Lodge. The agent has it denoted as Eden Lodge on the submitted plan. West of 5a Crewe Road and the application site there is an existing farm complex consisting of various outbuildings and is accessed from a laneway that runs along the northern boundary of property 5a.
- 10. North of the laneway to the farm complex is property 5b Crewe Road which consists of a one and half storey dwelling house and detached garage.
- 11. The site is located within the countryside, and the surroundings are rural in character. The area is characterised by domestic dwellings, agricultural land and agricultural buildings.

Proposed Development

- 12. This is an application for approval of reserved Matters for the erection of a dwelling, garage and associated siteworks.

Relevant Planning History

- 13. The relevant planning history is as follows:

Application Reference	Proposal	Decision
LA05/2020/1039/O	Site for a dwelling, garage and associated site works	Permission Granted 20/02/2023

14. The above outlined planning history illustrates that the principle of development in the form of a dwelling and garage has been accepted by the Council within this site under application LA05/2020/1039/O.
15. The date for the expiration for the submission of an application for the approval of reserved matters was 20 February 2026. The application was made before this date, and the Council has accepted that all the necessary information required to process the application was available at the date of submission.

Consultations

16. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection.
LCCC Environmental Health	No objection
NI Water	No objection
DAERA Water Catchment Unit	No objection

Representations

17. One representation has been received on this proposal from the owner and occupier of No. 5 Crewe Road raising the following concerns (summarised):
- Accuracy of the submitted plans
 - Impact on Residential Amenity and Outlook
 - Protection of Dark Skies
 - Landscaping and Screening
 - Ridge Height
 - Scale, Siting and Layout
 - Overlooking, Headlight Glare and Boundary Treatment
 - Protection of Existing Vegetation
 - Drainage and Environmental Health
 - Site Area Discrepancy
 - Visibility Splays and Boundary Protection

18. The concerns raised are addressed in detail as part of the assessment below.

Local Development Plan

19. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

20. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

21. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan. Draft BMAP remains a material consideration.
22. In both the Lisburn Area Plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit.
23. This application is for a new house in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) protect the established rural settlement pattern and allow for vibrant*

sustainable communities.

24. The following operational policies in Part 2 of the Plan Strategy also apply.

Development in the Countryside

25. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

There are 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.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

Ribbon Development

26. Policy COU 8 – Infill/Ribbon Development states:

Planning permission will be refused for a building which creates or adds to a ribbon of development.

Exceptionally, there may be situations where the development of a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built up frontage, may be acceptable. For the purpose of this policy a substantial and continuously built up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway.

The proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. Buildings forming a substantial and continuously built up frontage must be visually linked.

27. The justification and amplification of COU8 states:

A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a

tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.

28. The application site was previously granted planning permission as an infill dwelling as it met the in principle policy tests in policies CTY1 and CTY 8. which was granted planning permission on 20/02/2023. Only those parts of policy COU8 relating to the detailed design are considered against the outline conditions. The proposal will also be assessed against policies COU15 and COU16.

Integration and Design of Buildings in the Countryside

29. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

30. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the*

- environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Access and Transport

31. The proposed access to the proposal is from the Crewe Road.

32. Policy TRA 2 – Access to Public Roads states:

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

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

33. The following paragraph in the justification and amplification is modified as follows:

For development proposals involving a replacement dwelling in the countryside, there an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

Natural Heritage

34. The submission includes detail of the septic tank and soakaway. Policy NH1 European and Ramsar Sites – International states:

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:

- a) *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)*
- b) *a listed or proposed Ramsar Site.*

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council,

through consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA), is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- a) there are no alternative solutions; and*
- b) the proposed development is required for imperative reasons of overriding public interest; and*
- c) compensatory measures are agreed and fully secured.*

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

- a) it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or*
- b) agreed in advance with the European Commission.*

35. Policy NH2 Species Protected by Law states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect the, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will

also be taken into account.

36. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:
a) priority habitats b) priority species c) active peatland d) ancient and long-established woodland e) features of earth science conservation importance f) features of the landscape which are of major importance for wild flora and fauna g) rare or threatened native species h) wetlands (includes river corridors) i) other natural heritage features worthy of protection.

37. *A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.*

Waste Management

38. A previously stated a septic tank/treatment tank is proposed as part of the proposal. Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Renewable Energy

39. The proposed development includes details of how energy from renewables will be used. Policy RE1 Renewable Energy Development states:

The generation of energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

a) public safety, human health, or residential amenity

b) visual amenity and landscape character

c) biodiversity or the natural or historic environment

d) local natural resources, such as air quality or water quality or quantity

e) public access to the countryside. Proposals will be expected to be located at, or as close as possible to, the resources needed for that particular technology, unless it can be demonstrated that the benefits of the scheme outweigh the need for transportation of raw materials.

Proposals likely to result in unavoidable environmental damage should indicate how this will be minimised and mitigated.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 as amended.

Wind Energy Development

For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance of not less than 500m will generally apply.

40. Policy RE2 Integrated Renewable Energy states:

Planning permission will be granted for a development proposal which integrates renewable energy technology including micro-generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

Regional Policy and Guidance

Regional Policy

41. The SPPS Edition 2 was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

42. Paragraph 2.1 of the SPPS Edition 2 recognises that an objective of the planning system is to secure the orderly and consistent development of land

whilst furthering sustainable development and improving well-being.

43. It states that:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society

44. Paragraph 3.6 of the SPPS Edition 2 states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

45. Paragraph 3.8 of the SPPS Edition 2 states:

Under the SPPS, the guiding principle for planning authorities in determining planning applications is 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.

46. It is further stated at paragraph 6.78 of the SPPS Edition 2 that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

47. Paragraph 6.232 of the SPPS Edition 2 states:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.

48. Paragraph 4.12 of the SPPS Edition 2 states:

Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

49. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the

planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

50. Paragraph 4.26 of the SPPS Edition 2 states that:

Design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region. Particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, such as Areas of Outstanding Natural Beauty, Conservation Areas, Areas of Townscape Character and Areas of Special Archaeological Interest. Appropriate and adequate amenity space, especially in residential developments (including unconventional solutions), is an important element of good design.

Retained Regional Guidance

51. Whilst not policy, the following guidance documents remain material considerations:

Building on Tradition

52. Whilst not policy, and of lesser weight as a guidance document, the SPPS Edition 2 states that regard must be had to this guidance in assessing the proposal. This guidance notes at paragraph 4.1.0 that

A core requirements of much of the development covered by PPS 21 is that it is integrated within (and in particular instances visually linked to) the countryside and/or other established buildings.

The policies are structured to direct development to locate within existing small communities, at the edge of small settlements, within existing built clusters, adjacent to established farm groups or if a case can be made to depart from these, to fully integrate with the surrounding landscape.

To reduce the impact of a new building in the countryside, new buildings are required to be “visually linked”, or sited to cluster with an established group of buildings on a farm.

These should be positioned sensitively so as form an integral part of that building group, or when viewed from surrounding vantage points, the new building reads as being visually interlinked with those buildings.

53. The PPS 21 referred to above within Building on Tradition has now been replaced by the COU policies in the Plan Strategy.

Development Control Advice Note 15 – Vehicular Access Standards

- 54. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain that:
- 55. *The Department’s Planning Policy Statement 3 “Development Control: Roads Considerations” (PPS3) refers to the Department’s standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.*

Assessment

- 56. This is an application for approval of reserved matters for a dwelling that was previously assessed and accepted un principle to be an infill dwelling.
- 57. The outline permission establishes the principle of development. It had been accepted that the proposal met the exceptions tests within policy CTY 8 and the principle of development under policy COU8 is not revisited.
- 58. An application for approval of reserved matters is made in accordance with the conditions of the outline for the reasons detailed in the following paragraphs.

Condition 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.**

- 59. This application was received by the Council on 10th February 2026 and made valid on 17th February 2026, which is within 3 years of the outline approval.

Condition 2 - Approval of the details of the siting, design and external appearance of the buildings, means of access and landscaping (RM) shall be obtained before any development is commenced.

- 60. The matters reserved in this condition must be considered against the planning policy context and the detailed siting and siting of a building must have regard to the site context and surroundings and to other planning and environmental considerations such as noise.

- 61. Each of the matters reserved by this condition are dealt with below:

Siting

- 62. In terms of siting the proposed dwelling and garage is sited towards the middle of the site, and between properties 5 and 5a Crewe Road. It is broadly in line with the national layout approved in the outline application. The garage is positioned to the other side of the dwelling than on then notional layout.

63. The proposed dwelling is situated 36 metres away (building to building) from the neighbours dwelling house at 5 Crewe Road. The proposed garage is 57 metres away from the neighbours dwelling at 5 Crewe Road.
64. It is sited to ensure that any neighbouring dwellings would not be negatively affected by the proposal.
65. The proposed dwelling and garage also face towards the public road in keeping with the surrounding dwellings.
66. The site location plan submitted in support of the application demonstrates that the proposed dwelling is circa 65 metres from the public road at the closest point.
67. It is considered that the development will not be a prominent feature within the local landscape. When viewed from the south eastern approach the site is screened by existing vegetation boundaries and would read with the existing development surrounding it. Views of the proposal would be limited on passing the site and from long distance views.
68. When viewed from the north west approach the site is screened by existing development of the dwellings and farm north and north west of the site. This along with the existing surrounding vegetation along the roadside would screen the development from view.
69. The siting of the proposed dwelling is at a lower level than the road level and the neighbouring dwelling of 5 Crewe Road. As you move along the site from the road in a south westerly direction the land level reduces. The ridge height of the proposed dwelling is approximately the same level as the road which the access to the site is from. The proposal is set down in the landscape and designed to make best use of the existing levels.
70. The finished floor level of the dwelling is 7.95 metres lower than the road level, with the dwelling having a ridge height of 8m above the finished floor level. The ridge height of the proposed dwelling is 2.04 metres less than the ridge height of the neighbours dwelling at 5 Crewe Road. The proposal would not be a prominent feature in the landscape and criteria a) of policy COU15 is met.
71. The site is not elevated and is set back and set down from the road level. The submitted plans demonstrate good use of the existing levels in relation to the proposed, as demonstrated in the layout. The ancillary works are acceptable and criteria g) of policy COU15 is met.
72. The proposal is sited to cluster with the existing dwelling of number 5 Crewe Road, number 5a Crewe Road and the existing outbuildings situated behind number 5 Crewe Road. Criteria b) of policy COU15 is met as the proposal is sited to cluster with an established group of buildings.
73. For the reasons outlined, this part of condition 2 specific to siting it met. Indeed, the issues of prominence was considered at outline stage where it was accepted that a dwelling could be sited and designed so as not be a prominent

feature within the site.

74. With regards to issues of rural character and as established there are no issues regarding prominence. The issue of build-up was considered and found acceptable at outline stage and this remains the case
75. The topography of the site is noted. It is felt that the existing and proposed levels are acceptable and that the rural character is not compromised.
76. The siting is considered to satisfy the tests criteria a), b) and c) set out in Policies COU15 and 16 of the Plan Strategy and guidance set out in Building on Tradition as the proposed dwelling and garage will integrate, blend with the landform, cluster with an established group of buildings and will not be a prominent feature in the landscape.
77. The position of the proposed treatment tank and soakaway are shown on the site layout drawing to the rear of the proposed dwelling and directed away from any existing nearby dwelling. Advice from Environmental Health and Water Management Unit of NIEA offers no objection. Based on a review of the proposed plans and advice from consultees it is considered that the siting of the proposed tank and soakaway within the site will not create a pollution problem consistent with Policy WM2 of the Plan Strategy.
78. The part of Condition 2 in respect of the siting of the proposed buildings and the treatment tank is met.

Design

79. The design of the dwelling is considered visually acceptable and in keeping with guidance provided within Building on Tradition.
80. The proposal is for a two storey four-bedroom house. The design is traditional in nature a pitched roof, wall dormers, vertical emphasis windows and chimneys on the ridge. There is an appropriate solid to void ratio. It has a maximum ridge height of 8.0m above the finished floor level.
81. The proposed garage is a single storey double garage and detached from the dwelling house and positioned east of the dwelling house. It measures 8m by 7m and has a maximum ridge height of 6m above the finished floor level. It is designed to match the dwelling house and complement its design.
82. Proposed finishes include the roof to be Bangor blue slate or similar, grey dashed finish to the external walls with smooth render to plinth, sliding sash style upvc double glazed windows and painted hardwood front and rear doors. The finishes associated with the attached garage are to match that of the main dwelling. The finishes associated with the attached garage are to match that of the main dwelling.
83. It is considered that the design of the dwelling and garage as proposed in terms of its scale, massing, detailing, layout/siting and proposed finishes would be visually acceptable within the site, taking into account the nature of the existing

development noted within the local area.

84. The existing development undertaken within the local area has been considered. It is considered that the proposed development has been designed so as to be in keeping with the design, scale and form of surrounding buildings as required by Building on Tradition.
85. The pattern of development found within the local area is considered to be respected. The development clusters in the wider landscape with the existing neighbouring buildings adjacent to the site and complies with criteria b) of policy COU15.
86. The positioning of the windows proposed as part of the design of the dwelling, along with the separation distances to the neighbouring properties ensures that no unacceptable overlooking would be caused unto any neighbours private amenity space.
87. It is considered that the detailed design in terms of the scale and massing is consistent with guidance set out in Building on Tradition and policy COU 15.
88. For the reasons outlined, the proposal would not significantly impact on the character of the area or on the amenity of any neighbouring properties.
89. In terms of ancillary works, the proposed works and the existing and proposed levels are considered to be acceptable.
90. The submitted details provided illustrate that any ancillary works to provide the dwelling, would be of a scale that would be visually acceptable and conducive to ground works for a dwelling.
91. The proposed boundary treatments consist of post and wire fencing with native species hedgerow and trees to its inside. This is considered to tie in with the finishes and design of the proposal and would be acceptable in this context.
92. Having regard to the topography, existing landscape features, the siting between existing buildings, and the scale of the proposed dwelling and garage , it is considered that the proposed dwelling and garage are of an appropriate design for the site and its locality, will not present as prominent features in the landscape and will respect the traditional pattern of development whilst having no adverse impact on the rural character of the area in accordance with criteria s), c) and f) of Policy COU15 and criteria a, c) and e) of Policy COU16 of the Plan Strategy and the guidance in Building on Tradition.
93. Given the siting of the proposed dwelling, located 36 metres from the nearest neighbouring residential dwelling at no. 5 Crewe Road (measured building to building) and on lower ground there would be no adverse impact on residential amenity and the requirements of criteria f) of policy COU16 are met.

External Appearance

94. With regard to the external appearance of the proposed dwelling, elevation drawings provide a schedule of external finishes which include the roof to be

Bangor blue slate or similar, grey dashed finish to the external walls with smooth render to plinth, sliding sash style uPVC double glazed windows and painted hardwood front and rear doors. The finishes associated with the attached garage are to match that of the main dwelling.

95. These finishes comply with published guidance set out in Building on Tradition and as such are considered to be acceptable within this rural context. This part of the condition is considered to be met.

Means of Access

96. A 1:500 scale plan (Site Plan) has been submitted with the access shown to be in accordance with the RS1 form.
97. The detail has been considered by DfL Roads and no objection is offered. Based on a review of the detail on the submitted plan and the advice offered by DfL Roads, it is considered that access to the public road can be achieved without prejudice to road safety and significant inconvenience to the flow of traffic, consistent with Policy TRA2 and criteria i) of Policy COU16 of the Plan Strategy.
98. The impact of the ancillary works would not have an adverse impact on rural character and would integrate with the surrounding landscape. There is an existing access that will be upgraded to meet the appropriate standards. Plans indicate a line of new fencing/hedging will be added behind the visibility splays to help screen the site and along the laneway to ensure there is no adverse impact on the rural character of the area. The requirements of criteria g) of policy COU15 and criteria h) of Policy COU16 are met.

Landscaping

99. Landscaping is proposed to the site boundaries and within the application site to aid with integration.
100. The layout plan details the proposed landscaping details which includes hedgerow planting on the boundaries and ash and birch trees within and on the boundaries of the site. Also planting to the rear of the visibility splays and along the laneway. The proposal is in accordance with criteria d) and e) of Policy COU15 and the guidance in Building on Tradition.
101. It is considered that details of the landscaping on the layout plan would obtain sufficient planting screening of the site and would protect the amenity of neighbouring properties.
102. For the reasons set out, Condition 2 is met.

Condition 3 – Plan at 1:500 illustrating access to be constructed in accordance with attached RS1.

103. In relation to condition 3 a 1:500 scale plan (site plan) has been submitted with the access shown to be in accordance with the RS1 form. Based on a review of the detail design provided and advice received from DfL Roads, it is

considered that policy requirements of TRA 2 are met in full and that this condition is considered to be met.

Condition 4 – Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

104. This condition would be replicated to ensure that any obstructions within the splays, carriageway of access shall be cleared.

Condition 5 – The width of the vehicular access shall be a minimum of 6.0 metres for the first 10.0 metres off the public road.

105. The site plan details that the width of the vehicular access shall be a minimum of 6.0m for the first 10m off the public road. This condition is met.

Condition 6 – The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.35 metres at any point.

106. The site layout plan details the levels. The proposed under build is 0.3 metres. This condition has been satisfied.

Condition 7 – No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

107. The site layout plan details the existing and proposed levels along with the finished floor level. This condition is met.

Condition 8 – The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

108. The plans detail that the new boundaries are to be defined by a post and wire fence with native species hawthorne hedgerow to the inside. This condition is met.

Condition 9 – All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

109. This condition can be replicated to ensure all hard and soft landscaping works shall be carried out in accordance with the approved details and appropriate standards.

110. Access and Transport

- 111. The detail provided within the application and drawings illustrates that the scheme proposes the alteration of an existing access onto the public road.
- 112. It is noted that the Crewe Road is not a Protected Route. An access with visibility splays of 2.4m by 79m in both directions is proposed. The proposal complies with the outline Roads conditions and provision is made for a safe access.
- 113. DfL Roads have been consulted and offer no objections to this development, subject to standard conditions. It is therefore considered that the proposal complies with policy TRA 2.
- 114. The development provides for adequate levels of space for the safe parking and manoeuvring of vehicles within the curtilage of the site.

Waste Management

- 115. The position of the proposed septic/treatment tank is to the south east of the site, to the rear of where the dwelling is proposed to be positioned (within the application site). Environmental Health have raised no objections to the proposal and found the details acceptable and Water Catchment Unit have raised no objection referring to standing advice.
- 116. Sufficient information in respect of sewerage and water quality has been provided to enable the Council to make an informed decision in relation to potential impacts on the environment and amenity and that the applicant has demonstrated that these works will not create or add to a pollution problem and complies with WM 2.

Natural Heritage

- 117. It is noted that on the original outline permission NED were consulted and raised no objections to the proposal and provided informatives to be placed on the decision notice is the proposal was approved, and these were placed on the decision notice reminding the applicant of their responsibilities with regards to natural heritage.
- 118. The updated ecology survey details that:

'Ecolas Ecology can confirm that there has been no change to the habitats recorded within the site from the survey in July 2021. The semi-mature Beech tree located outwith the application boundary to the southwest has since been windthrown due to previous storm damage. No evidence of protected/notable species was noted on site following the updated survey and the results and recommendations within the original ecology report are still valid.'
- 119. As the situation on the ground and ecology implications on site have not changed as details on the latest survey report, it is not considered necessary to re-consult NED. And the standard informatives with regards to natural heritage

can be placed on the decision notice is the proposal is approved.

- 120. On the basis of the information submitted, the proposal complies with policies NH1, NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.

Renewable Energy

- 121. The agent was asked to provide a statement detailing how the proposal complies with the updated SPPS Edition 2 and policy RE2.

- 122. The agent submitted a statement which details the following:

*‘ The proposed development will comprise an integrated energy aspect in compliance with Policy RE2 of the LCCC Plan Strategy (2032)
 - The proposal will generate renewable energy thereby reducing reliance on fossil fuels through provision of solar panels with connection to the main NIE grid.
 - The proposed dwelling will be of block construction with 150mm cavity to allow additional/higher specification of insulation materials thereby reducing heating costs going forward.*

The proposed development is fully compliant with the requirements of the SPPS Edition 2 and the objectives and criteria of Policy RE2 (Integrate Renewable Energy) of the LCCC Plan Strategy 2032 supporting renewable energy generation whilst safeguarding environmental quality and residential amenity.’

- 123. The proposal is designed and will be built to building control energy efficiency standards. The use of thermally efficient insulation and robust building fabric aligns with passive solar design principles, reducing demand for heating and cooling. This contributes to the development’s energy efficiently and supports policy RE2s focus on sustainable design, and ensures compliance with building regulations with no adverse visual or amenity impacts.
- 124. On review of the proposal and the taking on board the statement provided by the agent it is considered that the proposal complies with policy RE2.
- 125. The requirements of paragraph 6.232 of the SPPS Edition 2 have been considered against the requirements of policy RE2 of the Plan Strategy. No additional requirements apply.

Consideration of Representations

- 126. One representation has been received on this proposal and the concerns raised are addressed below.

Accuracy of the submitted plans

127. Concerns is raised that the conservatory at No. 5 Crewe Road is not annotated on the submitted site location map, despite appearing on other planning documentation and nearby applications. The objector believes that a revised and accurate site location plan should be submitted to reflect the full footprint of their property including the conservatory and patio so their amenity can be fully appreciated.
128. There is no requirement for the neighbour's sunroom to be annotated on the site location plan. The site location map is used to identify the application site. And the planning unit are aware of the situation on the ground.

Impact on Residential Amenity and Outlook

129. Concern is raised about the relationship between the proposed dwelling and the existing neighbours bungalow to the north east, about overlooking and loss of amenity. The occupants of number 5 Crewe Road express the view that their amenity values have been enjoyed and relied upon for over 12 years and must be afforded determining weight in accordance with paragraph 4.12 of the SPPS. They also express the view that the proposal would result in demonstrable harm to the amenity of number 5 Crewe Road through overlooking, loss of privacy, visual intrusion and obstruction of outlook. And that the proximity and scale of the proposed development would significantly alter the character of their immediate environment and diminish the enjoyment of their home and garden. They also request that the siting of the proposal be changed.
130. The principle of development has already been established on the site for a dwelling and garage. The proposed dwelling is situated 36 metres away (building to building) from the neighbours dwelling house at 5 Crewe Road. The proposed garage is 57 metres away from the neighbours dwelling. The proposal has been designed to ensure that there would be no unacceptable overlooking into any neighbours' private amenity space. The proposed design, along with the separation distances, proposed vegetation and difference in level between the two sites ensure that there would be no unacceptable negative impact on any neighbouring private amenity. Obstruction of an outlook is a material consideration that is not given determining weight. It is considered that no demonstrable harm would be caused by the proposal.

Protection of Dark Skies

131. The objector expresses the view that the dark skies enjoyed on Crewe Hill were a key factor in their decision to reside in this location and asks for the protection of dark skies. They request that any external lighting associated with the development are strictly controlled by enforceable conditions; in particular no permanently illuminated external lighting should be permitted; all lighting should be motion-activated, and lighting should be low-level and directional to minimise light spill. The view is expressed that this is necessary to prevent light pollution and protect night-time amenity and astronomical observation.
132. The principle for a dwelling at this location has already been accepted and light associated with a domestic dwelling in the countryside is not considered to be

light pollution or have a negative impact on any neighbours amenity. Environmental Health have no objections to the proposal and have raised no concerns with regards to light pollution or amenity.

Landscaping and Screening

133. Concern is raised about landscaping and screening. The objector states the following: 'Due to site levels, our bungalow floor level sits approximately 2 metres above boundary level, with eye levels reaching 3-4 metres above the grass level, increasing as the plot dips down towards the farm. Any meaningful screening would therefore require mature planting of at least 4 metres in height at the time of planting. This should be secured by condition, with final positioning agreed on site with us prior to implementation. No planting should be located to the north-west of our property as this would obstruct sunlight and valued views from our conservatory and patio.'
134. The siting of the proposed dwelling is at a lower level than the road level and the neighbouring dwelling of 5 Crewe Road. As you move along the site from the road in a south westerly direction the land level reduces. The ridge height of the proposed dwelling is approximately the same level as the road which the access to the site is from. The proposal is set down in the landscape and designed to make best use of the existing levels. The finished floor level of the dwelling is 7.95 metres lower than the road level, with the dwelling having a ridge height of 8m above the finished floor level. The ridge height of the proposed dwelling is 2.04 metres less than the ridge height of the neighbours dwelling at 5 Crewe Road.
135. The applicant proposes post and wire fencing with native species hedgerows to the new boundaries in keeping with the outline condition along with some additional planting within the site which is considered to be acceptable. The proposal does not need to be invisible from the neighbouring properties. It is considered that the proposal dwelling and garage would integrate sufficiently into the landscape.

Ridge Height

136. Concern is raised about ridge height of the proposal. The objector states that 'the ridge height of the proposed new build will stand at 8m two stories in height. This will be only approx. 36m from our windows. This will be imposing and directly affect the surrounding landscape. We request that the ridge height is reduced to 5m.' The objector asks if it would be possible for a 3D image/visual representation to be drawn to show the impact the proposal will have on their property.
137. As described above the levels and including the ridge height of the proposal are considered to be acceptable. There was no ridge height condition on the outline approval to restrict the ridge height, it was not considered to be necessary. The proposed two storey dwelling is considered to be acceptable on the site. There is precedent for two storey dwellings in the area and the neighbouring dwelling of number 5a Crewe Road is two storey. There is no requirement for the applicant/agent to submit a 3D drawing as the proposal can

be fully assessed on the basis of the information submitted.

Scale, Siting and Layout

138. Under concern about scale, siting and layout, the objector requests that the new dwelling is moved to the front of the site in line with number 5B and closer to the road than number 5 resulting in the new dwelling not overlooking number 5 plus 5 and 5a would not overlook the new dwelling; and relocating the detached single-storey garage to the side closest to them. The view is expressed that 'At approximately 34 metres separation (the living room, dining room & conservatory) all of which face the proposed development and contain large windows designed to maximise views, the current scale and massing of the dwelling will have a significant adverse impact on our privacy, outlook and enjoyment of our home by directly overlooking us'.
139. The principle of a dwelling on the site was accepted through the granting is outline planning permission. The siting, scale and layout is considered to be acceptable and ensures that there is no unacceptable impact on any neighbours private amenity.

Overlooking, Headlight Glare and Boundary Treatment

140. Concern is raised that the following should be secured by condition to protect their amenity: any windows with potential to overlook their property to be fitted with obscure glazing and restricted opening; no first floor windows to be permitted in the gable elevation facing their property as per the submitted plans; measures to prevent headlight glare from vehicles, including driveway orientation and screening; a 1.8m high close-boarded timber fence along the southern boundary; restriction of the dwelling to single storey height and control over curtilage extent to prevent encroachment towards their boundary.
141. All of the outline conditions have been met, and no additional conditions can be placed on a Reserved Matters application. It is considered that none of the windows of the proposed dwelling need to be obscure glazing due to the siting and the separation distances. The proposed driveway is along the north western boundary, as far away from the concerned neighbours as possible and is considered to be acceptable. All undefined boundaries are to be defined by a post and wire fence with native species hedgerow in keeping with the outline condition. As discussed above a two-storey dwelling is acceptable on this site at the proposed location. The red line of the application defined the curtilage of the application site.

Protection of Existing Vegetation

142. The view is expressed by the occupants of number 5 Crewe Road that their established rambling rose hedge along the front boundary must be retained and protected and that a condition should require protective fencing and safeguards during construction to ensure no damage occurs.
143. The onus is on the developer to ensure that any works undertaken during construction would not have a negative impact on the neighbour's property. A condition relating to neighbouring planting is not considered necessary and

would not meet the tests for planning conditions.

Drainage and Environmental Health

144. The view is expressed that Environmental Health previously requested detailed foul drainage information, including the location of septic tanks and soakaways for both the proposed and neighbouring properties. And that to their knowledge the information has not been provided and must be submitted and assessed prior to any approval.
145. The information submitted with the application details the proposed method of sewerage disposal (a septic tank) and its proposed location to the southern section of the site. Environmental Health were consulted on the application and did not ask for the additional details referred to above. Environmental Health have no objection to the proposal.

Site Area Discrepancy

146. Concern is raised that the size of the site has been reduced raising that, with the Reserved Matters application stating 0.48 hectares, compared to 0.6 hectares in the original outline application. Also, the question is asked, is the site allowed to expand out diagonally behind our site (5 Crewe Road) and should an infill not go between the two adjoining properties?
147. A reduction in site area is accepted by the Council as long as it is within the original approved red line. No demonstrable harm is caused by the reduction of the site area. Any expansion of a site area would require planning permission and is not the subject of this proposal. The proposed dwelling is positioned in between the two adjoining properties, namely number 5 and 5a Crewe Road.

Visibility Splays and Boundary Protection

148. The view is expressed by the occupants of 5 Crewe Road that they maintain their own boundary fence and roadside grass verge, and that no works should be undertaken to their shrubs or boundary without prior written consent from them and formal direction from DfL Roads. They also state that any visibility requirements must be clearly defined in writing and implemented with their permission and without damage to their property.
149. The submitted information details that the applicant has full ownership of the application site and all lands within the red line. Certificate of Ownership – Certificate A has been signed on the application form. The onus is on the applicant/developer to ensure that they have ownership/control of all lands necessary to implement a planning approval.

Site Meeting / Site Visit

150. The occupants of 5 Crewe Road express the view that they would welcome the opportunity for a site meeting at 5 Crewe Road to agree mitigation measures in advance of any determination. The objector also requests that a member/members of the planning committee visit their home to see the impact

of the proposed dwelling.

151. As part of the processing of the application a site inspection is carried out aid with a full and proper assessment of the proposal. There is no requirement for a site meeting. All concerns raised in the representations are dealt with through the processing of the application. With regards to a site visit by the planning committee, the proposal in the first instance will be placed on the delegated list in line with the Councils scheme of delegation and would only be considered by the planning committee is the application is called in to be determined by the planning committee.

Conclusions

152. The assessment above demonstrates that all the relevant conditions of the outline permission have been fully and properly addressed in this application and that the proposed dwelling with detached garage in terms of its siting, design and external appearance and landscaping will provide for a quality residential environment consistent with the policy tests of the Plan Strategy (insofar as they are related to matters reserved) and the associated guidance detailed in the Building on Tradition document.
153. The details of the proposed access arrangements will also provide for a safe means of access in accordance with the planning condition attached to the outline permission. The detail of the access design is in accordance with policy TRA 2 of the Plan Strategy.
154. The proposal complies with Policy NH1, NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
155. The proposal complies with Policy RE2 as it shall be constructed in line with current NI Building Control Regulations and built to building control energy efficiency standards.

Recommendation

156. It is recommended that approval of Reserved Matters is granted.

Conditions

157. The following conditions are recommended:
158. As required by Section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the

later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

159. The vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02A, published to the Planning Register on 08 April 2026, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

161. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 02, bearing date stamp 24 February 2026 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

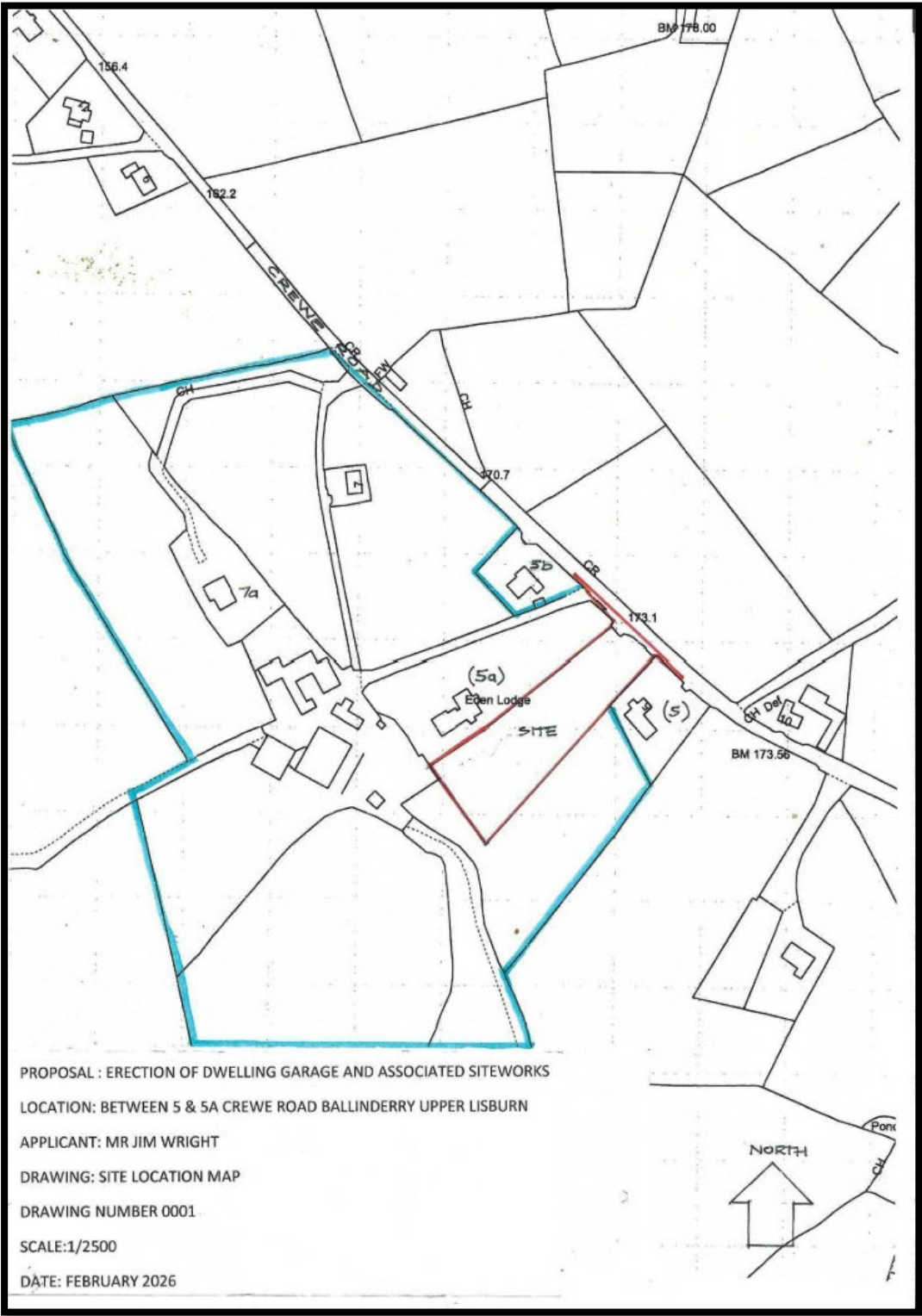
162. The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

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

163. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

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

Site Location Plan – LA05/2026/0137/RM



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	3 August 2026
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2025/0269/F
Date of Application	10 April 2025
Proposal Description	Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works.
Location	Land approximately 20 metres east of 8 Brooklands Drive, Dundonald, Belfast BT16 2PH
Representations	20 objections
Case Officer	Helen McGuinness
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee as the application is referred by the Head of Planning and Capital Development in consultation with the Chair because the proposal involves the development of wastewater infrastructure, gives rise to significant local community interest and is proposed on and under land owned by the Council.
2. It is recommended that planning permission is granted as the proposed development complies with the relevant provisions of the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy.
3. The development provides essential wastewater infrastructure in accordance with Strategic Policy 01 sustainable development and Strategic Policy 23 waste management by furthering sustainable development and facilitating the delivery of appropriate waste management infrastructure in the most appropriate location to address Unsatisfactory Intermittent Discharges from the Brooklands Crescent CSO to the River Enler, and a number of its tributaries to deliver long-term environmental improvements for local watercourses that meet the requirements identified by the NIEA.

4. The principal operational components are located below ground. The above-ground elements are limited in scale and are sited and designed so as to minimise visual and environmental impact in accordance with Policy UT1.
5. The proposal will have no unacceptable adverse impacts on residential amenity. A Noise Impact Assessment and Odour Assessment have been provided which demonstrate no adverse impacts on residential amenity and the relevant consultees NIEA and Environmental Health offer no objections to the proposed development.
6. The proposal is located within designated open space at Dungoyne Park. Whilst there is some loss of open space (50% of the site will be hardstanding within a 0.12ha site), this is considered minimal and the amenity value of the remaining large area of open space is still available for public use. The principal infrastructure is below ground, and affected grassed areas are to be reinstated. The wider community and environmental benefits associated with addressing wastewater capacity and reducing unsatisfactory intermittent discharges are considered to decisively outweigh the limited loss of open space, in accordance with the exception tests outlined in Policy OS1.
7. The proposal complies with Policy TRA1. A direct access from Brooklands Drive and dropped kerb will provide access to the site for future maintenance. Any impact on the existing park pathway would be temporary during construction phase of the project and, once works are complete, pedestrian movement through the park will remain unhindered.
8. The proposal is considered to comply with Policy TRA2 and will not prejudice road safety or significantly inconvenience the flow of traffic. Construction traffic would be temporary and managed through appropriate mitigation. In accordance with Policy TRA 7 adequate servicing arrangements will be provided for operational vehicle movements which would be occasional and limited to inspection and maintenance.
9. The proposal complies with Policy HE3. An Archaeological desktop assessment has been submitted and concludes that there are no known archaeological sites within the development area and that no further archaeological input is required. Advice has been taken from Historic Environment Division, and no objection is raised in respect of the content of the archaeological assessment.
10. The proposal complies with policies NH1, NH2 and NH5 in that it can be concluded from the submitted biodiversity checklist, extended ecological statement and Habitats Regulations Assessment that there is no significant effect on designated European or Ramsar sites and that the proposal is not likely to result in the unacceptable adverse impact or damage to known protected species, priority species, habitats or features of natural heritage importance. Advice from Natural Environment Division and Shared Environmental Services has been taken into account as part of this assessment.

11. The proposal complies with Policies FLD 1 and FLD3 in that the submitted Flood Risk and Drainage Assessment confirms that the site does not lie within a fluvial flood plain, is not directly affected by pluvial flooding and will not increase hardstanding by more than 1,000 square metres. It also details that the proposed CSO storage tank aims to store and return flows from the combined sewer in Brooklands Crescent, to the north of the site. The combined sewer overflow currently discharges into the culverted undesignated watercourse east of the site. The proposed development aims to reduce discharges from the Brooklands Crescent CSO into the watercourse. As the proposal complies with the relevant flooding policies it is considered that the development will not exacerbate flooding to the site or elsewhere. Advice from DfI Rivers has been into account as part of this assessment.

Description of Site and Surroundings

12. The proposed development is located on land 20 metres east of 8 Brooklands Drive, on existing open grasslands at Dungoyne Park.
13. The topography of the site is relatively level throughout with a gentle slope downwards to the east.
14. The surrounding area is mixed in nature with residential properties to the north and west, community facilities such as playing fields to the south of the site and religious building to the northwest. Further east, residential dwellings are located along Craicleith Drive.

Proposed Development

15. This is a full application for proposed Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works.
16. The proposed kiosk building will measure approximately 5.26 metres in width, 2.58 metres in depth and have a maximum height of approximately 3.28 metres.
17. The proposed kiosk building would encompass natural stone clad blockwork walls, louvered steel security door, insulated curves zinc roof and aluminium downpipes and gutters.
18. Underground works include a combined sewer overflow (CSO) Storage tank which is 15 metres in diameter, a valve chamber which is 2.1 metres in diameter and 3.3 metres in depth, a flow metre chamber 1.5 metres in diameter and 1.5 metres in depth, and an overflow sewer 0.45 metres in diameter.

19. Associated above ground ancillary works include a telemetry pole (5 metres in hight), two lighting columns (4 metres in height) and two overflow manholes.
20. The application has been accompanied by the following:
 - Completed application form
 - Site location plan
 - Layout/block plan
 - Levels and cross section plans
 - Planning statement (Atkins Realis)
 - Biodiversity checklist and Extended ecological statement (WM Associates Ecology NI) January 2025
 - Habitats Regulations Assessment, Stage 1 Screening (WM Associates Ecology NI) August 2024
 - Flood Risk and Drainage Assessment (McAdam Design) January 2025
 - Archaeological Desk Top Study (Gahan and Long) October 2024
 - Odour Impact Assessment (Irwin Carr Consulting) November 2024
 - Noise Impact Assessment (Irwin Carr Consulting) November 2024
 - Construction Environmental Management Plan (BSG) January 2025
 - Brooklands Drive Pumping station location options and site selection

Relevant Planning History

21. Relevant planning history is set out in the table below:

Reference	Address	Description	Decision
Y/2000/0128/O	Land at junction of Upper Newtownards Road and Craigleith Drive, Dundonald	Site for the erection of leisure centre, outdoor all-weather pitch and associated car parking.	Permission Granted 09/10/2000
Y/2011/0207/F	lands 75m east of 34 Brooklands Drive Dundonald	Development of a storm attenuation tank (underground)	Permission Granted 07/08/2012

Consultations

22. The following consultations were carried out:

Consultee	Response
Historic Environment Division (HED)	No objection
DfI Rivers	No objection
DfI Roads	No objection
NIEA Water Management Unit	No objection
NIEA Natural Environment Division	No objection

Environmental Health	No objection
Shared Environmental Service	No objection
LCCC Biodiversity Officer	No objection
LCCC Parks and Amenities	No objection

Representations

23. As part of the application process advertisement and neighbour notification were carried out. 20 objections were received; comments have been summarised below:

- Loss of community green space
- Unjustified need for the development
- Conflict with planning policy
- Pedestrian safety concerns
- Road congestion/ traffic concerns
- Construction traffic and safety concerns
- Parking concerns
- Obstructed views
- Light pollution
- Odour concerns
- Disruption whilst under construction
- Noise concerns
- Potential emissions and odours decreasing quality of life to residents
- Dust pollution
- Increase in anti-social behaviour
- Potential human health impact
- House value decreasing
- Inadequate and procedurally unfair consultation
- Concerns relating to inaccuracies, omissions and inconsistencies in technical reports and unsatisfactory consultation responses.
- Flood risk
- Habitat disruption
- Loss of biodiversity
- Water quality and environment concerns
- Not sufficient time to comment on neighbour notification

24. Further objections were submitted following the submission of consultee responses in relation to technical information submitted. Further objections note the following:

- Odour assessment is inadequate and contains discrepancies.
- CEMP is inadequate and contains discrepancies
- DFI Rivers response cannot be relied on to safeguard local drainage conditions or public safety.
- LCCC Environmental Health response fails to meet the threshold of scrutiny expected for infrastructure affecting a residential and recreational area

- NI Water response lacks rigour expected of public utility provider acting in the public interest.

Planning Policy Context

25. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

26. It is stated at page 16 of Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

27. In accordance with the transitional arrangements, the development plan is the Plan Strategy and Belfast Urban Area Plan (BUAP). Draft BMAP remains a material consideration.
28. The site is located within the Metropolitan Castlereagh settlement limit and on designated open space. In the latest revision to draft BMAP (2014) the site is also identified as being located on designated open space within the settlement of Metropolitan Castlereagh.
29. The proposal is for a Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works.
30. The following strategic policies in Part 1 of the Plan Strategy apply.

31. **Strategic Policy 01- Sustainable Development** states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

32. **Strategic Policy 05 Good Design and Positive Place-Making** – states that the Plan supports proposals that incorporate good design and place-making, which respects local character. This policy states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

33. **Strategic Policy 06 Protecting and Enhancing the Environment** – states that the Plan supports proposals that respect the historic and natural environments, including biodiversity. Proposals must aim to conserve and protect the environment, and where possible enhance it.

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

34. **Strategic Policy 17 Open Space, Sport and Outdoor Recreation** states that:

The Plan will support development proposals that:

- a) protect and enhance existing open space and provide new open space provision*
- b) support and protect a network of accessible green and blue infrastructure*
- c) support and promote the development of strategic and community greenways.*

35. **Strategic Policy 19 Protecting and Enhancing Natural Heritage** states that:

The Plan will support development proposals that:

- a) *protect, conserve and, where possible, enhance and restore our natural heritage maintain and, where possible, enhance landscape quality and the distinctiveness and attractiveness of the area*
- b) *promote the highest quality of design for any new development affecting our natural heritage assets*
- c) *safeguard the Lagan Valley Regional Park allowing appropriate opportunities for enhanced access at identified locations thereby protecting their integrity and value.*

36. **Strategic Policy 23 Waste Management** states that:

The Plan will support development proposals that:

- a) *facilitate the delivery of appropriate waste management infrastructure in the most appropriate locations paying due regard to the proximity principle and in accordance with the waste hierarchy.*
- b) *employ the most appropriate technology to meet the wide range of environmental targets while ensuring all the appropriate environmental protections are in place secure appropriate restoration and aftercare of waste management sites*

37. **Strategic Policy 24 Flooding** – supports proposals that reduce the risks and impacts of flooding and states that:

The Plan will support development proposals that:

- a) *reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding*
- b) *encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding*
- c) *adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified.*

38. The following operational policies in Part 2 of the Plan Strategy also apply.

Utilities

39. As previously stated, the proposed development comprises above and below ground wastewater infrastructure. **Policy UT1 Utilities** states:

To ensure that the visual and environmental impact of utility development is kept to a minimum, the provision of utility services, such as water, wastewater, electricity and gas to new development proposals should be laid underground where considered feasible and viable.

Open Space, Sport and Outdoor Recreation

40. The application site is located in an area of existing open space, Dungoyne Park, Dundonald. As such the following policy applies.

41. **Policy OS1 Protection of Open Space** states:

Development that will result in the loss of existing open space or land zoned for the provision of open space will not be permitted, irrespective of its physical condition and appearance.

An exception will be permitted where it is demonstrated that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

An exception may also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on amenity, character or biodiversity of an area in either of the following circumstances:

- a) an area of open space of 2 hectares or less, where alternative provision is made by the developer and is as accessible to current users and equivalent in terms of size, usefulness, attractiveness, safety and quality*
- b) playing fields and pitches within settlement limits, where it is demonstrated by the developer that the retention and enhancement of that facility can only be achieved by the development of a small part of the existing open space, limited to a maximum of 10% of overall area, which will have no adverse impact on the sporting potential of the facility*

Access and Transport

42. The proposal will include changes to the existing park walkaways and will utilise existing access arrangement along Brooklands Drive. As such the following transport and access policies apply:

43. **Policy TRA1 Creating an Accessible Environment** states:

The external layout of all development proposals will incorporate, where appropriate:

- a. facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b. user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c. priority pedestrian and cycling movement within and between land uses*
- d. ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees. Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF)³² and a Design and Access Statement may also be required to accompanying development proposals

44. Policy TRA2 Access to Public Roads states:

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

- a) it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) it does not conflict with Policy TRA3 Access to Protected Routes.*

45. Policy TRA7 Car Parking and Servicing Arrangements in New Developments states:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

Historic Environment

- 46.** The application is accompanied by an archaeological desk top study. This study was conducted to identify the location of known archaeological and cultural heritage sites relevant to the proposed application site and extending out to a 500 metres search radius from the main body of the development. .

47. Policy HE3 Archaeological Assessment and Evaluation states:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

Natural Heritage

- 48.** The application has been accompanied by a biodiversity checklist and extended ecological statement and shadow Habitats Regulations Assessment,

Stage 1 Screening. The Council as the competent authority has also undertaken its own screening for habitats regulation assessment.

49. In terms of potential natural heritage constraints. The site is indirectly hydrologically linked to the European Site Strangford Lough (7km upstream). The proposal is near an oak tree marked for retention.

50. **Policy NH1- European and Ramsar Sites – International** 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:

- a) *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)*
- b) *a listed or proposed Ramsar Site.*

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council, through consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA), is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *the proposed development is required for imperative reasons of overriding public interest; and*
- c) *compensatory measures are agreed and fully secured.*

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

- a) *it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or*
- b) *agreed in advance with the European Commission.*

51. **Policy NH2- Species Protected by Law** states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

52. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) priority habitats*
- b) priority species*
- c) active peatland*
- d) ancient and long-established woodland*
- e) features of earth science conservation importance*
- f) features of the landscape which are of major importance for wild flora and fauna*
- g) rare or threatened native species*
- h) wetlands (includes river corridors)*
- i) other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Flooding

- 53. A flood risk and drainage assessment has been submitted. Drainage must be designed to take account of the potential impact on flooding elsewhere.**

54. **Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains** states that:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) *a residential development of 10 or more units*
- b) *a development site in excess of 1 hectare*
- c) *a change of use involving new buildings and/or hard-surfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Regional Policy and Guidance

Strategic Planning Policy Statement (SPPS) for Northern Ireland

55. The SPPS Edition 2 was published in December 2025. It is the most recent regional planning policy, and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

56. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

57. It states that:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue

social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

58. Paragraph 3.8 of the SPPS states:

That the guiding principle for planning authorities in determining planning applications is 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.

59. With regards to Flood Risk, paragraph 6.103 states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

60. With regards to Natural Heritage, paragraph 6.172 states that:

The regional strategic objectives for natural heritage are to:

- *protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region's natural heritage;*
- *further sustainable development by ensuring that natural heritage and associated diversity is conserved and enhanced as an integral part of social, economic and environmental development;*
- *assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;*
- *contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of natural heritage in supporting economic diversification and contributing to a high-quality environment; and*
- *take actions to reduce our carbon footprint and facilitate adaptation to climate change.*

61. With regards to Open space, Sport and Outdoor Recreation, paragraph 6.205 states that:

There will be a policy presumption against the loss of open space to competing land uses in local development plans (LDPs) irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.

62. With regards to Telecommunications and Other Utilities, paragraph 6.253 states that:

In relation to other utilities LDPs should allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public services.

63. With regards to Waste Management, paragraph 6.317 states that:

The regional strategic objectives for waste management are to:

- *promote development of waste management and recycling facilities in appropriate locations;*
- *ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided or minimised; and*
- *secure appropriate restoration of proposed waste management sites for agreed after-uses.*

64. The SPPS Edition 2 remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

Assessment

Utilities

65. In consideration of Policy UT1, the proposal has been designed to keep the visual and environmental impact of the utility development to a minimum for the following reasons.

66. The policy seeks, where feasible, for utility services including wastewater infrastructure to be laid underground. In this case, the principal operational components of the wastewater pumping station, including the chambers, associated sewers, CSO overflow storage, valve chamber, flow meter chamber and overflow sewer, are located below ground. The applicant has also detailed that the underground tank area will be reinstated with grass and remain accessible as open space. This substantially reduces the visible extent of the development within the surrounding open space and residential context of Brooklands Drive.

67. The proposal includes above-ground elements, and it is stated in the planning supporting statement that:

‘To reduce impacts, the overall construction footprint has been minimised as far as practicable within the parameters of the technical specifications that have driven the design process.’

68. The planning statement further details several alternative locations within and adjacent to Dungoyne Park were considered. These locations were discounted due to greater construction risks, impacts on existing structures and parkland,

engineering constraints, and potential effects on nearby properties and the Gospel Centre. The selected site was determined to be the most suitable option from both a technical and environmental perspective and was specifically chosen to minimise visual impact.

69. It is considered that the proposed kiosk structure has been kept to a compact footprint and modest height, measuring approximately 5.26 metres by 2.58 metres with a maximum height of approximately 3.28 metres, therefore limiting massing and reducing the visual prominence of the structure.
70. An above ground ancillary structure is still required to provide the necessary infrastructure to operate the pumping station, but particular consideration has been given to its design and external finishes. The supporting statement details:

‘To reduce visual impact further, the building will be clad with natural stone – in keeping with other stone built or stone clad landscaping features in the area – with a curved zinc roof, rather than being of a standard green Glass Reinforced Plastic (GRP) construction. This will help it to blend into the local vernacular and be less visually intrusive.

The proposed control building is located at the southernmost extent of the hardstanding area and therefore as far from the properties as practicable. It is also situated away from existing planters within the park as an anti-climb safety feature. It is acknowledged that the works will be seen from the properties on Brooklands Drive which overlook Dungoyne Park, however, the above outlined design choices have considered the need to reduce impact as far as possible.’

71. Taking into consideration the nature of the works which are mainly underground and the limited scale of the above-ground infrastructure, which has been sensitively designed for an urban parkland setting ensures that the visual impact of utility development is kept to a minimum. The proposal is therefore considered to comply with Policy UT1.
72. With regard to ensuring the environmental impact is kept to a minimum, the proposal has been accompanied by the following supporting information:
 - Supporting Planning Statement
 - Biodiversity checklist and Extended ecological statement (WM Associates Ecology NI) January 2025.
 - Habitats Regulations Assessment, Stage 1 Screening (WM Associates Ecology NI) August 2024.
 - Flood Risk and Drainage Assessment (McAdam Design) January 2025
 - Odour Impact Assessment (Irwin Carr Consulting) November 2024
 - Noise Impact Assessment (Irwin Carr Consulting) November 2024
 - Construction Environmental Management Plan (BSG) January 2025
73. The submitted planning statement details the need for the proposed development, and this is part of a wider programme of improvements in the Dundonald area aimed at addressing poor water quality in the River Enler and

its tributaries. The Brooklands Crescent Combined Sewer Overflow (CSO) has been identified by NIEA as a location where unsatisfactory intermittent discharges from the pumping station is contributing to pollution of local watercourses.

74. The proposed works will deliver long-term environmental improvements by reducing pollution from the Brooklands Crescent CSO, ensuring NI Water comply with environmental legislation and regulatory requirements in the Dundonald Area.
75. The biodiversity checklist and extended ecological statement conclude that:

‘There is no direct connection to a European Site except via the sewerage system that will be upgraded to improve treatment and protect the aquatic environment.’
76. NIEA, Natural Environment Division (NED) was consulted and commented that it has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns. Officers have no reason to disagree with the advice contained in the submitted reports or the conclusion of the consultee.
77. A shadow Habitats Regulations Assessment Stage 1 Screening was carried out by the planning applicant which states:

The works are being undertaken to improve the flow along the sewerage network that eventually reaches Kinnegar WwTW via Sydenham TPS. The works being undertaken will improve efficiency and reduce the risk of out of sewer events in both the Belfast Lough catchment and the Strangford Lough catchment.

The habitats impacted by the works are not those which are important to the protected birds that use either designation.

It has been determined that the pending sewerage infrastructure upgrade does not present a risk of significant impacts upon any European or Ramsar designated site.
78. Shared Environmental Service considered this planning application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of the Council which is the competent authority responsible for authorising the project. SES concluded that 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 assessed the way the project is to be carried out, and any impact will be mitigated by NI Water being required to operate within the parameters of a Water Order Consent.

79. On this basis, having regard to the environmental information submitted and the advice contained in the NIEA and SES responses, it is considered that the proposal will ensure that environmental impacts are kept to a minimum in accordance with policy UT1 and in accordance with Strategic Policy 01 sustainable development and Strategic Policy 23 waste management by furthering sustainable development and facilitating the delivery of appropriate waste management infrastructure in the most appropriate location.
80. The Construction Environmental Management Plan (CEMP) identifies potential environmental impacts resulting from construction operations including dust, noise and vibrations from construction activity, potential leakage of oil/fuels and other spills which may cause land contamination and/or water networks/drainage systems and waste generation and resource use. The plan provides mitigation measures to prevent any adverse impact occurring and it is recommended that any development be carried out in accordance with the CEMP.
81. Whilst not required by policy UT1 the other general amenity impacts of the proposed development are considered as a material consideration given the proximity of the site to neighbouring residential properties.
82. The accompanying noise impact assessment concludes that:
- '...operational noise from the proposed development is likely to have a low impact during the daytime and night-time periods when assessed against BS4142:2014 limits and WHO/BS8233 recommended noise levels. Construction noise levels are predicted to be within BS5228 limits at receptor locations.'*
83. The accompanying odour assessment concludes that:
- 'The significance of predicted impacts has been defined as no worse than 'slight' at all considered sensitive receptor locations with the operation of the proposed WWPS. In accordance with the IAQM odour guidance, the overall odour effects as a result of the operation are considered to be not significant. This conclusion would be expected as it is not anticipated that there will be significant odour associated with the proposed storm tank.'*
84. Officers have no reason to disagree with the conclusions of these assessments. The main impact arises during the construction phase. Having regard for the mitigation measures outlined in the CEMP, it is considered that any construction-stage impacts can be managed and that the development is unlikely to result in any general disamenity or loss of residential amenity because of the operation of the pumping station.
85. The kiosk has been sited at the southernmost extent of the hardstanding area and as far from nearby dwellings as practicable. Its scale, height and external finishes have been selected to reduce visual prominence within the open space and residential setting.

86. The submitted Noise Impact Assessment predicts a low operational noise impact during both daytime and night-time periods and confirms that construction noise levels are predicted to remain within relevant limits. The submitted Odour Impact Assessment concludes that predicted odour impacts would be no worse than slight at sensitive receptor locations and that the overall odour effect would not be significant.
87. Furthermore, the supporting information has also been reviewed by the relevant consultees, including DfI Rivers, NIEA Water Management Unit, NIEA Natural Environment Division, Shared Environmental Services, and the Environmental Health Unit of the Council and no consultee had any objection to the proposed development.
88. In this context, and having regard to the nature, scale, siting and design of the development, no unacceptable impact on residential amenity is identified.

Protection of Open Space

89. The application site is located within designated open space at Dungoyne Park, Dundonald and it is acknowledged that the proposal will result in the use of a small section of that open space for wastewater infrastructure.
90. Policy OS1 establishes a presumption against the loss of existing open space however, an exception may be permitted either where it is demonstrated that redevelopment will bring substantial community benefits which decisively outweigh the loss of open space or the area is less than two-hectare and the equivalent amount of space is provided elsewhere.
91. The proposal is a small site (0.12ha) on the edge of a larger area of open space. Approximately 50% of the site is the tank which is underground and will be reinstated with grass. Of the balance of the land approximately 40% is hardstanding and 10% is building therefore it is considered that the loss of open space is minimal and will not adversely impact amenity as the remaining large area of open space is still available for public use at this location.
92. This proposal does not make alternative provision for the loss of the open space. The proposal will however deliver substantial community benefits for the residents of the wider Dundonald area by providing essential wastewater infrastructure, addressing existing capacity constraints within the network, enabling planned and future residential development to proceed, and reducing unsatisfactory intermittent discharges from the Brooklands Crescent CSO which contribute to water quality issues in the River Enler catchment.
93. These benefits are considered to decisively outweigh the limited loss of open space. Furthermore, a consultation was raised internally with LCCC Parks and Amenities manager confirming no objections to the proposal.

94. Having regard to the small area affected, the reinstatement of grassed areas, the limited scale of above-ground infrastructure, the absence of unacceptable impacts on amenity, character or biodiversity as assessed previously, and the wider community and environmental benefits arising from the scheme, the proposal is considered to satisfy the exception test under Policy OS1.

Access and Transport

95. Policy TRA1 requires development proposals to provide an accessible external layout where appropriate. The proposal includes the creation of a new direct access onto Brooklands Drive with a 9 metre wide dropped kerb to facilitate vehicular access to the wastewater pumping station.
96. The supporting planning statement explains that the access is required for construction and future maintenance purposes and will provide a clear and functional means of entry to the site without relying on informal access across the open space.
97. In addition, the proposed site block plan indicates that a section of the development will overlap with an existing pedestrian pathway in the park area. This section of the development will be located underground and therefore obstructions will be temporary through the construction phase of the development. Upon completion of works, obstructions will be cleared and user friendly and convenient movement along pathways will remain unhindered.
98. For the reasons described above it is considered that criteria a) and b) of Policy TRA1 has been met.
99. Priority pedestrian and cycling movements through the park is not anticipated to be impacted due to the scale and nature of the proposal. It is considered that criterion c) of Policy TRA1 has been met.
100. Due to the scale and nature of the proposal, it is considered that criterion d) of Policy TRA1 is not engaged.
101. In conclusion, it is considered that the development will comply with the requirements as set out in Policy TRA1 in creating an accessible environment.
102. As mentioned previously, the proposal will include a new direct access to an area of hardstanding via Brooklands Drive.
103. The submitted Construction Environmental Management Plan states that construction traffic will be appropriately managed and is not expected to be significant. Deliveries will avoid busier periods, thereby reducing the potential for conflict with existing road users and pedestrians.
104. Having regard to the temporary nature of construction traffic and the management measures proposed, it is considered that the construction phase

will not prejudice road safety or significantly inconvenience the flow of traffic on Brooklands Drive.

105. During the operational phase, vehicles will only access the site occasionally for inspection, servicing and maintenance purposes and this will generally take place within normal working hours unless emergency maintenance is required.
106. Taking into consideration the limited frequency of operational vehicle movements, it is contended that the proposed development will not result in an intensification of traffic on the surrounding road network.
107. Furthermore, DfI Roads has been consulted and has raised no objection to the proposal.
108. In conclusion, it is contended that the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles, adequate servicing arrangements will be provided and therefore the proposal is considered to comply with Policy TRA2 and Policy TRA7.

Policy HE3- Archaeological Assessment and Evaluation

109. The applicant has submitted an Archaeological desk top assessment. The assessment has been conducted to identify the location of known archaeological and cultural heritage sites relevant to the proposed application site and extending out to a 500m search radius from the main body of the development.
110. The study found that:

The desk top survey has identified that there are no known archaeological sites within the development area. An inspection of the early edition OS maps shows the site to have consisted agricultural land which was free from historic development. Looking beyond the development site, the desk top survey identified a single known archaeological monument. Given the limited amount of known archaeological sites within the wider area and the small footprint of the development, it is unlikely that any sub-surface archaeological deposits will be identified here. As such it is recommended that no further archaeological input is required for this development to proceed.

111. Historic Environment Division were consulted and provide no objections to the proposal. As such, it is considered having regard to the detail of the submitted report and the advice of the consultee that the proposal will not impact adversely on any below ground heritage asset and the requirements as set out in Policy HE3 are met.

Natural Heritage

112. As set out above, a biodiversity checklist, extended ecological statement and HRA Stage 1 Screening report has been submitted with the application.

113. During the lifetime of the application a consultation was raised with Shared Environmental Services, they stated that:

This 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 Lisburn and Castlereagh City Council which is the competent authority responsible for authorising the project.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, 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. The proposed development will be required to operate within the parameters of a Consent to Discharge, granted under the terms of the Water (NI) Order 1999.

114. As outlined in paragraphs 76-79 in the section above, the proposed development is unlikely to, either individually or in combination with existing and/or proposed plans or projects, result in a significant adverse impact to a European Site or Ramsar Site.
115. As such, the proposal will comply with Policy NH1.
116. The extended ecological assessment also provides the following information:

No legally controlled Invasive plant species occur on the site or on the approaches to the site.

The local area was judged to have a Moderate Foraging & Commuting Potential (FCP)

No built structures will be impacted by the proposed works, and no trees will require to be removed. The only tree close to the site has a 'Negligible' Bat Roost Potential (BRP)

Other protected animal species: There were no signs that Badger use the site area habitually. The full 25m buffers were searched – No mammal burrows were noted.

There is no suitable habitat for other protected fauna

Protected sites: None at risk.

Protected habitats: None at risk.

Protected fauna: No risks, constraints, mitigation requirements or further survey requirements.

Protected flora: None at risk.

Other biodiversity issues: The single Oak tree should be retained. Maintain as wide a Root Protection Area (RPA) around the tree as can be accommodated. In the RPA there should be no excavation or soil compaction.

117. NIEA Natural Environment Division were consulted and provided the following feedback:

Using the information submitted, NED is content that the proposed development is unlikely to significantly impact priority habitats or priority species.

NED also notes the potential for works to take place within close proximity to single oak trees recorded in the checklist as T1. NED notes that the Ecologist has indicated that the tree should be retained. It is important to note that works within the crown spread of trees can result in damage to their root system which can result in death of the tree. Therefore, works adjacent to onsite trees should be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction.

NED notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. All wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED thus advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.

118. Furthermore, a consultation was raised with LCCC Biodiversity Officers offering the following feedback:

The application notes no removal of trees. An exclusion area should be outlined on the plan to allow for maintenance and root protection for trees close to the site location.

Approval is subject to the following conditions:

- *The green open space is reinstated to a satisfactory standard.*
- *Planting schemes completed to enhance biodiversity within the area.*

119. A landscaping plan will be conditioned to ensure the provision and protection of visual amenity and to enhance biodiversity.
120. It is considered that the proposed development is not likely to harm a European protected species or result in an unacceptable adverse impact on, or damage to known priority habitats, priority species or features of natural heritage importance.

121. On this basis it is considered that the development as proposed is in keeping with the natural heritage requirements and policy NH2 and NH5 are met.

Flooding

122. The Flood Risk and Drainage Assessment details that:

- *FLD1 - Developments in Fluvial (River) Flood Plains*
There are no River Flood Plains within or adjacent to the site.
- *FLD2- Protection of Flood Defence and Drainage Infrastructure*
There are no Sea Flood Plains within or adjacent to the site.
- *FLD3 – the site is not directly affected by Pluvial Flooding, and the development it will not increase hard standing by more than 1000m², therefore further assessment is not required.*
- *FLD4- Artificial modification of watercourses*
A culverted undesignated watercourse lies to the east of the site, it is not proposed to modify this watercourse. A 10m wide watercourse working strip will be left free of development above the line of the culvert.
- *FLD5- Development in proximity to reservoirs*
The site is not in proximity to any reservoir or reservoir flood inundation area.
- *Foul Drainage*

The proposed CSO storage tank aims to store and return flows from the combined sewer in Brooklands Crescent, to the north of the site. The combined sewer overflow currently discharges into the culverted undesignated watercourse east of the site. The proposed development aims to reduce discharges from the Brooklands Crescent CSO into the watercourse.

123. DFI Rivers were consulted. As stated in their response dated 26 May 2025 in respect of the applicable policy FLD3:

- *A Drainage Assessment is not required but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere. This will involve acquisition, from the relevant authority, consent to discharge storm water run-off from the site.*
- *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 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.*

124. Water Management Unit advised that they have considered the impacts of the proposal on the water environment and are content subject to any required statutory permissions being obtained and the applicant referring and adhering to DAERA Standing Advice.

125. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from DfI Rivers and Water Management Unit, it is accepted that the proposal complies with policies FLD 1 and FLD3 of the Plan Strategy and the proposal will not result in flooding of the site or exacerbate flooding elsewhere.

Representations

126. Twenty letters of objections were received from 12 persons.

127. The matters raised in the objections received have been considered against the submitted information, consultee responses and the assessment set out above.

- **Loss of community green space**

128. In summary and as detailed in paragraphs 90-95 of the assessment, the loss of community green space is acknowledged; however, the affected area is limited, the principal infrastructure is contained below ground, the tank area is to be reinstated with grass, and LCCC Parks and Amenities has raised no objection. The scheme is considered to deliver substantial community and environmental benefits by providing essential wastewater infrastructure addressing capacity constraints and reducing unsatisfactory intermittent discharges affecting the European Sites. Those benefits are considered to decisively outweigh the limited loss of open space, and the proposal satisfies the exception test under Policy OS1.

- **Unjustified need for the development**
- **Conflict with planning policy**

129. As detailed in paragraphs 73-75 of the assessment, supporting information explains that the proposal forms part of a wider programme of improvements to address poor water quality in the River Enler and its tributaries. The Brooklands Crescent Combined Sewer Overflow has been identified as an unsatisfactory intermittent discharge contributing to pollution of local watercourses. The works would reduce pollution, improve the efficiency of the sewerage network and assist NI Water in meeting statutory and regulatory obligations and reduce water pollution affecting European Sites and water networks.

130. The proposal has been assessed against the relevant provisions of the Plan Strategy, together with relevant regional policy. For the reasons set out in the assessment, the development is considered to comply with the relevant policy tests. Furthermore, no consultee has raised an objection that would indicate an unacceptable policy conflict.

- **Pedestrian safety concerns**
- **Road congestion/ traffic concerns**
- **Construction traffic and safety concerns**
- **Parking concerns**

131. Roads issues have been considered in the assessment of the report at paragraphs 96-109. Concerns relating to pedestrian safety, construction traffic, road congestion, traffic impact, parking and access have been assessed under Policies TRA1 and TRA2. The development will provide a direct access from Brooklands Drive to a small area of hardstanding in front of the proposed kiosk for construction and future maintenance. Any obstruction to the existing park pathway would be temporary during construction and upon completion, pedestrian movement through the park would remain unhindered. Existing residential parking spaces along Brooklands Drive will remain unrestricted. Furthermore, DfL Roads has raised no objection.

132. The submitted supporting information states that operational vehicle movements would be occasional and limited to inspection, servicing and maintenance. The supporting statement advises that a Traffic Management Plan (TMP) will be developed. Deliveries will be scheduled to avoid peak periods and banksmen will be used to assist vehicle movements where needed. In the event of an approval outcome, conditions will be set to ensure safety and appropriate traffic management measures are in place.

- **Obstructed views**
- **Light pollution**
- **Odour concerns**
- **Disruption whilst under construction**
- **Noise concerns**
- **Potential emissions and odours decreasing quality of life to residents**
- **Dust pollution**
- **Increase in anti-social behaviour**
- **Potential human health impact**

133. Concerns regarding potential anti-social behaviour, obstructed views, light pollution, noise, dust, odour, emissions and quality of life have been considered having regard to the scale, siting and design of the proposal and the submitted technical assessments.

134. The visual impact is considered at paragraphs 66-72 in the assessment of the report. As assessed, taking into consideration the nature of the works are

largely underground, the scale of the above-ground infrastructure, and the considered design, siting and finishing materials of the service kiosk, the development is not considered to be visually obtrusive and will satisfactorily integrate with the existing residential development at Brooklands Drive.

135. In relation to concerns regarding anti-social behaviour, the proposal is for essential wastewater infrastructure. The supporting statement confirms that no fencing is proposed, with bollards used instead to prevent unauthorised vehicular access and that the control building has been sited away from existing planters as an anti-climb safety feature.
136. Having regard to the nature of the development, the limited above-ground infrastructure and the proposed site layout, there is no evidential basis to conclude that the development would materially increase anti-social behaviour.
137. The noise and odour impacts from the proposal is considered at paragraphs 83-89. The noise assessment predicts a low impact during daytime and night-time periods when assessed against existing background noise levels, in line with relevant guidance. The CEMP identifies noise and vibration as potential construction impacts and sets out appropriate mitigation measures. Environmental Health has reviewed the submitted information and raised no objection, subject to conditions controlling noise, hours of construction and reversing alarms. On this basis, the proposal is not considered to give rise to unacceptable noise impact on neighbouring residential amenity.
138. In relation to odour and potential emissions, the submitted Odour Impact Assessment concludes that significant odour is not anticipated from the proposed storm tank and that any potential odour emissions would be primarily confined to the immediate vicinities of the tank. The predicted odour impacts are described as no worse than slight at all sensitive receptor locations, with the overall odour effects considered not significant in accordance with relevant guidance. The assessment also demonstrates compliance with the target limit value at the worst affected residential property. Environmental Health has reviewed the submitted information and raised no objection. In the absence of contrary technical evidence, the proposal is not considered to result in unacceptable odour, emissions or human health impacts.
139. In relation to light pollution, the supporting statement confirms that the tallest above-ground elements are the telemetry pole and two lighting columns, with the lighting columns approximately 4 metres high and comparable in scale to existing street lighting in the vicinity. The lighting is not proposed as continuous illumination and is anticipated to be used only on rare occasions when emergency night-time maintenance or access is required. Environmental Health have reviewed the information as submitted and offer no objections subject to conditions, such as the submission of a written management/operational plan. It is therefore considered that the limited purpose, infrequent use and conditional control of the lighting, subject to the submission of a final management/operation plan, are considered sufficient to address concerns relating to light spill and residential amenity.

140. Consideration of the submitted CEMP is detailed at paragraph 81 of the report. In relation to dust concerns, the submitted CEMP recognises dust as a potential construction impact and requires dust to be considered within Risk Assessment Method Statements where applicable, with dust suppression methods used as required. Conditions and informatives are recommended to secure compliance with the submitted dust mitigation, wheel and chassis cleaning, prevention of mud or debris being tracked onto the public road, and appropriate site management. These measures are considered adequate to manage temporary construction dust impacts and protect neighbouring amenity.
141. In conclusion, subject to the recommended conditions, the proposal is not considered to result in unacceptable harm to residential amenity by reason of light pollution, noise, dust, odour, emissions, human health impact or anti-social behaviour.
- **House value decreasing**
142. Concerns relating to property values are not a material planning consideration and therefore cannot be afforded determining weight in the assessment of the application.
- **Inadequate and procedurally unfair consultation**
 - **Not sufficient time to comment on neighbour notification**
 - **Concerns relating to inaccuracies, omissions and inconsistencies in technical reports and unsatisfactory consultation responses.**
143. Publicity and neighbour notification were carried out in accordance with the statutory requirements and relevant guidance set out in Development Management Practice Note 14. The application was publicly advertised on 18 April 2025, and neighbouring occupiers were notified on 8 May 2025. Re-advertisement and re-neighbour notification was carried out in July 2026. The application was therefore publicised and consulted upon in line with the required procedures and the representations received have been taken into account in the assessment of the application.
144. The proposal was re-neighbour notified and re-advertised in July 2026 due to an error with the address only (original address was 20m east of 28 Brooklands Drive which is incorrect and should have read 20m east of 8 Brooklands Drive). Whilst the letter advises the date that representations can be up to this is not a definite date and representations will still be accepted until the decision is issued. In this case the Council considers that no-one is prejudiced as no new information has been submitted that needs to be assessed.
145. Officers advise that the technical information submitted in support of the application has been prepared by suitably qualified professionals and has been considered on that basis.

146. Where objectors consider that a submitted report, assessment or subsequent technical information is inadequate, the Council will accept other parties to commission and submit their own independent technical evidence. Any such information would be forwarded to the relevant consultee, including Environmental Health where appropriate, for consideration as part of the assessment of the application.
147. To date, no alternative technical evidence has been submitted to displace the applicant's reports or the consultee advice received. The assessment has therefore been undertaken on the basis of the information submitted.
- **Flood risk**
 - **Habitat disruption**
 - **Loss of biodiversity**
 - **Water quality and environment concerns**
148. Matters relating to water quality, flood risk and drainage have been assessed in the main body of the report above at paragraphs 123-126.
149. The submitted Flood Risk and Drainage Assessment confirms that the site does not lie within a fluvial flood plain, is not directly affected by pluvial flooding and will not increase hardstanding by more than 1,000 square metres. A culverted undesignated watercourse lies to the east, but no modification is proposed and a 10-metre working strip is to remain free of development above the culvert.
150. DfI Rivers, NIEA Water Catchment Unit (formerly Water Management Unit) and NI Water have been consulted and raised no objection, subject to statutory permissions and informatives where required. Officers have no reason to disagree with the technical assessments as submitted or relevant consultee responses.
151. Concerns regarding habitat disruption, biodiversity and the water environment have been considered at paragraphs 113-122. A Biodiversity Checklist, Extended Ecological Statement and Habitats Regulations Assessment Stage 1 Screening were submitted by the applicant. These reports conclude that protected sites, protected and priority species and habitats, protected flora and protected fauna are not at risk and that no further species surveys are required.
152. NIEA Natural Environment Division, Shared Environmental Services and the LCCC Biodiversity Officer have considered the submitted information and raised no objection, subject to appropriate mitigation and conditions including retention and protection of the oak tree, reinstatement of green open space and biodiversity enhancement. The proposal is therefore considered to comply with Policies NH1, NH2 and NH5.

Conclusions

153. Based on careful consideration of all relevant matters, the application is recommended for approval as it is considered to meet the relevant policy tests of the Local Development Plan 2032 as described above.

Conditions

154. The following conditions are recommended:

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

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

2. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and/or shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

3. Prior to the operational phase of the development, a management and operational plan shall be submitted to and agreed with the Council in writing. The plan shall detail how ongoing operations, e.g. maintenance, would be undertaken to ensure there is no loss of amenity to existing residential dwellings and their associated amenity space with regard to odour, noise and light. The management and operational plan shall be subsequently implemented as approved.

Reason: To protect the amenity of neighbouring dwellings with respect to odour, noise and light

4. The Rating Level for all noise sources associated with the development hereby approved shall not exceed 27.2dB LAr (daytime and nighttime) at the nearest noise sensitive receptor, in accordance with the Noise Impact Assessment dated 29 November 2024.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

5. The development hereby approved shall be undertaken in strict accordance with the Odour Impact Assessment dated 29 November 2024, including the model inputs applied within the assessment.

Reason: To protect the amenity of neighbouring dwellings with respect to odour

6. Construction work, including working hours, for the development shall be carried out in strict accordance with the Construction Environmental Management Plan dated 15 January 2025.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

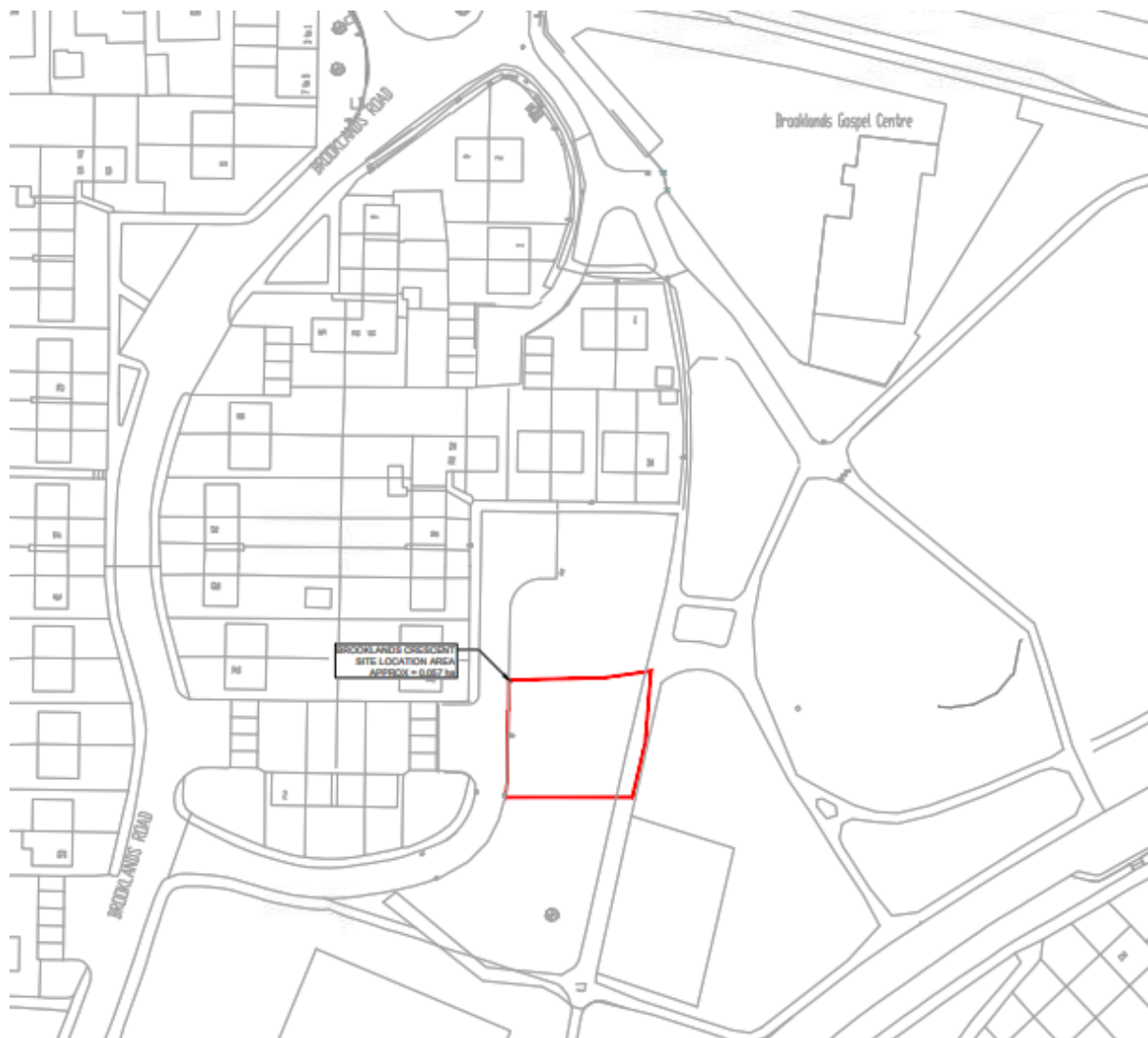
7. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

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

8. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars 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.

Site Location Plan- LA05/2025/0269/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	3 August 2026
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2025/0270/F
Date of Application	10 April 2025
Proposal Description	Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works.
Location	Land approximately 50 meters south of 240 Comber Road, Dundonald, Belfast BT16 2BS
Representations	1 no. objection
Case Officer	Helen McGuinness
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee as the application is referred by the Head of Planning and Capital Development in consultation with the Chair because the proposal involves the development of wastewater infrastructure, gives rise to significant local community interest and is proposed on and under land owned by the Council.
2. It is recommended that planning permission is granted as the proposal is considered to comply with the relevant provisions of the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy.
3. The development provides essential wastewater infrastructure in accordance with Strategic Policy 01 sustainable development and Strategic Policy 23 waste management by furthering sustainable development and facilitating the delivery of appropriate waste management infrastructure in the most appropriate location to address Unsatisfactory Intermittent Discharges from the Comber Road WwPS CSO to the River Enler, and a number of its tributaries to deliver long-term environmental improvements for local watercourses that meet the requirements identified by the NIEA.

4. The principal operational components located below ground and with above-ground elements limited in scale, siting and design so as to minimise visual and environmental impact in accordance with Policy UT1.
5. The proposal will have no unacceptable adverse impacts on residential amenity. A Noise Impact Assessment and Odour Assessment have been provided which demonstrate no adverse impacts on residential amenity and the relevant consultees NIEA and Environmental Health offer no objections to the proposed development.
6. The proposal is partly located within designated open space at Moat Park. Whilst a limited loss of open space is acknowledged, the principal infrastructure is below ground, affected grassed areas are to be reinstated. The wider community and environmental benefits associated with addressing wastewater capacity and reducing unsatisfactory intermittent discharges are considered to decisively outweigh the limited loss of open space, in accordance with the exception tests outlined in Policy OS1.
7. The proposal is considered to comply with Policy HE3. An Archaeological Desk Top Assessment has been submitted and concludes that there are no known archaeological sites within the development area, and that no further archaeological input is required.
8. The proposal complies with policies NH1, NH2 and NH5 in that it can be concluded from the submitted preliminary ecological statement and Habitats Regulations Assessment that there is no significant effect on designated European or Ramsar sites and that the proposal is not likely to result in the unacceptable adverse impact or damage to known protected species, priority species, habitats or features of natural heritage importance. Advice from Natural Environment Division and Shared Environmental Services has been into account as part of this assessment.
9. The site lies within the 1 in 100-year fluvial floodplain. However, the proposal constitutes essential utilities infrastructure which, for operational reasons, must be located adjacent to the existing wastewater pumping station. DfI Rivers has raised no objection, and the proposal is considered to satisfy the exception test under Policy FLD1.

Description of Site and Surroundings

10. The proposed development site is located along Comber Road and is partly located on existing open grasslands at Moat Park and partly located within an existing wastewater pumping station.
11. The topography of the site is relatively level throughout.

12. Access to the site is from an existing entrance to the existing pumping station in Comber Road.
13. There are no defined boundaries for the part of the site where the underground tank is proposed as this is located within a community park. The balance of the development is inside a paladin fence enclosing all the boundaries of the pumping station.
14. The surrounding area is mixed in nature with residential properties to the north and northeast and west. A water treatment works is located to the northwest. Community facilities such as a wildlife garden and surrounding park are located to the east and south of the site.

Proposed Development

15. This is a full application for proposed Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works.
16. The proposed kiosk building will measure approximately 6 metres in width, 2 metres in depth and have a maximum height of approximately 3.5 metres on top of concrete plinth. The proposed kiosk building will be finished in glass reinforced plastic (GRP) in green.
17. Underground works include: CSO Overflow Storage will be 17.5 metres in diameter; inlet/outlet chamber will also be below ground and measure 3m x 1.2m x 1.5m.
18. Associated works include telemetry pole (5 metres in hight), 3no. Lighting columns (5 metres in height), concrete and asphalt hardstanding area to be 78sqm and 76sqm respectively.
19. The application has been accompanied by the following.
 - Completed application form
 - Site location plan
 - Layout/block plan
 - Levels and cross section plans
 - Planning statement (AtkinsRealis)
 - Biodiversity checklist and Preliminary Ecological Assessment (WM Associates Ecology NI) June 2024.
 - Habitats Regulations Assessment, Stage 1 Screening (WM Associates Ecology NI) August 2024.
 - Flood Risk Assessment (McAdam Design) March 2025
 - Archaeological Desk Top Study (Gahan and Long) January 2025
 - Odour Impact Assessment (Irwin Carr Consulting) November 2024
 - Noise Impact Assessment (Irwin Carr Consulting) November 2024
 - Construction Environmental Management Plan (BSG) January 2025

Relevant Planning History

20. Relevant planning history is set out in the table below.

Reference	Address	Description	Decision
Y/2002/0279/CD	Comber Road Pumping Station, 242 Comber Road, Belfast	Site for Replacement Sewage Pumping Station	Permission granted 31/07/2002

Consultations

21. The following consultations were carried out:

Consultee	Response
Historic Environment Division (HED)	No objection
DFI Rivers	No objection
DFI Roads	No objection
NIEA Water Management Unit	No objection
NIEA Natural Environment Division	No objection
Environmental Health	No objection
Shared Environmental Services	No objection
LCCC Biodiversity Officer	No objection
LCCC Parks and Amenities	No objection

Representations

22. One objection is received and the comments are summarised as follows:

- Flooding

Planning Policy Context

23. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

24. It is stated at page 16 of Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in

Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

25. In accordance with the transitional arrangements, the development plan is the Plan Strategy and Belfast Urban Area Plan (BUAP). Draft BMAP remains a material consideration.
26. The site is located within the Metropolitan Castlereagh settlement limit and on designated open space. In the latest revision to draft BMAP (2014) the site is also identified as being located on designated open space within the settlement of Metropolitan Castlereagh.
27. The site is also located within the Local Landscape Policy Area (Designation MCH 42) Moat/Enler. Draft BMAP details the features of this designation as:

Those features or combination of features that contribute to the environmental quality, integrity or character of these areas are listed below:

- *Archaeological sites and monuments and their surroundings – A number of unnamed sites; an early Mesolithic occupation site in Ballymaglaff; a 17th century watermill site in Ballylisbredan; a medieval 17th century settlement site in Ballyoran; and the Dundonald site, which comprises a modern church (St Elizabeth's) on the site of a medieval church and graveyard, with coffin lid and possible souterrain, comprising a Motte (scheduled), to the north of Moat Park, from which there are extensive views;*
- *Area of local amenity importance - The grounds of St Elizabeth's Church of Ireland, a locally important building; a graveyard to the east of the church; the landscaped Moat Park, to the northeast of a bowling green; a pond area and playground located to the west of East Link Road; and Dundonald Primary School with the associated playing fields, pitches and tennis courts; and*
- *Area of local nature conservation interest - The Enler River and associated riverbanks.*

28. The proposal is for a Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk building, telemetry and lighting columns. Other works include associated site and access works. The following strategic policies in Part 1 of the Plan Strategy apply.

29. **Strategic Policy 01- Sustainable Development** states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

30. **Strategic Policy 05 Good Design and Positive Place-Making** – supports proposals that incorporate good design and place-making, which respects local character. This policy states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

31. **Strategic Policy 06 Protecting and Enhancing the Environment** – supports proposals that respect the historic and natural environments, including biodiversity. Proposals must aim to conserve and protect the environment, and where possible enhance it.

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

32. **Strategic Policy 17 Open Space, Sport and Outdoor Recreation** states that:

The Plan will support development proposals that:

- a) protect and enhance existing open space and provide new open space provision*
- b) support and protect a network of accessible green and blue infrastructure*
- c) support and promote the development of strategic and community greenways.*

33. **Strategic Policy 19 Protecting and Enhancing Natural Heritage** states that:

The Plan will support development proposals that:

- a) *protect, conserve and, where possible, enhance and restore our natural heritage maintain and, where possible, enhance landscape quality and the distinctiveness and attractiveness of the area*
- b) *promote the highest quality of design for any new development affecting our natural heritage assets*
- c) *safeguard the Lagan Valley Regional Park allowing appropriate opportunities for enhanced access at identified locations thereby protecting their integrity and value.*

34. **Strategic Policy 23 Waste Management** states that:

The Plan will support development proposals that:

- a) *facilitate the delivery of appropriate waste management infrastructure in the most appropriate locations paying due regard to the proximity principle and in accordance with the waste hierarchy.*
- b) *employ the most appropriate technology to meet the wide range of environmental targets while ensuring all the appropriate environmental protections are in place secure appropriate restoration and aftercare of waste management sites*

35. **Strategic Policy 24 Flooding** – supports proposals that reduce the risks and impacts of flooding states that:

The Plan will support development proposals that:

- a) *reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding*
- b) *encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding*
- c) *adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified.*

36. The following operational policies in Part 2 of the Plan Strategy apply.

Utilities

37. As previously stated, the proposed development comprises above and below ground wastewater infrastructure. **Policy UT1 Utilities** states:

To ensure that the visual and environmental impact of utility development is kept to a minimum, the provision of utility services, such as water, wastewater, electricity and gas to new development proposals should be laid underground where considered feasible and viable.

Open Space, Sport and Outdoor Recreation

38. The application site is located in an area of existing open space, Moat Park, Dundonald. As such the following policy applies.

39. **Policy OS1 Protection of Open Space** states:

Development that will result in the loss of existing open space or land zoned for the provision of open space will not be permitted, irrespective of its physical condition and appearance.

An exception will be permitted where it is demonstrated that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

An exception may also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on amenity, character or biodiversity of an area in either of the following circumstances:

- a) an area of open space of 2 hectares or less, where alternative provision is made by the developer and is as accessible to current users and equivalent in terms of size, usefulness, attractiveness, safety and quality*
- b) playing fields and pitches within settlement limits, where it is demonstrated by the developer that the retention and enhancement of that facility can only be achieved by the development of a small part of the existing open space, limited to a maximum of 10% of overall area, which will have no adverse impact on the sporting potential of the facility*

Historic Environment

40. The application is accompanied by an archaeological desk top study. This study was conducted to identify the location of known archaeological and cultural heritage sites relevant to the proposed application site and extending out to a 500m search radius from the main body of the development. The following policy applies:

41. **Policy HE3 Archaeological Assessment and Evaluation** states:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

Natural Heritage

42. The application has been accompanied by a Biodiversity checklist and Preliminary Ecological Assessment) and shadow Habitats Regulations Assessment, Stage 1 Screening. The Council as the competent authority has also undertaken its own screening for habitats regulation assessment.
42. In terms of potential natural heritage constraints, the site is indirectly hydrologically linked to the European Site Strangford Lough (7.6km upstream).
43. A number of trees are to be removed to facilitate development, in addition to the development site is in close proximity to Priority Hedging.
44. The following natural heritage policies apply.
45. **Policy NH1- European and Ramsar Sites – International** 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:

- a) *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)*
- b) *a listed or proposed Ramsar Site.*

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council, through consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA), is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *the proposed development is required for imperative reasons of overriding public interest; and*
- c) *compensatory measures are agreed and fully secured.*

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

- a) *it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or*
- b) *agreed in advance with the European Commission.*

46. Policy NH2- Species Protected by Law states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

47. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) priority habitats*
- b) priority species*
- c) active peatland*
- d) ancient and long-established woodland*
- e) features of earth science conservation importance*
- f) features of the landscape which are of major importance for wild flora and fauna*
- g) rare or threatened native species*
- h) wetlands (includes river corridors)*
- i) other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Flooding

48. A flood risk assessment has been submitted as the development is within the floodplain.,

49. **FLD1 Development in Fluvial (River) Flood Plains** states:

New development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) plus the latest mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy in the following cases:

Exceptions in Defended Areas

On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial flood event.

Proposals that fall into any of the following categories will not be permitted by this exception:

- a) essential infrastructure such as power supply and emergency services*
- b) development for the storage of hazardous substances*
- c) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- d) any development located close to flood defences.*

Proposals involving significant intensification of use will be considered on their individual merits and will be informed by a Flood Risk Assessment.

Exceptions in Undefended Areas

The following categories of development will be permitted by exception:

- a) replacement of an existing building*
- b) development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain*
- c) water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain*
- d) the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children*
- e) the extraction of mineral deposits and necessary ancillary development.*

Proposals that fall into any of the following categories will not be permitted by this exception:

- a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- b) essential infrastructure*
- c) development for the storage of hazardous substances.*

Development Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the flood plain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub-regional economic importance and meets both of the following criteria:

- a) demonstration of exceptional benefit to the regional or sub-regional economy*
- b) demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.*

Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk.

Minor Development

Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment. Where the principle of development is accepted by the Council through meeting any of the above 'Exceptions Tests', the applicant is required to submit a Flood Risk Assessment (FRA) to demonstrate that all sources of flood risk to and from the proposed development have been identified; and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Flood Protection/Management Measures In flood plains the following flood protection and management measures proposed as part of a planning application, unless carried out by DfI Rivers or other statutory body, will not be acceptable:

- a) new hard engineered or earthen bank flood defences*
- b) flood compensation storage works*
- c) land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.*

Regional Policy and Guidance

Strategic Planning Policy Statement (SPPS) for Northern Ireland

50. The SPPS Edition 2 was published in December 2025. It is the most recent regional planning policy, and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

51. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

52. It states that:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

53. Paragraph 3.8 of the SPPS states:

That the guiding principle for planning authorities in determining planning applications is 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.

54. With regards to Flood Risk, paragraph 6.103 states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

55. With regards to Natural Heritage, paragraph 6.172 states that:

The regional strategic objectives for natural heritage are to:

- *protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region's natural heritage;*
- *further sustainable development by ensuring that natural heritage and associated diversity is conserved and enhanced as an integral part of social, economic and environmental development;*
- *assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;*
- *contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of natural heritage in supporting economic diversification and contributing to a high quality environment; and*
- *take actions to reduce our carbon footprint and facilitate adaptation to climate change.*

56. With regards to Open space, Sport and Outdoor Recreation, paragraph 6.205 states that:

There will be a policy presumption against the loss of open space to competing land uses in local development plans (LDPs) irrespective of its physical

condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.

57. With regards to Telecommunications and Other Utilities, paragraph 6.253 states that:

In relation to other utilities LDPs should allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public services.

58. With regards to Waste Management, paragraph 6.317 states that:

The regional strategic objectives for waste management are to:

- *promote development of waste management and recycling facilities in appropriate locations;*
- *ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided or minimised; and*
- *secure appropriate restoration of proposed waste management sites for agreed after-uses.*

59. The SPPS Edition 2 remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

Assessment

Utilities

60. In consideration of Policy UT1, the proposal has been designed to keep the visual and environmental impact of the utility development to a minimum for the following reasons.
61. The policy seeks, where feasible, for utility services including wastewater infrastructure to be laid underground. In this case, the principal operational components of the wastewater pumping station, including the CSO overflow storage tank and inlet/outlet chamber are located below ground. The applicant has also detailed that the underground tank area will be reinstated with grass. This substantially reduces the visible extent of the development within the surrounding open space of Moat Park.
62. The proposal includes above-ground elements. It is noted the above ground elements are primarily located within the vicinity of the existing wastewater

pumping station grounds. A planning supporting statement has been submitted with the proposal and details that:

The proposed hose reel WwBS will replace the existing WwBS on Site and will be of a similar size and scale as the existing, therefore it is not anticipated to generate any additional impact. Similarly, the proposed 4.5-metre-wide entry gate on the east of the existing WWPS will be incorporated into the existing WwPS site fencing and so should not present a significant change or impact.

The proposed MCC kiosk will be located within the fenced boundary of the existing WwPS site. It is to be approximately 3.5 metres in height including the height of the concrete plinth upon which it will be situated (required for flood protective purposes), however! this is not deemed to be a significant visual addition to the area as it will be viewed in the context of the existing NIW infrastructure within the WwPS and will not be taller than the existing control building.

63. The planning statement further details that the location of the proposal is necessary as the space is sited to the boundary of an existing NI Water site at Comber Road and the works are required to be located in proximity to the existing site for operational purposes to connect existing infrastructure. The supporting statement goes on to detail:

The overflow tank is to be covered over in grass to minimise any visual intrusion, and to accord with policy UT1 as far as practicable.

Therefore, due to operational and physical constraints associated with utilities infrastructure, and taking account of the works that will be undertaken to cover the tank to minimise impacts, the location of the proposed Development is deemed to be justified in line with local policies.

The proposed hose reel WwBS will replace the existing WwBS on Site and will be of a similar size and scale as the existing, therefore it is not anticipated to generate any additional impact.

Similarly, the proposed 4.5 metre wide entry gate on the east of the existing WWPS will be incorporated into the existing WwPS site fencing and so should not present a significant change or impact. In addition to the kiosk structure has been kept to a compact footprint and modest height, measuring approximately 6 metres by 2 metres with a maximum height of approximately 3.5 metres, therefore limiting massing and reducing the visual prominence of the structure.

64. It is considered that the proposed above ground structures are in keeping with the existing buildings located at the Comber Road wastewater pumping station.
65. The statement goes on to detail that the above ground elements are necessary for the safe and effective operation of the infrastructure and are modest in scale when viewed in the context of the site and adjoining residential development.

66. Taking into consideration the nature of the works which are mainly underground and the limited scale of the above-ground infrastructure, which has been sensitively designed for an urban parkland setting ensures that the visual impact of utility development is kept to a minimum. The proposal is therefore considered to comply with Policy UT1.
67. With regard to environmental impact, the proposal has been accompanied by the following supporting information:
 - Supporting Planning Statement
 - Biodiversity checklist and Preliminary Ecological Assessment (WM Associates Ecology NI) June 2024.
 - Habitats Regulations Assessment, Stage 1 Screening (WM Associates Ecology NI) August 2024.
 - Odour Impact Assessment (Irwin Carr Consulting) November 2024
 - Noise Impact Assessment (Irwin Carr Consulting) November 2024
 - Construction Environmental Management Plan (BSG) January 2025
68. The submitted planning statement details the need for the proposed development and that the proposal submitted forms part of a wider programme of improvements in the Dundonald area aimed at addressing poor water quality in the River Enler and its tributaries. The proposed development will address Unsatisfactory Intermittent Discharges from the existing Comber Road WwPS CSO, situated between Comber Road and the River Enler. The proposal expects to deliver long-term environmental improvements for local watercourses that meet the requirements identified by the NIEA and will deliver a nominated output set by the Utility Regulator.
69. The Preliminary Ecological Assessment states that;

'The Enler River flows north-west to south-east past the subject site and within Moat Park. From the site location the Enler flows a further 7 km to its outfall into Strangford Lough via Comber and the Comber River.

This is amongst the Living with Water in Belfast Plan sub-projects in Dundonald that are being collectively tested for potential significant impacts upon the Strangford Lough European Designation features through the compilation of a Habitat Regulations Assessment (HRA) to be submitted with required planning applications.

The Living with Water in Belfast Plan is in part being undertaken to protect the aquatic environments through more efficient treatment and fewer out of sewer incidences.

There is no potential for impact upon any other ASSIs, SLNCIs LWS's or long-established woodlands.
70. The River Enler is classified within the NI Biodiversity Strategy Priority Habitat, and the River Enler should therefore be adequately protected from potential

harmful impacts during construction, with the main risk identified as potential sewage discharge. The main premise for the proposal is to increase the CSO storage capacity at the existing wastewater pumping station therefore during periods of significant rainfall, reduce the number of unsatisfactory intermittent discharges into the River Enler and tributaries, therefore contributing to the improvement of local water environments.

71. The ecological assessment goes on to conclude that there are no ASSI, SLINCI, LWS, long-established woodland, protected flora or fauna at risk. Mitigation measures such as retaining identified trees/hedging and ensuring a replanting scheme where trees or hedging are impacted will be conditioned in the event of an approval outcome.

72. The submitted Habitats Regulations Assessment Stage 1 Screening states:

The works are being undertaken to improve the flow along the sewerage network that eventually reaches Kinnegar WwTW via Sydenham TPS. The works being undertaken will improve efficiency and reduce the risk of out of sewer events in both the Belfast Lough catchment and the Strangford Lough catchment.

The habitats impacted by the works are not those which are important to the protected birds that use either designation.

The only pathway for negative impacts is via spillage, leakage or deliberate disposal of pollutants into the R. Enler system from any of the 6 x works locations that are close to an open watercourse.

Of the potential pollutants that would be used, hydrocarbons, and especially diesel fuel are used in the most significant amount. Catastrophic inputs of e.g. diesel from any of the six locations would disrupt the ecology of Strangford Lough off the Comber shore, and bioaccumulation would make the birds and fish feeding these especially vulnerable.

BSG By default, BSG do not store diesel on site. Where storage is required. Tanks are double bunded within a storage container set in a designated refuelling area away from any drain or watercourse. Spill kits are always kept on site and staff are trained in their deployment.

With re-fuelling and storage of diesel away from the watercourses that are close to the works area at the six locations depicted above. The risk of harmful inputs is limited to drips and leaks that would be hugely diluted before reaching Strangford Lough. There is no scope for a catastrophic input that would be detectable in Strangford Lough off Comber.

Even unmitigated, the amounts of harmful reagents that would be required to be used on site is such that a significant impact would not be anticipated.

73. Shared Environmental Service considered this planning application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural

Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of the Council which is the competent authority responsible for authorising the project. SES concluded that 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 assessed the way the project is to be carried out and any impact will be mitigated by NI Water being required to operate within the parameters of a Water Order Consent.

74. NIEA, Natural Environment Division (NED) was consulted and commented that it has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns. Officers have no reason to disagree with the advice contained in the submitted reports or the conclusion of the consultee.
75. On this basis, having regard to the environmental information submitted and the advice contained in the NIEA and SES responses, it is considered that the proposal will ensure that environmental impacts are kept to a minimum in accordance with policy UT1 and in accordance with Strategic Policy 01 sustainable development and Strategic Policy 23 waste management by furthering sustainable development and facilitating the delivery of appropriate waste management infrastructure in the most appropriate location.
76. The Construction Environmental Management Plan (CEMP) identifies potential environmental impacts resulting from construction operations including dust, noise and vibrations from construction activity, potential leakage of oil/fuels and other spills which may cause land contamination and/or water networks/ drainage systems and waste generation and resource use. The plan provides mitigation measures to prevent any adverse impact occurring and it is recommended that any development be carried out in accordance with the CEMP.
77. Whilst not required by policy UT1 the other general amenity impacts of the proposed development are considered as a material consideration given the proximity of the site to neighbouring residential properties.
78. It is noted that the nearest neighbouring residents are located approximately 49 metres from the proposed development to the northeast and approximately 43 metres to the northwest, abutting the existing WwPS site.
79. The accompanied noise impact assessment concludes that:

‘...The predicted noise levels at each of the nearest residential receptors were assessed against BS 4142:2014 limits and WHO recommended noise levels.

It was found that operational noise from the proposed development is likely to have a low impact during the daytime and night-time periods when assessed against BS4142:2014 limits and WHO/BS8233 recommended noise levels. Construction noise levels are predicted to be within BS5228 limits at receptor locations.

80. The accompanied odour assessment concludes that:

'The maximum ground level odour concentration is predicted to be primarily confined to the immediate environs of the proposed storm tank. Under the proposed layout the maximum 98th percentile of 1-hour ground level odour concentration at the worst effected residential property with no interest in the operation of the stack, in the vicinity of the proposed site is in accordance with the target limit value for of $\leq 50 \mu\text{E}/\text{m}^3$ when taken as an average of the 5-year period or within any individual 1-year period.

The significance of predicted impacts has been defined as no worse than 'slight' at all considered sensitive receptor locations with the operation of the proposed WWPS. In accordance with the IAQM odour guidance, the overall odour effects as a result of the operation are considered to be not significant. This conclusion would be expected as it is not anticipated that there will be significant odour associated with the proposed storm tank.'

81. Officers have no reason to disagree with the conclusions of these assessments. The main impact arises during the construction phase. Having regard for the mitigation measures outlined in the CEMP, it is considered that any construction-stage impacts can be managed and that the development is unlikely to result in any general disamenity or loss of residential amenity because of the operation of the pumping station.
82. Furthermore, the supporting information has also been reviewed by the relevant statutory bodies and consultees, including DfI Rivers, NIEA Water Management Unit, NIEA Natural Environment Division, Shared Environmental Services, and the Environmental Health Unit of the Council and no consultee had any objection to the proposed development.
83. On that basis, the nature and siting of the development is not considered likely to give rise to an unacceptable change in the established relationship between the site and neighbouring residential properties.

Protection of Open Space

84. The application site is located within designated open space at Moat Park, Dundonald and it is acknowledged that the proposal will result in the use of a small section of that open space for wastewater infrastructure.

85. Policy OS1 establishes a presumption against the loss of existing open space however, an exception may be permitted either where it is demonstrated that redevelopment will bring substantial community benefits which decisively outweigh the loss of open space or the area is less than two-hectare and the equivalent amount of space is provided elsewhere.
86. The proposal is a small site (0.264ha) on the edge of a larger area of open space. The tank which is underground is approx. 315 square metres and will be reinstated with grass. The area of hardstanding to get access to the tank measures approx. 60m. The proposed building will be located within the existing compound. It is therefore considered that the loss of open space is minimal and will not adversely impact the amenity value as the remaining large area of open space in Moat Park is still available for public use at this location.
87. This proposal does not make alternative provision for the loss of the open space. The proposal will however deliver substantial community benefits for the residents of the wider Dundonald area by providing essential wastewater infrastructure, addressing existing capacity constraints within the network, enabling planned and future residential development to proceed, and reducing unsatisfactory intermittent discharges from the Comber Road CSO which contribute to water quality issues in the River Enler catchment.
88. These benefits are considered to decisively outweigh the limited loss of open space. Furthermore, a consultation was raised internally with LCCC Parks and Amenities manager confirming no objections to the proposal.
89. Having regard to the small area affected, the reinstatement of grassed areas, the limited scale of above-ground infrastructure, the absence of unacceptable impacts on amenity, character or biodiversity as assessed previously, and the wider community and environmental benefits arising from the scheme, the proposal is considered to satisfy the exception test under Policy OS1.

Policy HE3- Archaeological Assessment and Evaluation

90. The applicant has submitted an Archaeological desk top assessment. The assessment has been conducted to identify the location of known archaeological and cultural heritage sites relevant to the proposed application site and extending out to a 500m search radius from the main body of the development.
91. The study found that:

A desk top survey has identified that there are no known archaeological sites within the development area. An inspection of the early edition OS maps shows the site to have consisted agricultural land which was free from historic development. Looking beyond the development site, the desk top survey

identified a single archaeological monument within the wider search area. Given the limited amount of known archaeological sites within the wider area and the small footprint of the development, it is unlikely that any sub-surface archaeological deposits will be identified here. As such it is recommended that no further archaeological input is required for this development to proceed.

92. Historic Environment Division were consulted and provide no objections to the proposal. As such, it is considered having regard to the detail of the submitted report and the advice of the consultee that the proposal will not impact adversely on any below ground heritage asset and the requirements as set out in Policy HE3 are met.

Natural Heritage

93. As set out above, a biodiversity checklist, Preliminary Ecological Assessment and shadow HRA Stage 1 Screening report has been submitted with the application.
94. During the lifetime of the application a consultation was raised with Shared Environmental Services, they stated that:

This 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 Lisburn and Castlereagh City Council which is the competent authority responsible for authorising the project.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, 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. The proposed development will be required to operate within the parameters of a Consent to Discharge, granted under the terms of the Water (NI) Order 1999.

95. As outlined above, the proposed development is unlikely to, either individually or in combination with existing and/or proposed plans or projects, result in a significant adverse impact to a European Site or Ramsar Site.
96. As such, the proposal will comply with Policy NH1.
97. The preliminary ecological assessment provides the following information;

Flora

No Scheduled species (such as Japanese Knotweed, Giant Hogweed, Salmonberry and Himalayan Balsam etc.) were located within the red line boundary of the site, the existing pump enclosure or the approach to the site from Comber Road.

Japanese Knotweed (Fallopia japonica) was identified at 3 locations within the Enler River, all on the lower bank and mainly at the bank toe.

The large Sycamore, or the Red Oak at the roadside are not at risk from a development here. If other trees are lost, the biodiversity impact will be small, but the loss should be offset by replanting of heavy standard trees elsewhere in the locality.

Fauna

Badger: There were no signs at all of Badger on the site or in the 25 m survey buffer.

Otter: The river is considered large enough to be used by Otter, but There were no signs of Otter on either bank – no slides sprains or vegetation tunnels. Sprainting opportunities were few, but no spraints were seen.

Rivers flowing through busy and populated urban areas would normally be shunned by Otter.

Pine Marten and Red Squirrel: The arboreal Red Squirrel and to a lesser extent Pine Marten are dependent on woodland cover. The habitats impacted by this proposal would not be important for either species.

Breeding Birds: No structures or trees with potential for breeding birds are located on the site. Some of the shrubby habitats within the adjacent Wildlife Garden, including the hedge at Compartment B, have potential to host nesting birds.

Newts: There is a pond created over a plastic liner within the adjacent Wildlife Garden. The surface is largely obscured by floating Lemna minor. The pond was observed for around 12 minutes with no adult newt seen coming up for air. This does not rule out the possibility that it is used as a newt breeding pond.

Lizard: The site is within the range of Lizard within Northern Ireland as reported in Farren et al. (2010). They are mainly associated with heathland, bog and coastal habitats, which are not present on this site. The NBN atlas shows Lizard records from the Belfast Hills and especially from Scrabo Hill, but has no records from urban Dundonald.

Invertebrates: No notable habitats for specialist invertebrates were identified on the survey site.

No further surveys will be required for these species.

Bats: No trees with a BRP of 2 (Moderate) will require to be removed. In accordance with the BCT's 2016 guidelines, there is no requirement for a bat emergence return survey to further assess the trees that will require to be removed.

Priority Habitats

The hedge at Compartment 2 is largely native and therefore falls within the definition of the Northern Ireland Biodiversity Strategy Priority Habitat Hedgerows. It does not appear to be at risk from the proposed new storm tank installation, but if any section requires to be removed as a part of the proposed works then at least an equal length will require to be replanted.

The application should be clear as to how the Enler will be protected from potentially harmful inputs during the construction. Since the intention is to break into the existing overflow there is no need for works closer than 15 m from the bank top, with the man works area separated from the bank top by the Wildlife Garden. The main risk to address would be that of potential sewage discharge via the overflow pipe as a result of the required works.

98. NIEA Natural Environment Division were consulted and provided the following feedback:

Using the information submitted, NED is content that the proposed development is unlikely to significantly impact priority habitats or priority species.

The Ecologist has indicated that the proposed development will not require the removal of any trees with bat roosting potential. NED is content with this assessment; it is important to note that works within the crown spread of trees can result in damage to the root system which can result in death of the tree. Therefore, works adjacent to onsite trees should be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction.

NED notes that some vegetation requires removal and advises that the vegetation on the site may support breeding birds. All wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED thus advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August, or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.

99. Furthermore, a consultation was raised with LCCC Biodiversity Officers offering the following feedback:

Applicant has provided an amended site location map with a planting schedule for the replacement of trees being removed.

*Recommendation**No further information required*

100. In the case of an approval outcome, a landscaping plan will be conditioned to ensure the provision and protection of visual amenity and to enhance biodiversity.
101. It is considered that the proposed development is not likely to harm a European protected species or result in an unacceptable adverse impact on, or damage to known priority habitats, priority species or features of natural heritage importance.
102. On this basis it is considered that the development as proposed is in keeping with the natural heritage requirements and policy NH2 and NH5 are met.

Flooding

103. A Flood Risk Assessment has been submitted with the application.
104. The Flood Risk and Drainage Assessment details the following:
 - *Dfi Rivers online flood maps indicated the site may be at risk from flooding, and therefore it was considered essential to consider flood risk.*
 - *It is expected that this proposal is granted an exception under U2 – Utilities Infrastructure. The site is linked to existing facilities immediately east and therefore this FRA has been written on the basis this is accepted.*
 - *The proposals include an extension to an existing WwPS located immediately south. This extension includes for a new storage tank and associated infrastructure. The tank is proposed to be located above the ground level accessed via a ramp from the existing facility. Within the existing site, it is proposed to construct 3No. above ground structures:*
 - *The WwPS Kiosk accounting for 10.8m², proposed on lands with ground level 19.80mOD.*
 - *WwBS to replace existing, accounting for 2.9m², proposed on lands with ground level 19.73mOD.*
 - *Inlet/Outlet Chamber, accounting for 5.24m² within lands to the northeast outside the mapped floodplain.*
 - *It has been conservatively calculated that 4.313m³ of storage will be affected, based on a predicted Q100cc level of 20.1mOD.*
 - *To prevent impact to nearby receptors, a modest floodplain compensation scheme has been devised, re-introducing any lost floodplain storage on site. This has provided a net gain of 3.787m³ storage – a significant betterment.*
 - *Given the simplistic approach, and the minimal volumes concerned, it is assumed hydraulic modelling would not be required as part of this application.*
 - *Mitigating measures are listed, and it is recommended they are adhered to.*
105. The proposal is considered to fall within the exception provisions of Policy FLD1 as it comprises utilities infrastructure which, for operational reasons, is

required at this location in association with the existing wastewater pumping station. The submitted Flood Risk Assessment demonstrates that flood risk can be appropriately managed, including through compensatory flood storage.

106. Dfl Rivers was consulted on the application and, having considered the submitted Flood Risk Assessment, Dfl Rivers response on 28th July 2026 states:

Infilling or land raising within the undefended fluvial flood plain is not considered acceptable because the loss of flood storage area may well cause or exacerbate flooding elsewhere. Flood compensation storage involves the replacement of flood plain land lost through infilling for development, this is provided through excavation. Flood compensatory storage in itself is not considered as justification for development in a flood plain.

However, in exceptional circumstances where infilling may be permitted to facilitate the provision of key infrastructure, such as a road embankment, flood compensatory storage may be acceptable as a flood mitigation measure.

Section 5.0 bullet points 4 & 5 of the Flood Risk Assessment state that "It has been conservatively calculated that 4.313m³ of storage will be affected, based on a predicted Q100cc level of 20.1mOD. To prevent impact to nearby receptors, a modest floodplain compensation scheme has been devised, re-introducing any lost floodplain storage on site. This has provided a net gain of 3.787m³ storage..."

The applicant is therefore requested to carry out a hydraulic model to ensure that the proposed compensatory flood plain storage area functions correctly and demonstrates by the provision of cross-sections that the compensatory area is on a level-for-level basis, this is to ensure that the flood risk both to the development and elsewhere is adequately addressed.

107. On review of Dfl Rivers response officers recommend that a condition is to be attached to any approval to address Dfl Rivers comments.
108. Having regard to the nature of the proposal as essential utilities infrastructure, the operational requirement for its location within the floodplain and the findings of the submitted Flood Risk Assessment the proposal is considered to satisfy the exception provisions of Policy FLD1 and is acceptable from a flood risk perspective.
109. Water Management Unit advised that they have considered the impacts of the proposal on the water environment and are content subject to any required statutory permissions being obtained and the applicant referring and adhering to DAERA Standing Advice.
110. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from Dfl Rivers, Water

Management Unit, it is accepted that the proposal complies with policy FLD1 of the Plan Strategy.

Representations

111. The matters raised in the objection received have been considered against the submitted information, consultee responses and the assessment set out above.
112. The Flood Risk Assessment acknowledges flood risk considerations and identifies that the proposal forms an extension to the existing wastewater pumping station infrastructure. It confirms that only minimal floodplain storage would be affected and that compensatory flood storage is proposed on site, providing a net gain in storage and therefore improvement.
113. DfI Rivers has reviewed the submitted information and raised no objection, noting the relevant drainage and consenting requirements. Officers have no reason to disagree with the technical advice received. On this basis and having regard to the assessment set out above, the proposal is considered acceptable in flood risk terms.

Conclusions

114. Based on careful consideration of all relevant matters, the application is recommended for approval as it is considered to meets the relevant policy tests of the Local Development Plan 2032 as described above.

Conditions

115. The following conditions are recommended:
 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
 2. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and/or shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees, shrubs or hedging dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

3. No development shall take place until a plan showing the erection of fencing has been submitted to and approved by the Council for the protection of any retained tree/ priority hedging. Full particulars are to be approved 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.

4. Prior to the operational phase of the development, a written management/operational plan shall be submitted and agreed with the Environmental Health Service Unit. The plan shall detail how ongoing operations, e.g. maintenance, would be undertaken to ensure there is no loss of amenity existing residential dwellings and their associated amenity space with regard to odour, noise and light.

Reason: To protect the amenity of neighbouring dwellings with respect to odour, noise and light

5. The Rating Level for all noise sources associated with the development hereby approved shall not exceed 29.2dB LAr (daytime and nighttime) at the nearest noise sensitive receptor, in accordance with the Noise Impact Assessment dated 29 November 2024.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

6. The development hereby approved shall be undertaken in strict accordance with the Odour Impact Assessment dated 29 November 2024, including the model inputs applied within the assessment.

Reason: To protect the amenity of neighbouring dwellings with respect to odour.

7. Construction hours for the development shall be limited to 0730 – 1730 Monday to Friday, with no activity at weekends or Bank Holidays.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

8. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree

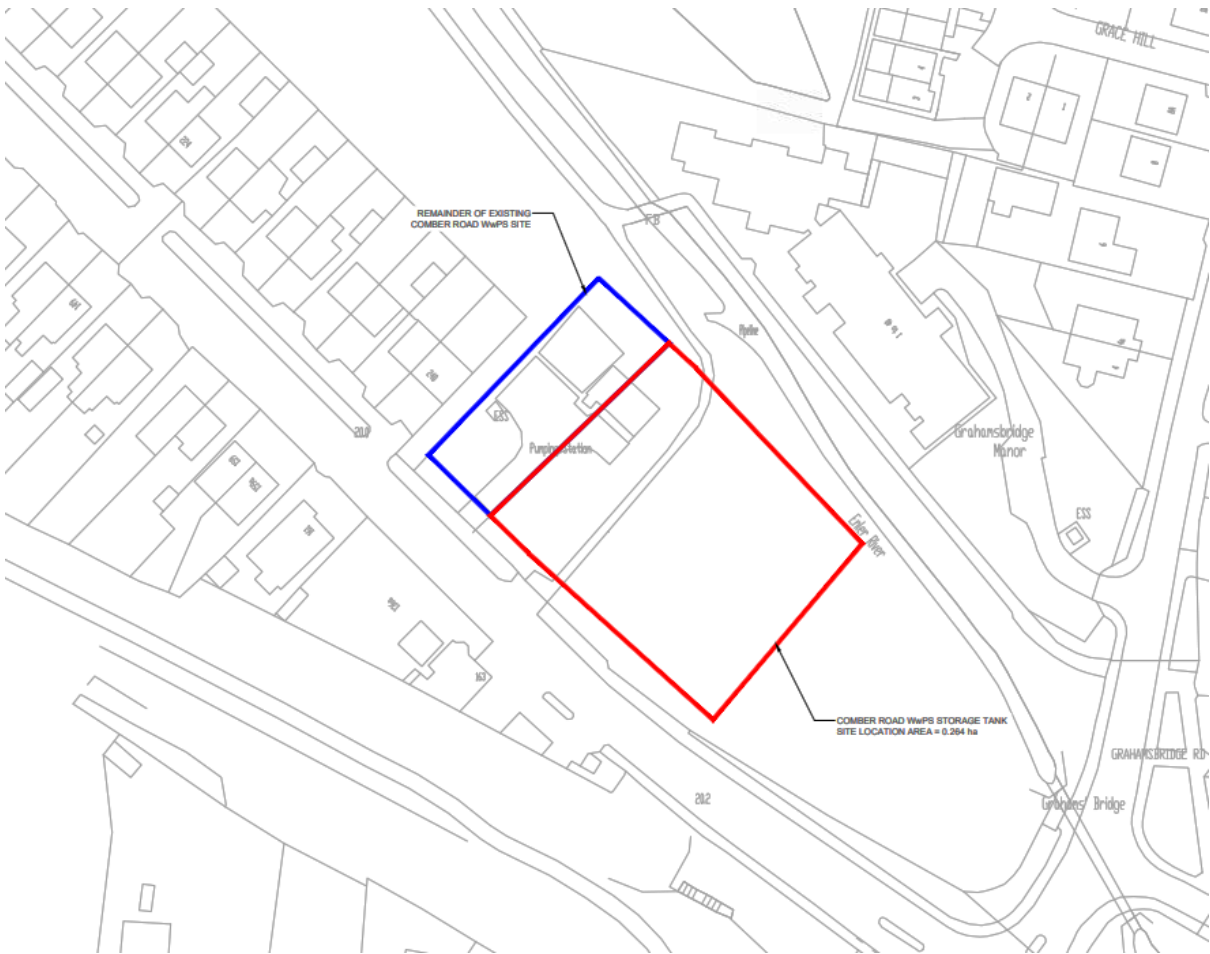
surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

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

9. Within 6 months of the date of this permission, a hydraulic model and details of the compensatory floodplain storage area shall be submitted to, and approved, and agreed in writing by the Council. The submitted details shall demonstrate that the compensatory floodplain storage area functions effectively and provides level-for-level flood storage compensation, supported by existing and proposed cross-sections.

Reason: To ensure there is no increase in flood risk within the site or elsewhere.

Site Location Plan- LA05/2025/0270/F



Lisburn & Castlereagh City Council

Committee Report	
Date of Committee	03 August 2026
Committee Interest	Local Application
Application Reference	LA05/2025/0099/F
Date of Application	04 February 2025
District Electoral Area	Castlereagh East
Proposal Description	A wastewater storage tank for the existing Millars Lane Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a water booster set, telemetry and lighting aerial above ground. Other works include a 2.4m high paladin fence, access gate and associated site and access works.
Location	Millars Lane WwPS, Millmount Quarry Close, Dundonald, BT16 1YT
Representations	None
Case Officer	Jordan Campbell
Recommendation	Approval

Summary of Recommendation

1. This is a local application and is presented to the Planning Committee for determination in accordance with the Protocol for the Operation of the Planning Committee as the proposal is presented with an opinion to approve contrary to the advice of a statutory consultee and is referred as an exception by the Head of Planning and Capital Development in consultation with the Chair of the Committee.
2. Whilst DfI Roads object to the proposal on the grounds that it conflicts with the requirements of Policy TRA4 of the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy insofar as a portion of the site encroaches into a road protection corridor for the EWAY designated in the Belfast Urban Area Plan. Officers accept having regard to appeal decision 2020/A0033 that the

degree of prejudice to the safeguarded transport scheme is negligible and there would remain sufficient space for the appeal development whilst also affording sufficient potential for further enhancement and upgrading of the PRL in the future, if required.

3. It is further noted that DfI Roads do not have any other objections on the grounds of road safety or traffic progression and the submitted proposal is in accordance with policy TRA2 of the Plan Strategy.
4. Regard has been given to advice from Historic Environment Division (HED) in relation to the preservation of archaeological remains of local importance and the setting of nearby listed buildings, and it is considered that the proposal complies with policies HE2, HE3, HE4 and HE9 of the Plan Strategy.
5. Appropriate ecological information is submitted in support of the application and prepared by a suitably qualified ecologist. NIEA and SES were consulted and raised no objection to the proposal, subject to conditions the proposal complies with policies NH1, NH2 & NH5 of the Plan Strategy.
6. The site lies within the 1 in 100-year fluvial floodplain. However, the proposal constitutes essential utilities infrastructure which, for operational reasons, must be located adjacent to the existing wastewater pumping station. DfI Rivers has raised no objection, the proposal is considered to satisfy the exception test under Policy FLD1.
7. Having regard to the development plan, consultation responses, supporting technical information and all other material considerations, it is considered that the proposal represents an acceptable form of development. Accordingly, approval is recommended subject to conditions.

Site and Surrounding Context

8. The application site is located adjacent to the existing Millars Lane Wastewater Pumping Station (WwPS), at Millmount Quarry Close, Dundonald.
9. The site comprises an area of open grass land and the western and southern boundaries are open and undefined, whilst the northern and eastern boundaries are defined by metal fencing and mature vegetation.
10. An existing Northern Ireland Electricity (NIE) overhead electricity pole, is located within the site.
11. The site is generally level, with no significant changes in ground level across the application area.

12. The northern boundary adjoins the Comber Greenway. A footbridge and pedestrian pathway are located immediately west of the site, with the River Enler approximately 12 metres beyond. The eastern boundary is shared with the existing Millars Lane WwPS, whilst vehicular access is taken directly from Millars Lane to the south.
13. The nearest residential properties are apartments located approximately 80 metres east of the site along Millmount Quarry Close.
14. The surrounding area is characterised by residential development and public open space.

Proposed Development

15. The applicant seeks full planning permission for the construction of a new emergency overflow wastewater storage tank to serve the existing Millars Lane Wastewater Pumping Station (WwPS) in Dundonald.
16. The proposed development comprises:
 - Construction of an emergency overflow wastewater storage tank;
 - Installation of associated underground chambers and sewers;
 - Installation of a water booster set;
 - Erection of a 5m telemetry column with associated task lighting;
 - Installation of 2.4m access gate and black paladin security fencing;
 - Installation of 1.2m WwBS Kiosk;
 - Hard landscaping of the site, including a decorative gravel surface finish;
 - Provision of a hard-surfaced vehicular access lane with gated entrance;
 - Creation of a flood compensation area; and
 - Relocation of an existing NIE electricity pole.

Relevant Planning History

17. The following planning history associated with the application site is considered relevant to the assessment of this proposal:

Reference	Proposed Development	Decision Issued
LA05/2024/0413/PAD	The proposed development is for the installation of an Emergency Overflow storage tank from the existing Millar's Lane WwPS to reduce the spills into the receiving watercourse.	Concluded

Consultations

18. The following consultations were undertaken as part of this application:

Consultee	Comments
NIEA WMU	No objection
Environmental Health	No objection
HED	No objection
DfI Rivers	No objection
Shared Environmental Service	No objection
NIE	No objection
DfI Roads	Object

Representations

19. No representations have been received in respect to the application.

Local Development Plan

20. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in deciding on Planning applications, regard must be had to the requirements of the local development plan and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

21. Lisburn and Castlereagh City Council adopted their Local Development Plan 2032 Plan Strategy in September 2023.
22. The Council's adopted Plan Strategy provides a 15-year framework to support the economic and social needs in line with regional strategies and policies, while providing for the delivery of sustainable development.
23. The Plan Strategy is divided into two parts over two documents.
24. It is stated at Part 1 of the Plan Strategy that:

‘Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.’

25. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Belfast Urban Area Plan 2001 (BUAP). The last revision of draft BMAP remain material considerations.
26. The application site is located within the open countryside and proposed a strategic roadline E14 (3) Ballybeen to Quarry Road Link under Policy TR10 Strategic Highway Measures, Eastern Approaches Strategy. The E14 (3) proposal was abandoned in favour of a road-based rapid transit scheme.
27. Within draft BMAP (dBMAP) the site lies within the settlement development limit of Metropolitan Castlereagh and is part of employment zoning MCH08. The aforementioned roadline from BUAP was broadly retained in dBMAP and

proposed as draft designation MCH16 – Non-Strategic Road Scheme Quarry Corner – East Link Road.

28. Draft BMAP (Alteration No. 1) identified protection corridors for road schemes, including MCH16, which slightly reduced the extent of employment zoning MCH08. The Commission's Inquiry Report recommended confirmation of the reduced zoning, resulting in a significant portion of the site being excluded from MCH08 while remaining within the indicative alignment of MCH16.
29. This proposal is for a wastewater storage tank for the existing Millars Lane Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a water booster set, telemetry and lighting aerial above ground. Other works include a 2.4m high paladin fence, access gate and associated site and access works
30. The following strategic policies in Part 1 of the Plan Strategy apply.
31. **Strategic Policy 01 Sustainable Development** states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

32. **Strategic Policy 05 Good Design and Positive Place-Making** states that:

The Plan will support development proposals that:

incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

33. **Strategic Policy 06 Protecting and Enhancing the Environment** states that:

The Plan will support development proposals that:

respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural

heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

34. Strategic Policy 18 Protecting and Enhancing the Historic Environment and Archaeological Remains states

The Plan will support development proposals that:

- a) protect and enhance the Conservation Areas, Areas of Townscape Character and Areas of Village Character;*
- b) protect, conserve and, where possible, enhance and restore our built heritage assets including our historic parks, gardens and demesnes, listed buildings, archaeological remains and areas of archaeological potential;*
- c) promote the highest quality of design for any new development affecting our historic environment.*

35. Strategic Policy 19 Protecting and Enhancing Natural Heritage

The Plan will support development proposals that:

- a) protect, conserve and, where possible, enhance and restore our natural heritage maintain and, where possible, enhance landscape quality and the distinctiveness and attractiveness of the area;*
- b) promote the highest quality of design for any new development affecting our natural heritage assets;*
- c) safeguard the Lagan Valley Regional Park allowing appropriate opportunities for enhanced access at identified locations thereby protecting their integrity and value.*

36. Strategic Policy 24 Flooding

The Plan will support development proposals that:

- a) reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding;*
- b) encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding;*
- c) adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified.*

37. The following operational policies in Part 2 of the Plan Strategy apply.

Utilities

38. As previously stated, the proposed development comprised below and above ground waste water infrastructure.

Policy UT1 Utilities states

To ensure that the visual and environmental impact of utility development is kept to a minimum, the provision of utility services, such as water, wastewater, electricity and gas to new development proposals should be laid underground where considered feasible and viable.

The provision of utility services, such as water, wastewater, electricity and gas to new development proposals should be laid underground. An exception will be permitted in rural locations including villages and small settlements for overhead electricity lines and poles serving new development, where underground provision is not feasible or viable. Proposals for all overhead electricity lines and associated infrastructure, either regional transmission or local distribution networks, will be subject to the following:

pylons, poles and overhead lines should follow natural features of the environment, having regard to designated areas of landscape or townscape sensitivity, to minimise visual intrusion;
avoidance of areas of nature conservation, the historic environment or archaeological interest;
wirescape should be kept to a minimum;
associated infrastructure works should be visually integrated, making use of existing and proposed landscaping;
proposed power lines should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP).

39. Regional transmission network pylons and overhead lines will be considered against this policy.

Access and Transport

40. A new access for a service vehicle is proposed onto public road.
41. TRA2 Access to Public Roads states:

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:

it will not prejudice road safety or significantly inconvenience the flow of vehicles; and, it does not conflict with Policy TRA3 Access to Protected Routes.

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

42. The site encroaches into a protected road line for the EWAY. TRA4 Protection for New Transport Schemes states:
43. TRA4 Protection for New Transport Schemes states

Planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in the Local Development Plan.

Justification and Amplification

Land needed to facilitate a new transport scheme (such as a road scheme, improvements to pedestrian or cycle networks or a public transport scheme and associated facilities) will be protected from development that would prejudice its implementation.

Matters that will be taken into account in assessing whether the implementation of a particular scheme would be prejudiced include:

the nature of the development proposal; the programming of the transport scheme; and, the extent to which implementation of the scheme would be compromised by the carrying out of the proposed development.

Historic Environment

44. The application site is located in proximity to a recorded Mesolithic occupation site (DOW 005:058). Policies HE2, HE3 and HE4 are therefore engaged. Policy
45. **Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings** states:

Proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings shall only be permitted where the Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.

46. **Policy HE3 Archaeological Assessment and Evaluation** states:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

47. **Policy HE4 Archaeological Mitigation** states:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

48. The application site is located in proximity to the listed building, Millmount House (HB25/06/001). Policy HE4 is therefore engaged.

49. **Policy HE9 Development affecting the Setting of a Listed Building** states:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) the detailed design respects the listed building in terms of scale, height, massing and alignment;*
- b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building;*
- c) the nature of the use proposed respects the character of the setting of the building.*

Natural Heritage

50. The application has been accompanied by a bio-diversity checklist and preliminary ecological appraisal.

51. Policy NH2 Species Protected by Law states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions;*
- b) it is required for imperative reasons of overriding public interest; and there is no detriment to the maintenance of the population of the species at a favourable conservation status;*
- c) compensatory measures are agreed and fully secured.*

National Protected Species

- 52.** *Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.*

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

- 53. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:**

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) priority habitats*
- b) priority species*
- c) active peatland*
- d) ancient and long-established woodland*
- e) features of earth science conservation importance*
- f) features of the landscape which are of major importance for wild flora and fauna*
- g) rare or threatened native species*
- h) wetlands (includes river corridors)*
- i) other natural heritage features worthy of protection.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

54. The site is in the floodplain of the River Enler. The site has been identified as being located within an undefended fluvial flood area.

55. **Policy FLD1 Development in Fluvial (River) Flood Plains** states:

New development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy in the following cases:

Exceptions in Undefended Areas

56. The following categories of development will be permitted by exception:

- a) replacement of an existing building;*
- b) development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain;*
- c) water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain;*
- d) the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children;*
- e) the extraction of mineral deposits and necessary ancillary development.*

Proposals that fall into any of the following categories will not be permitted by this exception:

- a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing;*
- b) essential infrastructure;*
- c) development for the storage of hazardous substances.*

Regional Policy and Guidance

57. The SPPS Edition 2 was published in December 2025. It is the most recent regional planning policy, and it is stated at paragraph 1.5 that:

“The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of local development plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years”.

58. Paragraph 3.8 of the SPPS Edition 2 states:

“Under the SPPS, the guiding principle for planning authorities in determining planning applications is 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. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise”.

59. Paragraph 4.12 of the SPPS Edition 2 states:

“Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above-mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas”.

60. Paragraph 4.26 of the SPPS Edition 2 states that:

“Design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region. Particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, such as areas of outstanding natural beauty, conservation areas, areas of townscape character and areas of special archaeological interest. Appropriate and adequate amenity space,

especially in residential developments (including unconventional solutions), is an important element of good design”.

61. Paragraph 6.232 of the SPPS Edition 2 states that:

“In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies”.

There are no implications for this proposal following the publication of the SPPS Edition 2, only paragraph 6.232 is new and the need for integrated renewable energy was taken account of in the preparation of policy within the LDP Plan Strategy. Requirements of policy RE2 are considered later in the report. 58.

With regards to Flood Risk, paragraph 6.103 states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

62. With regards to Natural Heritage, paragraph 6.172 states that:

The regional strategic objectives for natural heritage are to:

- *protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region’s natural heritage;*
- *further sustainable development by ensuring that natural heritage and associated diversity is conserved and enhanced as an integral part of social, economic and environmental development;*
- *assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;*
- *contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of natural heritage in supporting economic diversification and contributing to a high quality environment; and*
- *take actions to reduce our carbon footprint and facilitate adaptation to climate change.*

63. *The SPPS Edition 2 remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS Edition 2.*

Assessment

Utilities

64. Policy UT1, seeks, where feasible, for utility infrastructure, including wastewater infrastructure, to be located underground. In this instance, the principal operational components of the proposed emergency overflow wastewater storage tank, together with the majority of the associated infrastructure, would be positioned below ground level
65. The proposed development would be located immediately adjacent to the existing Millars Lane Wastewater Pumping Station and would form a logical extension to the established wastewater infrastructure at the site. As such, the proposal would not appear incongruous within its surroundings.
66. Having regard to the predominantly below-ground nature of the development, the limited scale and functional design of the above-ground infrastructure, and its direct association with the existing wastewater pumping station, the proposal is not considered to result in unacceptable visual, environmental or amenity impacts. The development would integrate satisfactorily with the existing facility and the character of the surrounding area.
67. Furthermore, the proposal would provide essential wastewater infrastructure to address existing network capacity constraints, improve operational resilience and reduce the frequency of unsatisfactory intermittent discharges from the existing pumping station. The development therefore serves an identified operational need and delivers wider environmental and community benefits
68. Accordingly, for the reasons set out above the proposal is considered to meet the requirements of the first paragraph of policy UT1.

Access and Transport

69. With regard to Policy TRA2 Access to Public Roads the nature and scale of the proposal, the anticipated level of vehicle movements associated with the development is expected to be limited and largely restricted to occasional maintenance and operational visits.
70. As such, the proposal would not be likely to prejudice road safety, significantly inconvenience the flow of traffic, or otherwise adversely affect the operation of the local road network. In this regard, the proposal is considered to accord with Policy TRA2.

71. DfI Roads has no objection in principle to the proposed access arrangement on the grounds of road safety or adverse impact on traffic progression. Officers have no reason to disagree with this advice.
72. Policy TRA4 states that “planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified within the Local Development Plan”.
73. DfI Roads was consulted and raised concern that the proposed development would encroach into a Road Protection Corridor associated with the proposed Quarry Corner – Comber Road Link Road and EWAY (Rapid Transit Scheme).
74. DfI Roads advised that the emergency overflow tank and associated infrastructure would be located within land safeguarded for the future delivery of the transport scheme and that permanent structures should not encroach into the protected corridor.
75. DfI Roads considers that the proposal would prejudice the implementation of a transport scheme identified within the Local Development Plan and is contrary to Policy TRA4 (Protection for New Transport Schemes) of the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy. Notwithstanding the concerns raised by DfI Roads, the Justification and Amplification of Policy TRA4 advises that, when assessing whether a development would prejudice the Road Protection Corridor, consideration should be given to the nature of the proposed emergency overflow wastewater storage tank and the extent to which its implementation would compromise the Road Protection Corridor.
76. While there is a presumption against the loss of land protected for the road line the Planning Appeal Commission in at paragraph 24 of appeal reference 2020/A0033 highlight that the LDP process remains the appropriate mechanism for determining the future development and transport needs of the area. Whilst the identified PRL has been associated with various differing transport proposals over the years the Council must be persuaded that the proposal would jeopardise or prejudice implementation of the PRL, should a definitive proposal be brought forward with the requisite funding in the future.
77. Following a similar approach taken by the Commissioner at paragraph 23 of the appeal decision in examining the impact of the proposed development on the protected road line it is noted that the proposed emergency overflow wastewater storage tank, together with the majority of the associated infrastructure, would be located below ground level. Only a limited amount of ancillary infrastructure would be visible above ground, namely a 5m telemetry pole, 2.4m access gate and black paladin security fencing, 1.2m WwBS Kiosk, 0.5m access cover.

78. The nature of the proposal is predominantly underground, whilst a portion of the proposed development would encroach into the safeguarded Road Protection Corridor, the extent to which it would physically impede the future implementation of the Quarry Corner–Comber Road Link Road and EWAY scheme is limited in the opinion of officers.
79. It is further acknowledged that the safeguarded transport scheme remains a long-term proposal that is subject to further appraisal, the availability of funding and progression through the necessary statutory procedures. At present, there is no certainty regarding the scheme's implementation or delivery timescale
80. Whilst the proposal is located within the land designated as a protected road line it is considered that the degree of prejudice to the safeguarded transport scheme would be limited, particularly given the predominantly below-ground nature of the development and that the requirements of the policy can still be met in the future.
81. Whilst DfI Roads acknowledged that the future transport scheme remains subject to further appraisal, funding availability and progression through the relevant statutory procedures, the safeguarding of the route remains an adopted policy requirement. Consequently, the current status of the road scheme does not diminish the weight to be afforded to the Road Protection Corridor designation.
82. DfI Roads further advised that, should the Council proceed with the delivery of the safeguarded transport scheme in the future, any infrastructure placed within the corridor may require to be relocated at the applicant's expense in order to facilitate implementation of the scheme.

Historic Environment

83. The application site is located in proximity to a recorded Mesolithic occupation site (DOW 005:058). Accordingly, the Historic Environment Division (HED) was consulted.
84. An Archaeological Desk Top Study was submitted in support of the application. The study identified that there are no known archaeological sites within the development area. However, beyond the development site, the desk top study identified a small number of known archaeological monuments. The most significant of these is DOW 05:58, a Mesolithic occupation site.
85. HED Historic Monuments was consulted and advised that they have no objection to the proposed development
86. Having regard to the advice of Historic Monuments the proposed development complies with the requirements of policy HE2.

87. With regard to Policy HE3 Archaeological Assessment and Evaluation an Archaeological desk top study is submitted in support of the application by a qualified archaeologist. On review of supporting detail and advice from consultees officers are satisfied that proposed is in compliance with Policy HE3.
88. As advised by the HED Historic Monuments, planning conditions requiring the agreement and implementation of a developer-funded programme of archaeological works is required to ensure the requirements of policy HE4 Archaeological Mitigation are met
89. The was identified as being located in proximity to the listed building, Millmount House (HB25/06/001). Consequently, HED Historic Buildings was consulted.
90. HED Historic Buildings assessed the potential impact of the proposal on the setting of Millmount House (HB25/06/001) and, based on the information submitted and have no objection to the proposal.
91. Most of the proposed development and only a small equipment kiosk, telemetry pole and hardstanding can be seen in the context of the listed building. The visual impact is negligible and having regard to the consultation response received the proposal will not harm the setting of a listed building and is in accordance with policy HE9 of the Plan Strategy.

Natural Heritage

92. As set out above a Biodiversity Checklist and Shadow Habitats Regulations Assessment (HRA) were submitted in support of the application. Both documents were prepared by a suitably qualified ecologist.
93. An Appropriate Assessment was carried out by SES that stated;

the nature of the works are to reduce harmful polluting discharges to Belfast Lough due to insufficient capacity within the associated wastewater infrastructure connecting to Kinnegar Wastewater Treatment Works, as part of NI Water's Living with Water in Belfast Plan. It is intended that the pre-existing sewage discharges to Belfast Lough will be reduced as a result of these works.

The operation of the Millars Lane WwPS involves periodic emergency discharges when the infrastructure is overloaded. The existing WwPS has an overspill pipe which discharges to the Enler River.

The Enler River creates an indirect hydrological link to this European site, situated approximately 6.6km downstream.

NIEA WMU advise in response dated 26/03/2025 that 'Under the terms of the Water (Northern Ireland) Order 1999, NIW will be required to apply to Water Management Unit for consent to discharge or to discuss a review of any existing consent for the WwPS. The consent conditions agreed between Water Management Unit and NIW must be adhered to.' SES note that the existing WwPS will have been required to have a Discharge Consent.

NIEA WMU is the competent authority for HRA of the Discharge Consent. WMU will set parameters and conditions for the Consent that are defined to ensure that the waste can be absorbed by the receiving water without damaging the aquatic environment, or breaching relevant environmental quality standards. This will include conditions for the circumstances and frequency for an overflow discharge. The consent conditions agreed between WMU and Northern Ireland Water must be adhered to.

With consent in place, the proposal will be HRA compliant as the standard of treatment will be adequate and sufficient to ensure that the proposal's emissions will not have an adverse effect on features. No additional mitigation is required.

94. The appropriate assessment concluded that the proposed development will not have an adverse effect on the site integrity of any European site, as the proposed development will operate under the terms of a Discharge Consent agreed between Water Management Unit and Northern Ireland Water.
95. As outlined above, the proposed development is unlikely to, either individually or in combination with existing and/or proposed plans or projects, result in a significant adverse impact to a European Site or Ramsar Site. As such, the proposal will comply with Policy NH1.
96. An ecological survey of the site and its surroundings was undertaken to identify any potential ecological constraints associated with the proposed development. The findings of this survey are detailed within the submitted Biodiversity Checklist.
97. The Biodiversity Checklist confirmed that no Bat Roost Potential (BRP) Survey was required. All young and semi-mature trees within and adjacent to the works area, including those located at the edge of the existing compound, were assessed as having negligible bat roost potential. No buildings or other structures requiring assessment for bat roost potential are present within the application site.
98. The sHRA considered the impact of the proposal on protected species, Badgers, Otters, Birds and Fauna.
99. The ecologist concluded that no specific mitigation measures are required in relation to any protected species. Surveys of the River Enler and Enler Tributary, including a 30-metre upstream buffer were also submitted and found

no evidence of otter activity. No downstream survey was undertaken beyond the new road bridge due to the separation of the proposed tank site from that area.

Several cavities and hollows were identified along the banks of the River Enler. These features were investigated and determined to be the result of natural bank slippage.

Notwithstanding the absence of evidence of otter activity, the ecologist recommended that any deep, steep-sided excavations left open overnight during construction should incorporate suitable escape measures, such as a timber plank ramp whilst not suggested mitigation an informative would be included on any approval.

100. The ecological assessment concluded that the site does not provide suitable habitat for other protected fauna species.
101. Accordingly, on consideration of supporting information officers have no reason to disagree with findings of the ecologist or appropriate assessment carried out by SES and therefore accept no need for mitigation requirements and the proposal is considered to be in adherence to Policy NH2.
102. The ecologist recommended that appropriate pollution prevention measures be implemented throughout the construction phase to protect nearby watercourses. Such measures should include safeguards against the release of diesel, cement washout water, sediment-laden runoff and other potentially harmful substances into the River Enler and Enler Tributary.
103. Given the site's proximity to watercourses and the potential for impacts on the aquatic environment, the Northern Ireland Environment Agency (NIEA) Water Management Unit and Shared Environmental Services were consulted.
104. NIEA Water Management Unit reviewed the proposal and, based on the information submitted, raised no objection subject to conditions, adherence to the advice contained within its consultation response and relevant NIEA Standing Advice, and the obtaining of any necessary statutory consents.
105. Shared Environmental Services reviewed the proposal and screened for HRA, based on the information submitted, raised no objection.
106. The proposed development would serve to increase the operational resilience of the existing wastewater network by providing additional emergency storage capacity. In doing so, it is expected to reduce the frequency of unsatisfactory intermittent discharges from the Millars Lane Wastewater Pumping Station, thereby contributing to improvements in water quality within the River Enler catchment. Accordingly, the proposed development accords with Policy NH5.

107. Having regard to the ecological information submitted and in the absence of any identified impacts on protected species or designated sites, and the no-objection response from NIEA Water Management Unit and Shared Environmental Services, the proposal is considered acceptable from a natural environment perspective. Subject to the imposition of conditions, the development is considered to accord with Policies NH1, NH2 and NH5.

Flooding

108. The application site has been identified as being located within the 1 in 100 year fluvial floodplain, including the current allowance for climate change.
109. Policy FLD1 states that *“new development will not be permitted within the 1 in 100 year fluvial floodplain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.”*
110. In this case, the proposed development is necessary for the operation of an adjacent wastewater pumping station and is considered to satisfy the exception test contained within Policy FLD1. It is essential infrastructure and falls within the category of utilities infrastructure which, for operational reasons, must be located within the floodplain.
111. A Flood Risk Assessment (FRA) was submitted in support of the application. The FRA assesses the potential impacts of the development on flood risk, including consideration of climate change allowances and the provision of appropriate flood compensation measures.
112. The FRA proposes a modest floodplain compensation scheme to offset the loss of flood storage associated with the development. The scheme would reintroduce flood storage capacity within the site and is calculated to provide a net gain of approximately 0.7876m³ of flood storage.
113. The FRA proposes that given the limited scale of the development, the relatively small volume of flood compensation involved, and the straightforward nature of the proposed mitigation measures, it has been concluded within the FRA that hydraulic modelling is not required in this instance.
114. The FRA also identifies a range of mitigation measures to minimise flood risk and ensure the development does not increase flooding elsewhere. It is recommended that these measures are implemented in full as part of the development
115. DfI Rivers was consulted on the application and, having considered the submitted Flood Risk Assessment, DfI Rivers response on 28th July 2026 states

Infilling or land raising within the undefended fluvial flood plain is not considered acceptable because the loss of flood storage area may well cause or exacerbate flooding elsewhere.

Flood compensation storage involves the replacement of flood plain land lost through infilling for development, this is provided through excavation. Flood compensatory storage in itself is not considered as justification for development in a flood plain. However, in exceptional circumstances where infilling may be permitted to facilitate the provision of key infrastructure, such as a road embankment, flood compensatory storage may be acceptable as a flood mitigation measure.

Section 5.0 bullet points 4 & 5 of the Flood Risk Assessment state that “It has been calculated that 2.7564m³ of storage will be affected, based on a predicted Q100cc level of 17.00mOD. A modest floodplain compensation scheme has been devised, re-introducing storage on site. This has provided a net gain of 0.7876m³ storage”.

The applicant is therefore requested to carry out a hydraulic model to ensure that the proposed compensatory flood plain storage area functions correctly and demonstrates by the provision of cross-sections that the compensatory area is on a level-for-level basis, this is to ensure that the flood risk both to the development and elsewhere is adequately addressed.

116. On review of DfI Rivers response officers recommend that a condition is to be attached to any approval.
117. Having regard to the nature of the proposal as essential utilities infrastructure, the operational requirement for its location within the floodplain and the findings of the submitted Flood Risk Assessment the proposal is considered to satisfy the exception provisions of Policy FLD1 and is acceptable from a flood risk perspective.

Amenity

118. The nearest residential properties are apartments located approximately 80 metres east of the site along Millmount Quarry Close. Environmental health were consulted and raise no concern in relation to noise or odour and impact of the proposed development on residential amenity.
119. Officers are content that due to the nature of the proposal and on consideration of advice of consultees that the proposed development will not create conflict with adjacent land uses or create negative impact on residential or visual amenity.

Conclusion

120. The application is presented to the Planning Committee with a recommendation to approve. While the proposal conflicts with Policy TRA4
121. Having undertaken a site inspection and assessed the proposal against the development plan and all other material considerations, it is recommended that planning permission be granted, subject to conditions.
The proposed development is considered, on balance, to be in accordance with the overall objectives and relevant provisions of the Plan Strategy, including policies UT1, TRA2, TRA4, HE2, HE3, HE4, HE9, NH2, NH5 and FLD1.
122. The significant environmental, socio-economic and public benefits arising from the provision of essential wastewater infrastructure are considered to outweigh the limited harm associated with the encroachment into the Road Protection Corridor.

Recommendation

123. It is recommended that the planning permission is Granted, subject to appropriate conditions.
124. The proposed development complies with the requirements of Policies HE2, HE3, HE4, HE9, NH1, NH2, NH5, TRA2, UT1, WM1, WM2, and FLD1 of the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy and, notwithstanding the identified conflict with Policy TRA4, is considered acceptable on balance.
125. The development would not adversely affect archaeological interests, the setting of nearby listed buildings, or the wider historic environment.
126. The proposal would not result in unacceptable impacts on biodiversity, protected species, designated sites or the wider natural environment and would contribute towards improved water quality through enhanced wastewater infrastructure capacity.
127. Whilst part of the development would encroach into a designated Road Protection Corridor, the degree of prejudice to the safeguarded transport scheme is considered limited. The environmental, community and socio-economic benefits of the proposal are considered sufficient to outweigh this policy conflict.
128. The development would not result in unacceptable visual, environmental or amenity impacts. Given its predominantly below-ground nature and its relationship with the existing Millars Lane Wastewater Pumping Station, the proposal would integrate satisfactorily within the site and surrounding area whilst meeting an identified operational need.

129. The proposal satisfies the exception test under Policy FLD1 and would not result in unacceptable flood risk or increase flooding elsewhere.

Conditions

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

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

2. No other development hereby permitted shall become operational until the vehicular access has been constructed in accordance with Drawing No 03 published on the Planning Portal 11th February 2025.

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

3. The development hereby permitted shall not become operational until any structure/below ground storage tank requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG 300 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

4. Reason: To ensure that the structure is designed and constructed in accordance with CG 300 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges

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

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

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

6. No site works of any nature, or development shall take place other than in accordance with the programme of archaeological work approved under Condition 5.

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

7. 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 5. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn & Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn & Castlereagh City 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.

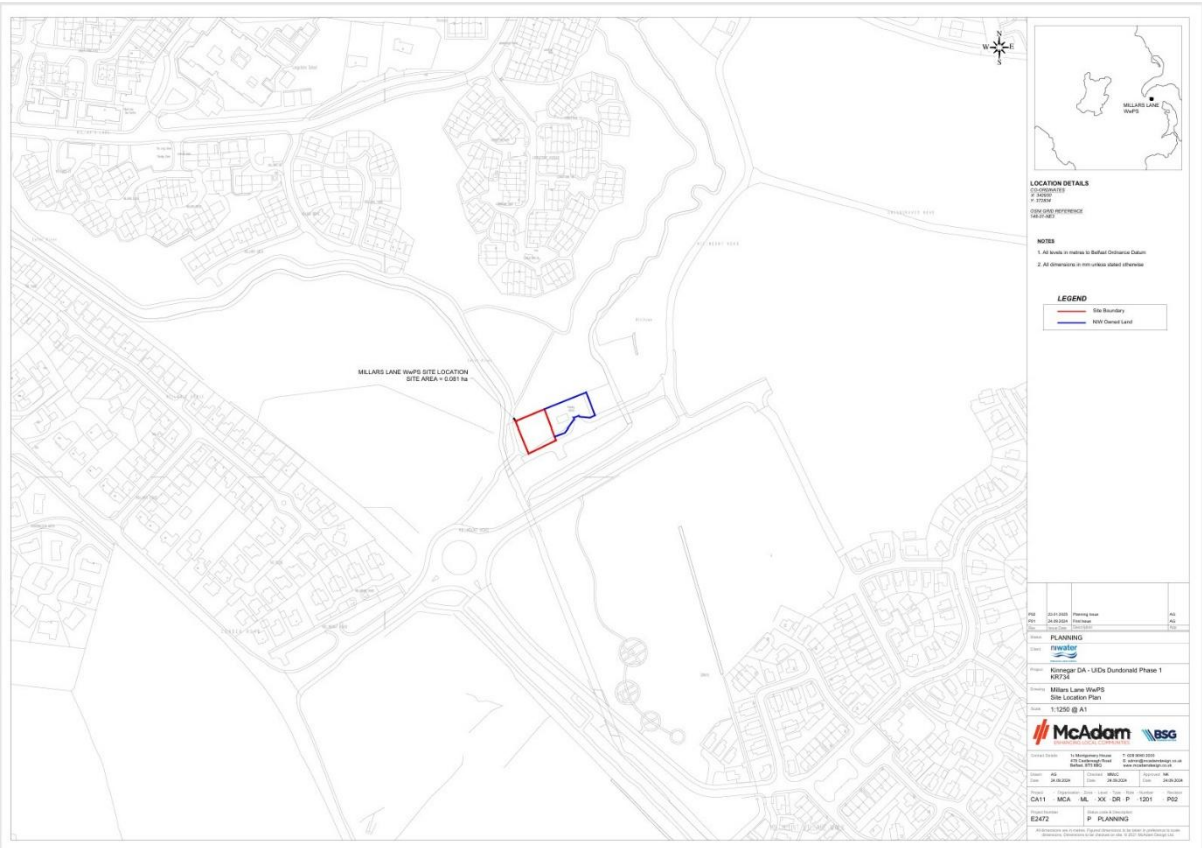
8. Within 6 months of the date of this permission, a hydraulic model and details of the compensatory floodplain storage area shall be submitted to, and approved, and agreed in writing by the Council. The submitted details shall demonstrate that the compensatory floodplain storage area functions effectively and provides level-for-level flood storage compensation, supported by existing and proposed cross-sections.

Reason: To ensure there is no increase in flood risk within the site or elsewhere.

9. The Rating Level for all noise sources associated with the development hereby approved shall not exceed 25dB LAr (daytime and nighttime) at the nearest noise sensitive receptor, in accordance with the Noise Impact Assessment dated 01 December 2025.

Reason: To protect the amenity of neighbouring dwellings with respect to noise.

Site Location Plan:





Committee:	Planning Committee
Date:	3 August 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Statutory Performance Indicators – June 2026

1.0	<u>Background</u> 1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function. 2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014. <u>Key Issues</u> 1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (see Appendix) summarising the position for each indicator for the month of June 2026. 2. This data is unvalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such. 3. Members will note that the performance against the statutory target for local applications for June 2026 was 20.4 weeks. The downward trend in processing times are maintained for the first quarter. There also remains a focus on reducing the number of older applications as this is retained as a performance improvement objective for the Council. 4. Members will note that the performance against the statutory target for major applications for June 2026 is 129.7 weeks. Our performance in year to date is 116.3 weeks. 5. While the average processing times for major applications increased in the first quarter this reflects the fact that four older applications were issued. Only one new major application was received in the same period. 6. Enforcement is reported separately on a quarterly basis but for completeness Members are advised that the Council remains on target to achieve the statutory
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	target of processing 70% of cases within 39 weeks. In June 85.7% of cases were decided in 39 weeks.	
2.0	<u>Recommendation</u> It is recommended that the Committee notes the information in relation to the June 2026 Statutory Performance Indicators.	
3.0	<u>Finance and Resource Implications</u> There are no finance or resource implications.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report outlining progress against statutory targets and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report outlining progress against statutory targets and RNIA is not required. .	

Appendices:	Appendix 2 – Statutory Performance Indicators – June 2026
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Statutory targets monthly update - June 2026 (unvalidated management information)
Lisburn and Castlereagh

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)					
	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks		Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks		Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	1	0	-	-		87	51	16.0	47.1%		28	16	28.1	87.5%
May	0	2	111.0	0.0%		66	52	18.3	46.2%		19	13	19.8	84.6%
June	0	2	129.7	0.0%		52	77	20.4	44.2%		27	14	25.1	85.7%
July	-	-	-	-		-	-	-	-		-	-	-	-
August	-	-	-	-		-	-	-	-		-	-	-	-
September	-	-	-	-		-	-	-	-		-	-	-	-
October	-	-	-	-		-	-	-	-		-	-	-	-
November	-	-	-	-		-	-	-	-		-	-	-	-
December	-	-	-	-		-	-	-	-		-	-	-	-
January	-	-	-	-		-	-	-	-		-	-	-	-
February	-	-	-	-		-	-	-	-		-	-	-	-
March	-	-	-	-		-	-	-	-		-	-	-	-
Year to date	1	4	116.3	0.0%		205	180	18.3	45.6%		74	43	20.7	86.0%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

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

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Committee:	Planning Committee
Date:	3 August 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Appeal Decision– LA05/2025/0712/CLOPUD

1.0 **Background**

1. A Certificate of Lawfulness for the proposed development of lands for nine dwellings at Derriaghy Road, northeast of 7 and 9 Belmont Drive, Lisburn (southwest of 5 Haddington Hill and north of 13 Haddington Hill) was refused on 19 January 2026.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 27 February 2026.
3. The procedure followed in this instance was an informal hearing which took place on 14 May 2026.
4. The main issue in this appeal was whether the works undertaken to lawfully commence permissions LA05/2018/1102/F and LA05/2020/0728/F, constituted building works.
5. On 23 June 2026 the Commission confirmed that the appeal was allowed.

Key Issues

1. The burden of proof is on an applicant to provide sufficient evidence that development had commenced before the expiration of five years from the date of the permissions. Extensive supporting evidence including building control records, detailing of costings and works (mainly piling) undergone had been provided to the Council as part of the application process. It was this evidence that was tested at the appeal.
2. Whilst the Council did not dispute that works had taken place at the site, it was the view of officers that the ‘piling works’ were a precursor to the installation of foundations rather than part of the foundations themselves. The operations were considered temporary and preparatory in nature and did not constitute commencement of development.
3. The Council’s evidence relied on previous appeal decisions where excavation works, trenches and site preparation activities were found not to amount to commencement of development and that concrete should be poured.
4. The Commissioner considered that piling works undertaken extended beyond the drilling of holes to prepare the ground and were a method of construction that has placed building material into the ground as the piles remained in situ and

	formed part of the load-bearing foundation structure of the building being erected. 5. The Commissioner therefore concluded that the piling works undertaken were an integral part of the approved building and building works that proved commencement of development. 6. This appeal decision highlights that the Planning Appeals Commission considered driven concrete piles to be part of the building's permanent load-bearing foundation system and that installed structural piling is not merely preparatory work. This is a helpful decision as it provides clarity to applicants in terms of the minimum requirement for piled foundations to be considered building works in certifying the lawful commencement of a development.	
2.0	<u>Recommendation</u> It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	<u>Finance and Resource Implications</u> No cost claim was lodged by any party in this instance.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:	Appendix 3 – Appeal Decision – LA05/2025/0712/CLOPUD
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Lisburn & Castlereagh City Council

Our reference: 2025/L0019
Authority
reference: LA05/2025/0712/CLOPU
D
24 June 2026

Dear Sir/Madam

Re:

Appellant name: Loraine Jebb

Description: The Certificate of Lawfulness for a Proposed Development seeks to demonstrate through a range of evidence that the applicant has lawfully commenced development of the site (commenced on 18/06/2025) in full compliance with the conditional approvals (LA05/2018/1108/F and LA05/2020/0728/F)

Location: Lands at Derriaghy Road (north east of 7 and 9 Belmont Drive), Lisburn

Please find enclosed Commission decision on the above case. This is for your information only, no further comments will be accepted.

Yours Sincerely,

Padraig Dawson
PACWAC Admin Team



Appeal Decision

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Appeal Reference:	2025/L0019
Appeal by:	Lorraine Jebb
Appeal against:	The refusal to certify a Certificate of Lawfulness of Proposed Use or Development
Proposed Development:	Lawful Commencement of Site (commenced on 18 th June 2025) in full compliance with the conditional approvals LA05/2018/1102/F and LA05/2020/0728/F
Location:	Derriaghy Road, north east of 7 and 9 Belmont Drive, Lisburn (southwest of 5 Haddington Hill and north of 13 Haddington Hill)
Planning Authority:	Lisburn & Castlereagh City Council
Authority Reference:	LA05/2025/0712/CLOPUD
Procedure:	Hearing on 14th May 2026
Decision by:	Commissioner Carrie McDonagh, dated 23rd June 2026

Decision

1. The appeal is allowed, and a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) is attached.

Reasons

2. The main issue in this appeal is whether the works undertaken have lawfully commenced the permissions LA05/2018/1102/F and LA05/2020/0728/F, allowing completion of the development pertaining to both.
3. Section 170 of the Planning Act (Northern Ireland) 2011 (the Act) makes provision for the issue of a certificate of lawfulness of proposed use or development. Section 170(1) states that '*if any person wishes to ascertain whether – (a) any proposed use of buildings or other land; or (b) any operations proposed to be carried out in, on, over or under land, would be lawful, that person may make an application for the purpose to the appropriate Council specifying the land and describing the use or operations in question*'. Section 170 (2) indicates that if the Council is provided with information satisfying it that the operations described in the application would be lawful if instituted or begun at the time of the application, it must issue a certificate to that effect, and in any other case it shall refuse the application.

4. The appeal site has a long planning history. Relevant to this appeal is the grant of planning permission for the construction of 8 no. dwellings, 6 no. garages with associated parking and landscaping on 27th July 2020 (LA05/2018/1102/F). It included a time limiting condition (condition 1) requiring the development to have commenced before the expiration of five years from the date of the permission, consequently it must have been commenced before 27th July 2025 to be lawful. It contained no pre-commencement conditions.
5. LA05/2020/0728/F approved a change to house type to the semi-detached dwellings approved on sites 7 and 8 on 15th June 2021. A Section 54 planning permission dated 29th September 2025 (LA05/2025/0468/F) varied its condition No. 2 to allow for the provision of the site access prior to occupation in line with the parent permission above.
6. The appeal site is located to the southern side of Derriaghy Road. Boomers' reservoir is located on the opposite side of the road to the north. Residential development adjoins the site on its other three sides. An existing access is located in the northeastern corner. The site is bound by a green palisade fence inside a tall belt of trees to the north. The remaining boundaries are defined by fencing and vegetation. The surface is in a mix of tarmac and hardcore/stone, with grass in the south east and a water filled pit sitting below an embankment towards the south western corner. The site generally falls from north to south and east to west. 37 concrete piles, driven into the hardcore at various heights are visible within the northern section. Whilst the piles are within the approved sites 7, 8 and 9 the Council do not consider they constitute the lawful commencement of development approved within the planning permission LA05/2018/1102/F and LA05/2020/0728/F and therefore, it would not be lawful to continue with the works associated with the approved development.
7. Section 63 (2) of the Act states for the purposes of Sections 61 and 62, development shall be taken to be begun on the earliest date on which any of the operations comprised in the development begins to be carried out. Section 63 (2) (a) of the Act requires that where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building will amount to commencement of development. Therefore, in their CLOPUD application, the onus was on the applicant to provide sufficient evidence to demonstrate that the works undertaken fall within the definition of any works of construction in the course of the erection of an approved building.
8. That evidence comprised of:
 - Construction drawings (Existing Site Plan ref. 17-207-551, Site Works Plan ref. 17-207-553, Site Sections ref. 17-207-555, Piling ground beam layout and details plans for Sites 7 & 8 ref. 1922-PF03 A and Piling ground beam layout and details plans for Site 9 ref. 1922-PF02 A).
 - Correspondence trail between 7th June 2025 and 25th June 2025 involving the appellant company, the appointed contractor, the mini piling contractor and advising of the need to import fill to enable access to get the piling rigs

stabilised, confirming the engineers were happy with the change from a precast mini pile to a standard precast concrete pile.

- An invoice and payment receipt for the appointed piling contractor (Prodrive) quoted cost of £25,000 plus VAT for the driving of 37 piles.
- A Construction health and safety plan and detail of consultant appointment of 16th June 2025 for a 4-week duration to include the driving of piles.
- Prodrive method statement containing detail of 30 tonne piles of between 6 & 7 metres in length, with records sheet confirming the driven depth of between 3.8 metre (pile 60) and 6.7 metre (pile 76) to the selected load bearing ground strata and detail of both dynamic and static load testing.
- Building control correspondence for application ref: FP/2022/1672/MAST (starting on 17th June) containing the detail of the type of pile construction and loading, culminating in an inspection request of 8th July 2025.
- Six photographs of 8th July 2025 showing workmen on the site, the surface scrapped, an excavator/digger levelling hardcore aggregate, a secured piling rig in operation, lengths of piles laid on the ground, blue markings on the site and piles driven into the hardcore.
- Six photographs of 10th July 2025 showing driven precast piles. A dumper/end loader vehicle can also be seen in the images.
- Neighbour emails ending 14th July 2025, confirming the arrival of the piling rig on 1st July 2025, the vibrograph subsequently installed on their property and the satisfactory recording of the piling vibrations and monitoring, with the record sheets from Datum Monitoring enclosed.

9. The Council's building control team confirmed they undertook a site visit on 9th July 2015 and piling had taken place for sites 7, 8 and 9, attesting to the timeliness of the works. Notwithstanding whether resubmission of detail plans is required, there is no disagreement that the works carried out, namely the 14 piles for Site 9 and 23 for Sites 7 and 8 are in accordance with the planning permission. It is also common case that a substantive amount of work was undertaken in terms of the use of heavy machinery, specialist contractors, area/extent and that the cost and time spent is material. The only matter of contention is whether the nature of the pre-cast concrete piling works constitutes any work of construction in the course of the erection of the approved buildings.
10. There is no dispute that pile driving is an "operation normally undertaken by a person carrying on business as a builder" and therefore constitutes a building operation in accordance with Section 23(2) of the Act. At the hearing, the Council accepted piling is a construction process or method consistent with the Oxford Dictionary definition of 'construction' as *'the process or method of building or making something especially roads, buildings, bridges etc.'* (referred to in the Commission decision 2022/L0001 at Paragraph 5.10). However, they argue that piling is a precursor process to the installation of the foundations or a preparatory method of construction to ready the site for permanent development.
11. The Council describe the works undertaken as the piercing or insertion of pre-cast/readymade concrete lengths into the ground through essentially drilled holes. In addition to the Commission decision 2022/L0001 they refer to

2021/E0051 (paragraph 11) and 2024/L0011 (including paragraphs 5.26 and 5.29) in support of their position that in the absence of concrete having been poured into the drilled holes or a pile cap to affix them permanently in the ground the operations undertaken remain temporary in nature. Similar to the excavation and digging of trenches described as site preparation works in the appeals, they consider the piles are not works of construction in the course of the erection of the approved buildings.

12. Conversely, the appellant highlights that neither “preparatory works” nor “the pouring of concrete” fall within the statutory test as per Section 63 (2) of the Act, with piling a building operation that installs part of the building, namely its foundations and therefore falls within the definition of “any work of construction in the course of the erection of a building”. Highlighting the identical concrete material, they argue the Council have erroneously attached significance to the readymade nature of the piles being brought onto a site, given the similar circumstances of other construction materials such as brick and block which form the walls of buildings and have taken the appeal extracts that reference the pouring of concrete out of context when a different method of construction has been used to form the foundation, namely the concrete is driven/bore into the ground beneath the building in the form of pre-cast piles.
13. Referred to as the preferred construction method due to the soil structure on the site (the site section drawing supplied shows a natural spring and detail of a river culvert), the piles have been driven at all corners and central load points on both building footprints. The appellant argued that paragraph 5.26 of the decision 2024/L0011 connects any work of construction to the key purpose of a foundation, namely, the transfer of the loading of the structure it forms part of to the deeper, more stable layers of soil or rock underneath. They describe the concrete piles as an integral part of the foundations for the relevant dwellings, a fundamental stage of construction as the supporting load bearing base for the walls and roof of the structure above and therefore commences the rest of the building that is reliant on that structural support.
14. The Council advised they had insufficient information to comment on the Belfast City Council (BCC) decision for Graham House ref. LA04/2024/1000/CLOPUD. It was approved with cognisance to the purpose of a piled foundation which is to support the approved development. However, the Council did not dispute that the evidence in this case demonstrates that the pile depth achieved of 6.7 metres is load bearing and preforms a structural role for the building above.
15. Each appeal is taken in its evidential context, within the relevant legislative requirements. Each of the appeals provided (and 1999/A052, 2017/E0010, 2018/E0031, and 2023/L0006 referred to in background papers) relate to whether the evidence before the Commissioner was sufficient to demonstrate that construction had commenced on a building using strip trench foundations. They are not on all fours with this case. The question before me is whether the evidence provided demonstrates that the piling works undertaken comply with the legislative requirement in Section 63 (2) (a) of the Act i.e. are those building

operations any work of construction in the course of the erection of the approved buildings.

- 16. The appellant’s construction drawing ‘Piling-Ground Beam Layout and Details Site 9’ includes a drawings ‘Central section for the beam stop end’ which shows the pile as part of the foundation, with a ground beam above connecting each of the piles with reinforcement bars/loading grid attached. Notwithstanding they indicate a pile cap is added under the floor slab as per the ‘Piling ground beam ground floor slab layout’ and ‘reinforcement fixing layout’ my observations on site indicated significant variation in pile height consistent with the evidence on the driving of the piles to a depth of up to 6.7m before reaching load bearing ground strata. Each pile is entirely rigid, immobile, surrounded by hardcore, with no noticeable gaps and constitute permanent operational works which could be extracted only by specialist equipment and contractors.
- 17. The pouring of concrete or installation of a pile cap may provide further structural reinforcement but is beyond what is required to constitute any works of construction in the course of erection of a building. The piling works undertaken extend beyond “the drilling of holes” to prepare the ground and are a method of construction that has placed building material into the ground, which stays in place and forms part of the load bearing foundation structure of the building being erected. On this basis and for the reasons above, I am satisfied that the piling works undertaken are an integral part of the approved buildings. They amount to works of construction in the course of the erection of a building.
- 18. Considering the totality of the evidence before me, the appellant has provided persuasive evidence that the operations fall with Section 63 (2) of the Act and thus the development approved under LA05/2018/1102/F and LA05/2020/0728/F shall be taken to be begun in line with the legislative requirement and can be lawfully completed. On this basis, the Council’s decision to refuse to certify the operation was not well founded. The appeal succeeds and a CLOPUD is attached.

This decision is based on the following drawing:

Architects Drawing No.	Drawing Title	Scale
17-20701	Site Location Plan	1:1250 @A3

COMMISSIONER CARRIE MCDONAGH

List of Appearances

Planning Authority: Maire Claire O'Neill, Lisburn and Castlereagh City Council
Jeni Cowan, Lisburn and Castlereagh City Council

Appellant: Leah Watton, Gravis Planning
Martin Kelly, Gravis Planning

List of Documents

Planning Authority: A Statement of Case and Appendices, Lisburn and
Castlereagh City Council

Appellant: B Statement of Case and Appendices, Gravis Planning

PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 170

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

The Planning Appeals Commission hereby certifies that on the 3rd October 2025 the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown edged red on the location plan attached to this certificate would have been lawful within the meaning of section 170 of the Planning Act 2011, and can be completed for the reasons set out in the appeal decision to which this certificate is attached.

Signed: *Carrie McDonagh*

COMMISSIONER CARRIE MCDONAGH

23rd June 2026

FIRST SCHEDULE

Lawful Commencement of buildings on site in compliance with Planning Permissions LA05/2018/1102/F and LA05/2020/0728/F

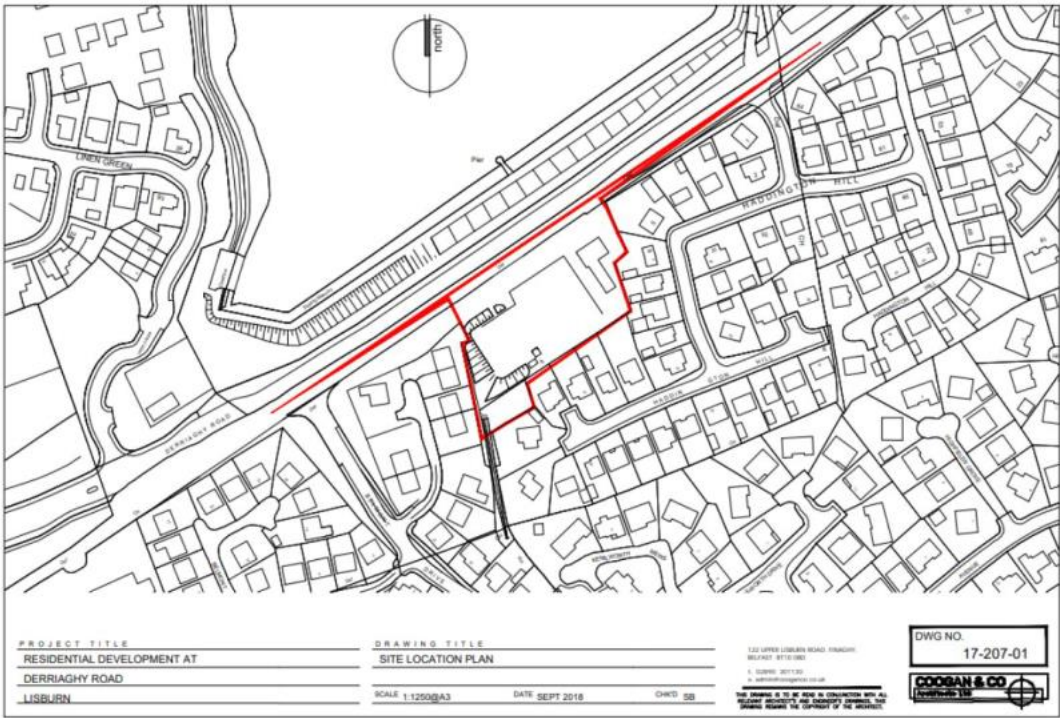
SECOND SCHEDULE

Derriaghy Road, north east of 7 and 9 Belmont Drive, Lisburn (southwest of 5 Haddington Hill and north of 13 Haddington Hill) as shown on the Site Location Plan Drawing Appendix 1

Notes:

- (1) This certificate is issued solely for the purpose of section 170 of the Planning Act 2011.
- (2) It certifies that the matter described in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and, thus, would not have been liable to enforcement action under Section 138 or 139 of the Planning Act (Northern Ireland) 2011 on that date.
- (3) This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations which are materially different from that described or which relates to other land may render the owner and occupier liable to enforcement action.
- (4) The effect of the certificate is also qualified by the proviso in section 170(4) of the Planning Act (Northern Ireland) 2011, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Appendix 1 – Site Location Plan



Committee:	Planning Committee
Date:	3 August 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decision – LA05/2022/0799/O

1.0 **Background**

1. An application for a site for replacement dwelling with retention of old dwelling as domestic store on lands 25 metres east of 16 Drumcill Road, Lisburn was refused planning permission on 20 June 2025.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 20 October 2025.
3. The procedure followed in this instance was the written representation procedure with an accompanied site visit taking place on 3 June 2026.
4. The main issues in the appeal are whether the proposed development would be acceptable in principle in the countryside, and whether the building replaced off-site would be more visually intrusive in the landscape impacting on the rural character of the area.
5. On 30 July 2026 the Commission confirmed that the appeal was allowed and that outline planning permission is granted.

Key Issues

1. The Commissioner agreed with the Council that the building to be replaced was a suitable replacement opportunity in that, the four walls were substantially intact, and the building exhibited the essential characteristics of a dwelling.
2. The Council at the accompanied site visit raised concern that the overall size of the proposal dwelling would have a significantly greater visual impact than the dwelling to be replaced due to the proposed siting and suggested that it could be sited within the curtilage of the dwelling to be replaced.
3. The Commissioner highlighted in her report that this was a new issue and that the accompanied site visit was not the place to raise this. She further described criterion (a) of policy COU3 not being part of the reason for refusal and concluded any concern now raised by the Council to be outside the scope of the appeal.
4. The Commissioner considered criterion (b) of policy COU3 to have been met agreeing with the appellant, that a single storey dwelling would be acceptable at proposed location given that the dwelling to be replaced was two-storey.

5. The Commissioner further considered that a modest sized dwelling would not read as a prominent feature at this location and accepted the appellant's evidence that there was sufficient trees, vegetation and existing buildings at this location to provide a sufficient screening from public views and suitable degree of backdrop, that would collectively assist with integration and development not having an adverse impact on rural character. Therefore, a refusal based on policy COU15 was not sustained.
6. Subsequently the Commissioner did not consider there to be persuasive evidence that a dwelling at this location would result in adverse impact on the rural character and policy COU16 had been complied with.
7. This appeal highlights an issue in the processing of applications where the officers report is updated between the application first going to committee, a further addendum report being prepared and the decision notice being issued. The learning in terms of full and proper reasons for refusal being added to the decision notice has been addressed in consultation with the relevant officers.

2.0	<u>Recommendation</u>	
	It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	<u>Finance and Resource Implications</u>	
	No cost claim was lodged by any party in this instance.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:	Appendix 4 – Appeal Decision – LA05/2022/0799/O
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Lisburn & Castlereagh City Council, Local
Planning Office
Via email

Our reference: 2025/A0080
Authority
reference: LA05/2022/0799/O
1 July 2026

Dear Sir/Madam

**Appellant name: Mr. Robin McCaughey
Mrs. J McCaughey**
**Description: Site for replacement dwelling with retention of old dwelling as
domestic store**
Location: 25m east of 16 Drumcill Road, Lisburn

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Kathryn McConnell
PACWAC Admin Team



Appeal Decision

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Appeal Reference:	2025/A0080
Appeal by:	Mr and Mrs McCaughey
Appeal against:	The refusal of outline planning permission
Proposed Development:	Site for replacement dwelling with retention of old dwelling as domestic store
Location:	25m east of 16 Drumcill Road, Lisburn
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2022/0799/O
Procedure:	Written representations with Commissioner's site visit on 3 rd June 2026
Decision by:	Commissioner Laura Roddy, dated 30 th July 2026

Decision

1. The appeal is allowed and outline planning permission is granted subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposed development would be acceptable in principle in the countryside, if it would integrate in the countryside and if it would have an adverse impact on the rural character of the area.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Lisburn and Castlereagh Local Development Plan 2032 Plan Strategy (PS) sets out the strategic policy framework for the Council area. In accordance with the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) is now a compilation of the Departmental Development Plan (DDP) and the PS read together. In this appeal, the DDP is the Lisburn Area Plan 2001 (LAP). In the DDP, the site is located outside a settlement and in the countryside. The draft Belfast Metropolitan Area Plan (2004) is not a DDP as it was never adopted although in some circumstances it can be a material consideration. In it the appeal site is also located within the countryside. There are no other provisions in the DDP that are material to the determination of the appeal. The

appeal should therefore be determined in accordance with the provisions of the PS unless material considerations indicate otherwise.

5. Regional planning policy is set out in the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development – Edition 2'. It is material to all decisions on individual appeals. In compliance with paragraph 1.11 of the SPPS, operational policies set out in the PS are now in effect. Existing policy retained under the transitional arrangements has ceased to have effect in the Council area. It now falls to the Commission to assess the appeal in the context of the LDP, in accordance with the above legislative provisions and the reasons for refusal as provided by the Council. Guidance contained within 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside' is also a material consideration.
6. Policy COU1 'Development in the Countryside' of the PS states that there are a range of types of development which in principle are acceptable in the countryside and which will contribute to the aims of sustainable development. Under Policy COU1, details of operational policies relating to acceptable residential development proposals in the countryside are set out in policies COU2 to COU10. The policy advises that any proposal for development in the countryside will also be required to meet all the general criteria set out in Policies COU15 'Integration and Design of Buildings in the Countryside' and COU16 'Rural Character and other Criteria'. The Council have raised objections in respect of Policies COU1, COU3, COU15 and COU16.
7. Policy COU3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The Council accept that the building to be replaced meets this aspect of the policy. Policy COU3 also requires that proposals for a replacement dwelling meet all three additional criteria being:
 - a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;
 - b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building;
 - c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.
8. The Council raise issue in respect of criterion (b) in that they consider the overall size of the proposed dwelling would have a significantly greater visual impact than the existing building. At the site visit the Council stated that its concern relates primarily to the roadside position of the appeal proposal, rather than its size or scale. It stated that there is sufficient room within the curtilage of the dwelling to be replaced, and that an off-site dwelling would be more prominent than one within its curtilage. In support of this position, the Council stated that the structure which sits to the rear of both no. 16 and the dwelling to be replaced is unauthorised and, if it were to be demolished, there would be sufficient room for a replacement dwelling in the vicinity of it. The structure referred to by the Council is stated by the

appellants to be a 'pre-fab dwelling', erected some 45 years ago as ancillary accommodation to the dwelling at no. 16 Drumcill Road.

9. The Council's concerns, as expressed at the accompanied site visit (ASV), appear to relate more closely to criterion (a) of Policy COU3. However, in its decision notice the Council raised no objection to an off-site replacement dwelling, nor was this matter addressed in its Statement of Case. While the Council's representative indicated at the ASV that a replacement dwelling might be accommodated within the curtilage of the dwelling to be replaced, the Council's formal position must be taken from the decision notice and Statement of Case. The Commission's guidance 'What to Expect at an Accompanied Site Visit' makes clear that the ASV is not intended to introduce new matters or reasoning. Accordingly, whether a replacement dwelling could be accommodated within the curtilage of the dwelling to be replaced does not form part of the matters before me and has not been assessed in this decision.
10. In respect of criterion (b), the Council's view is that the dwelling to be replaced is sited among a cluster of existing buildings with limited views of it, other than partial views of its east and west elevations, whereas the appeal proposal is for a roadside dwelling which it considers will be open to views in either direction along Drumcill Road. The appellants acknowledge that the appeal proposal will have a greater visual impact than the dwelling to be replaced, but they consider it would not be a 'significantly' greater impact, which is the policy test. They consider that the appeal proposal would cluster with the existing buildings in the vicinity of no. 16 Drumcill Road and therefore it would not have a significantly greater visual impact than the dwelling to be replaced.
11. The dwelling to be replaced is located along the laneway which runs between no. 16 Drumcill Road and the appeal site. The laneway provides access to no. 16 and a number of buildings to the north and northeast of it. The background documents refer to the dwelling to be replaced as 'Ivy Lodge' and it will be referred to as such going forward. This was the 'original house' with the two storey dwelling at no. 16 Drumcill Road subsequently built in the early 1960's. No. 16 sits in front of Ivy Lodge, to its southwest, and faces onto the Drumcill Road. Ivy Lodge is set back approximately 40m from the road, facing east, with its front elevation sitting immediately adjacent to the shared laneway. It is a two storey building with an attached garage. It has a traditional pitched roof and dormer windows on its eastern elevation. In terms of the scale of the appeal proposal, the appellants advised of their intention to build a single storey dwelling of approximately 1000sqft. The Council stated at the ASV that its concerns on visual impact and prominence stand irrespective of whether the dwelling is single storey or two.
12. The roadside appeal site is completely flat and is part of a larger field which appears to be used as a paddock for grazing animals. The appeal site sits to the east of no. 16 Drumcill Road and on the eastern side of the shared laneway. It has ranch style fencing to the road (southern boundary) and along the laneway (western boundary). The northern boundary is demarcated by the poultry buildings which sit to the immediate north of the appeal site, although they are no longer used for poultry. The eastern boundary is currently undefined.

13. Criterion (b) of Policy COU3 requires an assessment of whether the overall size of the new dwelling would have a visual impact significantly greater than the existing building. Ivy Lodge is a two storey building, with an attached garage. At the ASV parties estimated it was in the region of 1,200-1,500sqft. Although the Council have not put forward any conditions to restrict the size or scale of the appeal proposal, should permission be forthcoming, the appellants have indicated that any dwelling would be approximately 1000sqft and single storey. These are matters which could be controlled by condition in the event of permission being granted and my assessment will be made as such. Given this, the appeal proposal would therefore be smaller in scale than the dwelling to be replaced.
14. In terms of the visual impact, the Council's concerns are limited to views along a 120m stretch of Drumcill Road, from no. 16A to the west of the appeal site to the eastern boundary of the appeal site, beyond which trees and mature vegetation provide effective screening. The appellants agree that views of the appeal proposal would be limited to these viewpoints. I concur that views of the appeal proposal would be limited to this stretch of road.
15. No. 16A sits to the west, and uphill from the appeal site. Trees and vegetation along the boundaries provide some screening of the appeal site and the buildings surrounding it, including Ivy Lodge. Moving south towards the appeal site, once past the curtilage of no. 16, Ivy Lodge comes into view. This viewpoint is adjacent to an open field with a low roadside hedge and one tall tree at the bottom of the hill. Due to the set back of Ivy Lodge from the roadside, it does not benefit from any screening from the limited roadside vegetation, and its rear elevation is almost fully visible from this viewpoint, with the dwelling at no. 16 providing some limited screening of its garage. To the contrary, the appeal site and proposal benefits from some screening due to the roadside tree at the bottom of the hill. Ivy Lodge sits between the dwelling at no. 16 and the 'pre-fab dwelling'. While it is clustered with built form, from this vantage point I consider Ivy Lodge would have a greater visual impact than the appeal proposal given that the full extent of its two storey rear elevation is visible from this open view.
16. Moving east, at the bottom of the hill and closer to no. 16 Drumcill Road, Ivy Lodge would be fully screened by no. 16 Drumcill Road, a two storey dwelling which sits in front of it. There are two trees at the northwest corner of the appeal site, however they would provide limited to no screening of the appeal proposal from this position. Moving past no. 16, from the shared laneway Ivy Lodge comes back into view, albeit its gable end rather than the front or rear elevations. The appeal proposal would not benefit from any screening with only ranch style fencing to the roadside. From these vantage points the appeal proposal would have a greater visual impact than Ivy Lodge which is set back from the roadside and benefits from screening from no. 16. When Ivy Lodge does come into view, it is the narrow southern gable which is visible, which has a limited visual impact given it sits adjacent to and behind the two storey dwelling at no. 16. From the front of the appeal site and moving towards its eastern boundary, both Ivy Lodge and the appeal proposal would be visible. While the front elevation of Ivy Lodge would be visible, again I consider that the appeal proposal would have a greater visual impact from here as Ivy Lodge is set back from the road.
17. From my assessment above, I consider that in views from the west of the appeal site (from no. 16A Drumcill Road towards no. 16) Ivy Lodge would have a greater

visual impact than the appeal proposal. From no. 16 Drumcill Road towards the eastern boundary of the appeal site, the appeal proposal would have a greater visual impact. Overall, Ivy lodge has a greater impact on views from the west, and the proposal has a greater visual impact from the east. Given this, the limited extent of the views, and as the appeal proposal is for a dwelling that would be a smaller size than Ivy Lodge, I consider that the visual impact of the appeal proposal would not be significantly greater than the dwelling to be replaced. Therefore, the Council's concerns in respect of criterion (b) of Policy COU3 are not upheld.

18. The appellants referred to consistency in decision making, providing details of four other replacement dwellings approved by the Council. The appellants consider that the replacement dwellings were significantly larger, and more prominent than the dwellings they replaced. While the planning reference numbers were provided, no site location maps, planning permissions or planning officer reports were provided. In appeals, the burden of proof rests with the party relying on such matters. As this evidence has not been substantiated, contextually it cannot be compared to the appeal before me. However, for the reasons stated, I find that the appeal proposal would comply with Policy COU3 of the PS and the Council's second reason for refusal is not sustained.
19. Policy COU15 'Integration and Design of Buildings in the Countryside' requires that in all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design. The Council's third reason for refusal states that the proposal would be a prominent feature in the landscape, the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate and would rely primarily on the use of new landscaping for integration. These concerns relate to criteria (a), (d) and (e) of Policy COU15.
20. The Council states that the siting of the proposed dwelling, at the roadside with open views in either direction, would result in it being a prominent feature in the landscape. It considers that there are no natural boundaries, with only ranch style fencing along two boundaries and the eastern boundary completely undefined, which would require substantial new mature landscaping for any degree of integration. The Council confirmed at the ASV that it does not consider the existing built form can aid integration. This is contradictory to its position in relation to Ivy Lodge which the Council considers to be 'clustered within a group of existing buildings and integrated into the existing built environment'.
21. The justification and amplification to Policy COU15 states that 'integration is an assessment of the extent to which proposed development will blend unobtrusively with its surroundings, including; the position and scale of proposed building(s); their relationship with existing buildings; the degree of enclosure, including natural site boundaries and/or a visual backdrop and the suitability of building design within the locality' (my emphasis). It is clear from this that a consideration of integration must include integration with both the built and natural environment.
22. In views from both directions along Drumcill Road, the appeal proposal would be seen in context of the built form including the two storey dwelling at no. 16 Drumcill Road, the poultry sheds behind the appeal site which span the extent of its

northern boundary and Ivy Lodge. There is also other built form in the immediate locality including no. 16A Drumcill Road which sits to the west and uphill from the appeal proposal, and a dwelling under construction to the west of no. 16A. Although the appeal site lacks long established natural boundaries, a suitable degree of enclosure can be provided by the built form to the north and west of the appeal site. The Council's concerns in respect of criterion (d) of Policy COU15 are not upheld.

23. The appeal site is flat, has views along only a very limited and localised stretch of Drumcill Road and would be seen in context of the surrounding built form, which would assist with integration in both directions. There is also some limited screening which would assist in views from the west. For these reasons, I find that the appeal proposal would be able to integrate well into the landscape and would not be a prominent feature in the landscape. While new planting along the boundaries would assist with the integration of the appeal proposal, which could be delivered by planning condition, it would not rely on new landscaping for integration as this is provided primarily by the built form. The Council's concerns in relation to criterion (a) and criterion (e) are not upheld. As the Council's concerns in respect of Policy COU15 are not upheld, its third reason for refusal is not sustained.
24. Policy COU16 'Rural Character and other Criteria' requires that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area. The Council's fourth reason for refusal states that the proposal would be unduly prominent in the landscape, would result in urban sprawl and would have an adverse impact on the rural character of the area. The Council subsequently withdrew its concerns regarding urban sprawl. The remaining concerns relate to criteria (a) and (e) of Policy COU16.
25. I have already made an assessment on the prominence of the appeal proposal and found that a dwelling on the site would not be a prominent feature in the landscape and, although it would be visible along a short stretch of Drumcill Road, it would integrate well due to the surrounding group of buildings. Therefore, the appeal proposal would not be unduly prominent in the landscape. The Council's concerns in respect of criterion (a) of Policy COU16 are not upheld. I have not been presented with any persuasive evidence that a dwelling on this site would result in an adverse impact on the rural character of the area and therefore the concerns in respect of criterion (e) of Policy COU16 are also not upheld. The Council's concerns in respect of Policy COU16, and its fourth reason for refusal, are not sustained.
26. As I have found that the appeal proposal would comply with Policies COU3, COU15 and COU16 of the PS, it follows that it would also comply with Policy COU1 and is acceptable in principle in the countryside. The Council's first reason for reason is not sustained. As the proposal would comply with the relevant policies and none of the Council's reasons for refusal have been sustained, the appeal is allowed, subject to conditions. The siting, design and layout of the proposed dwelling as well as the access and landscaping of the site will be the subject of a reserved matters application.

27. The Council did not put forward any planning conditions in relation to the size or scale of the dwelling, stating that this could be addressed at reserved matters stage. However, the reserved matters decision is not a planning approval in its own right, and the planning permission is granted by virtue of the outline decision. The outline decision defines the scope of the planning permission and the application for the approval of reserved matters must be within the scope of the outline planning permission and any conditions attached to it. Conditions may not be stipulated in an approval of reserved matters which are more onerous or materially derogate from the outline permission. I therefore consider it necessary to restrict the size and scale of the dwelling in accordance with the parameters put forward by the appellants, as my assessment was made on such. A ridge height of 5 – 5.5m was discussed as being suitable for a bungalow at the ASV. Given the presence of two storey buildings immediately adjacent to the appeal site (no. 16 and Ivy Lodge) and the poultry sheds behind the appeal site, I am content that a ridge height of 5.5m when measured from finished floor level (FFL) would be appropriate. The floor space shall be no more than 1000sqft when measured externally.

Conditions

- (1) Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be as approved by the Council – the siting, design, external appearance of the dwelling, landscaping and the means of access thereto.
- (2) The ridge height of the dwelling shall be no more than 5.5m when measured from finished floor level. The dwelling shall be no more than 1000sqft when measured externally.
- (3) No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours and the finished floor level of the dwelling.
- (4) No development shall take place until there has been submitted to and approved by the Council a landscaping scheme showing:
 - the retention of the existing trees along the site's western boundary;
 - the new boundary along the eastern edge of the site; and
 - the location, numbers, planting distances, species and sizes of trees and shrubs to be planted within the site.

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed, or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

- (5) The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species of hedgerow/trees and shrubs of mixed woodland species planted on the inside.
- (6) Upon occupation of the new dwelling, the structure to be replaced (coloured green on the approved plan 01) shall no longer be used or adapted for purposes of human habitation and may only be used for the purposes specified in this

permission or any other purpose incidental to the enjoyment of the approved dwelling house.

- (7) The site shall be accessed from the existing laneway onto Drumcill Road. Visibility splays of 2.4 metres by 70 metres in each direction and a forward site distance of 70 metres onto Drumcill Road shall be permanently retained.
- (8) Before the dwelling is occupied, provision shall be made within the site for 3 car parking spaces and for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall be permanently retained.
- (9) An application for the approval of the reserved matters shall be made to the Council before the expiration of three years from the date of this decision.
- (10) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to the following drawings:-

Drawing No.	Title	Scale
01 (0001)	Site Location Map	1:2500
02 (0002)	Notional Block Plan	1:500

COMMISSIONER LAURA RODDY

2025/A0080

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List of Appearances

Planning Authority:- Mr P McFadden

Appellant:- Mr N Coffey

List of Documents

Planning Authority:- Statement of Case by Lisburn & Castlereagh City Council
Rebuttal by Lisburn & Castlereagh City Council

Appellant:- Statement of Case by Mr Coffey
Rebuttal by Mr Coffey

Committee:	Planning Committee
Date:	3 August 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Appeal Decision – LA05/2023/0069/O

1.0 **Background**

1. An application for a dwelling, garage and associated site works at site fronting onto Chapel Road, Aghalee and adjacent and west of 16 Magees Road, Aghalee was refused planning permission on 10 December 2025.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 19 January 2026.
3. The procedure was a written representation with an accompanied site visit which took place on 19 May2026.
4. The main issues in the appeal were whether the proposal was acceptable in principle in the open countryside as a dwelling on a farm and the proposed buildings could be integrated into the countryside without impacting on rural character.
5. On 10 June 2026 the Commission confirmed that the appeal was dismissed.

Key Issues

1. The Commissioner agreed with the Council that whilst the farm business was active and established that ownership of the land itself did not demonstrate that it had been part of an established farm business for at least six years.
2. The transfer of the site into another farm business in 2022 created a break in continuity. Therefore, the site could not be demonstrated to have formed part of the appellant's established farm business and the Council's refusal reason that criterion (a) of policy COU10 had not been met was sustained.
3. The Commissioner also agreed that the site does not form an integral part of an established farm holding therefore fails to cluster with buildings on the subject farm.
4. The Commissioner disagreed with the Council's assessment on the impact that the proposed development would have on the rural character of the area, finding that a development being unacceptable in principle does not automatically result in harm to rural character and stipulated that refusal reasons on rural character grounds must be supported by a separate assessment of the proposal's siting, visibility, landscape context and integration.

	5. The appeal decision supports the Council’s interpretation and application of the six-year farm business test contained within Policy COU10. Nevertheless, it underscores the need for officers to provide clear, robust and site-specific justification where harm to rural character is cited as a reason for refusal under Policy COU16.	
2.0	<u>Recommendation</u> It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	<u>Finance and Resource Implications</u> No cost claim was lodged by any party in this instance.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:	Appendix 5 – Appeal Decision – LA05/2023/0069/O
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Lisburn & Castlereagh City Council
Local Planning Office

Our reference: 2025/A0115
Authority
reference: LA05/2023/0069/O
10 June 2026

Dear Sir/Madam

Re:

Appellant name: Andrew Haddock

Description: Dwelling, garage and associated site works

**Location: Site fronting onto Chapel Road, Aghalee and adjacent to and west of
16 Magees Road, Aghalee**

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Johnathan Nelson
PACWAC Admin Team



Appeal Decision

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Appeal Reference:	2025/A0115
Appeal by:	Mr Andrew Haddock
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling, garage and associated site works
Location:	Site fronting onto Chapel Road, Aghalee and adjacent and west of 16 Magees Road, Aghalee
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2023/0069/O
Procedure:	Written representations and Commissioner's site visit on 19 th May 2026
Decision by:	Commissioner Laura Roddy, dated 10 th June 2026

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development would be acceptable in principle in the countryside, if it would have an adverse impact on the rural character of the area and if the appeal proposal would prejudice road safety.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Lisburn and Castlereagh Local Development Plan 2032 Plan Strategy (PS) sets out the strategic policy framework for the Council area. In accordance with the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) is now a compilation of the Departmental Development Plan (DDP) and the PS read together. In this appeal, the DDP is the Lisburn Area Plan 2001 (LAP). In the DDP, the site is located outside a settlement and in the countryside. The draft Belfast Metropolitan Area Plan (2004) is not a DDP as it was never adopted although in some circumstances it can be a material consideration. In it the appeal site is also located within the countryside. There are no other provisions in the DDP that are material to the determination of the appeal. The

appeal should therefore be determined in accordance with the provisions of the PS unless material considerations indicate otherwise.

5. Regional planning policy is set out in the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development – Edition 2'. It is material to all decisions on individual appeals. In compliance with paragraph 1.11 of the SPPS, operational policies set out in the PS are now in effect. Existing policy retained under the transitional arrangements has ceased to have effect in the Council area. It now falls to the Commission to assess the appeal in the context of the LDP, in accordance with the above legislative provisions and the reasons for refusal as provided by the Council. Guidance contained within 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside' is also a material consideration. Regional guidance in Development Control Advice Note 15: Vehicular Access Standards (DCAN15) continues to apply.
6. Policy COU1 'Development in the Countryside' of the PS states that there are a range of types of development which in principle are acceptable in the countryside and which will contribute to the aims of sustainable development. Under Policy COU1, details of operational policies relating to acceptable residential development proposals in the countryside are set out in policies COU2 to COU10. The policy advises that any proposal for development in the countryside will also be required to meet all the general criteria set out in Policies COU15 'Integration and Design of Buildings in the Countryside' and COU16 'Rural Character and other Criteria'. The Council have raised objections in respect of Policies COU10 and COU16.
7. Policy COU10 states that planning permission will be granted for a dwelling on a farm where all of the three specified criteria are met. The Council have raised concerns with criteria (a) and (c). Third parties have raised concerns in respect of COU10 generally, with specific concerns raised in respect of criterion (b).
8. Criterion (a) of Policy COU10 requires that the farm business must be currently active and it must be demonstrated, with sufficient evidence, such as independent professionally verifiable business accounts, that it has been established for at least 6 years. The justification and amplification provides clarification as to what constitutes an active and established farming business and requires the applicant to provide the farm's Department of Agriculture, Environment and Rural Affairs (DAERA) business ID number along with other evidence to prove active farming over the required period. Criterion (c) requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm, and where practicable, access to the dwelling should be obtained from an existing lane.
9. The information submitted by the appellant with the planning application indicates that they have a Farm Business ID and they confirm that they have received Single Farm Payment (SFP) or other subsidies over a continuous six year period. The farm is registered to the appellant with an address opposite the appeal site. There are two consultee responses from DAERA which confirm that the Farm Business ID provided was allocated in 1991 and that payments through the Basic Payment Scheme or Agri Environment Scheme have been claimed for each of the last six years. However, the consultation response dated 9th February 2023 notes that the appeal site is 'located within a yard (unmapped area) and on land

associated with another farm business'. No such note was included with the subsequent DAERA response on 10th May 2023.

10. It is accepted by the Council that the farm business is active and established. However, the Council disputes that the appeal proposal meets criterion (a) of Policy COU10 as the appeal site has not been in the ownership of the farm business for at least six years, therefore did not form part of the established farm business for the requisite period of time. The appellant considers that the policy wording is such that it is the farm business which must be active and established for a six year period, and that there is no requirement for the site itself to be part of that farm business for the requisite period. The appellant states that to apply the policy in such a way would be to add an additional criterion to the policy.
11. I disagree with the appellant that the requirement for land to be part of the active and established farm business is an additional policy requirement, rather it is implicit that the site on which permission is sought must conform to the policy requirements, that is to be part of an active and established farm business for a minimum period of six years.
12. The Council provided a copy of the Land Registry Folio for the appeal site which shows that the appeal site was brought into the appellant's ownership on 20th July 2023, some six months after the application for planning permission was submitted. However, the ownership of the site itself is not critical to the outcome of the appeal as the policy wording relates specifically to the farm business. An email from DAERA dated 29th May 2026 confirms that from 2019-2021 the appeal site was included in the appellant's farm business. However, in 2022 it was claimed by another farm business (Thompson). The appeal site then reverted to the appellant's farm business in 2023 and was claimed by the appellant's farm business in 2023, 2024 and 2025.
13. The evidence before me indicates the current appeal site may have been used for agricultural purposes since 2019. However, the evidence from DAERA is that the appeal site was registered to a separate holding with a separate business ID number in 2022. The break in 2022, where the appeal site was evidently part of another farm business, means that the appeal site has only been part of the active and established farm business for three years. No information, apart from the farm map, has been submitted by the appellant. In the evidential context, there is therefore no persuasive evidence to establish that the appeal site has been farmed as part of the appellant's established farm business for the requisite 6 year period.
14. The Council seek to rely on appeal 2021/A0133 in support of its position on criterion (a) of Policy COU10. In this 2023 appeal decision, also for a dwelling on a farm, the Commissioner found that 'as the appeal site was only brought into the farm business in 2019, it could not possibly be part of an active and established farm business for at least 6 years as required by policy'. While this appeal was decided in the context of Policy CTY10 of Planning Policy Statement 21: Sustainable Development in the Countryside, the wording of the policy is similar, if not almost identical to, that of Policy COU10 of the PS. I find the circumstances of both cases to be similar, and therefore the approach followed in 2021/A0133 lends support to the approach I have taken in respect of Policy COU10.

15. The onus is on the appellant to demonstrate there is an established farm holding of which the appeal site is an integral part. Taking all the information before me, I conclude that it has not been demonstrated that the appeal site is part of a farm business which is currently active and has been established for at least 6 years. As such, I consider that the appeal proposal fails to satisfy criterion (a) of Policy COU 10. As a consequence, it also fails to meet criterion (c) of that policy.
16. Criterion (b) requires that no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application. No dwellings or development opportunities can therefore be sold off or transferred from the farm holding after 12th January 2013. The justification and amplification goes on to state that for the purposes of this policy 'sold off' will mean any development opportunity disposed of from the farm holding to any other person including a family member. Third parties, in submitting joint objections to the application subject to this appeal and application LA05/2023/0883/F, referred to a number of permissions in the vicinity of 16 Magees Road. They refer to concerns that a farm business was artificially divided for the purpose of obtaining planning permission. The Council raised no such concerns and consider that this element of the policy has been complied with.
17. The planning permissions referred to by the third parties have also been included in the Council's planning history information and relate to the adjacent site to the east (16 Magees Road) and a site to the northeast of the appeal site, adjacent to 16 Magees Road. These are as follows:
 - 16 Magees Road
 - S/2011/0241/F - replacement dwelling and garage, granted. Applicant - Mr Thompson
 - LA05/2016/1077/F - replacement dwelling in substitution of S/2011/0241/F, granted. Applicant - Mr Thompson
 - LA05/2018/0496/F – change of house type from LA05/2016/1077/F, granted. Applicant - Mr Thompson
 - 50m northeast of 16 Magees Road
 - LA05/2016/0283/O - proposed farm dwelling, refused. Applicant - Mr Thompson.
 - LA05/2018/0453/O – proposed farm dwelling, granted. Applicant - Mr Thompson
 - LA05/2021/0020/RM – dwelling and garage, granted. Applicant - Mr Fitzpatrick.
 - LA05/2024/0593/CLEUD – commencement of works to planning application LA05/2021/0020/RM, granted. Applicant - Mr Thompson.
 - LA05/2023/0883/F – change of house type to dwelling approved under LA05/2021/0020/RM, granted. Applicant - Mr Bloomfield.
18. While there are a number of applications relating to the two adjacent sites, they primarily relate to one replacement dwelling and one farm dwelling at 16 Magees Road and 50m northeast of 16 Magees Road respectively. The remainder of the permissions relate to amendments to the original planning permissions. All the permissions in relation to 16 Magees Road are associated with Mr Thompson and three of the five permissions at the other site are also associated with Mr Thompson. The 2022 farm maps submitted with the application which is now subject to this appeal appear to include the land where the farm dwelling was

granted 50m northeast of 16 Magees Road (field 096/5A). While this does give some cause for concern, I note that none of the planning permissions referred to appear to be associated with the appellant or his farm business, including any of the permissions on the land 50m northeast of 16 Magees Road. Therefore, in the evidential context I find no persuasive evidence that any dwellings or development opportunities have been sold off from the appellant's farm holding within 10 years. The third parties' concerns in respect of criterion (b) of Policy COU16 are not upheld.

19. Policy COU10 allows for alternative sites to be considered in exceptional circumstances. No such argument was made by the appellant. For the reasons stated, I find that the appeal proposal would not comply with criterion (a) or (c) of Policy COU10 and the Council's second reason for refusal is sustained, as are the third parties' concerns to the extent specified. Consequently, as I have found that the appeal proposal is not a type of development which in principle is acceptable in the countryside, it follows that Policy COU1 is not met. Therefore, the Council's first reason for refusal is also sustained.
20. Policy COU16 'Rural Character and other Criteria' requires that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area. The Council's third reason for refusal states that the proposal would not be cited to cluster with an established group of buildings and would therefore result in an adverse impact on the rural character of the area. The Council's Statement of Case (SoC) clarifies that its objection under Policy COU16 is in respect of criterion (e) only whereby a new development proposal will be unacceptable where it has an adverse impact on the rural character of the area. Although the Council refer to the proposal not being sited to cluster with an established group of buildings in the reason for refusal, it does not engage with criterion (b) of Policy COU16 which relates specifically to the requirement for development proposals to be sited to cluster with an established group of buildings. The SoC acknowledges that there are existing vegetation and structures on the appeal site, referring to four agricultural buildings.
21. The Council's concern in relation to Policy COU16 is grounded in that the introduction of a dwelling at the appeal site would not cluster with an established group of buildings on the farm holding and would therefore introduce development that is not consolidated with the established farm. The Council refer to appeal decision 2023/A0053 in support of its position on Policy COU16, specifically paragraph 33. The Council's interpretation of that decision is that development which is unacceptable in principle in the countryside would have an adverse effect on the rural character of the area.
22. The paragraph referred to by the Council states '*for the earlier reasons, the appeal proposal would have an adverse impact on the rural character of the area and offend criterion (e) of Policy COU16, the wider policy of COU16 and the related provisions of the SPPS*'. There is nothing in this paragraph that states that development which is unacceptable in principle would automatically harm the character of the area. My reading of the preceding paragraphs indicates that the site was 'very open', lacked natural boundary treatment to the front, had a restrictive shape such that a dwelling and garage could not be set back from the roadside, any dwelling therefore would be prominent from the roadside and

furthermore would not be clustered with an established group of buildings. This is distinguishable from the appeal before me where the site is of a size and shape such that a dwelling could be set back from the roadside and would be set behind, and/or adjacent to, the four agricultural buildings on the site. While the appeal proposal may be unacceptable in principle, I have not been presented with any persuasive evidence that a dwelling on this site would result in an adverse impact on the rural character of the area. The Council's concerns in respect of Policy COU16, and its third reason for refusal, are not sustained.

23. A number of third parties have raised concerns about road safety stating that Chapel Road is a very busy road servicing farm vehicles, HGV's and everyday traffic with vehicles driving at high speeds. They refer to a number of accidents on the road and poor visibility on the stretch of the road where the appeal site is located. One third party referred to a specific vehicle accident on 9th January 2024 in the vicinity of the appeal site and also provided their own speed survey. They have provided details on the dates and times of the surveys, number of vehicles recorded, fastest and slowest speeds, 95th percentile and 85th percentile for the fastest and slowest vehicles, mean and median speeds and the type of device used to record the information.
24. The Department for Infrastructure (DfI: Roads) consultation response indicates it has no objection to the proposal, subject to conditions including a requirement for visibility splays of 2m x 67m. These visibility splays are based on measured speeds indicating an 85th percentile speed of 35mph. Following receipt of the third party's own speed survey, DfI were reconsulted and responded on 29th January 2024 stating 'after concerns received a second follow on survey was conducted and found the speed to be still 35mph at this location'. They also noted that a survey for a previous application, opposite the appeal site, was conducted and speeds were found to be 31mph.
25. While the third party carried out their own survey on vehicle speeds, no outputs were provided to verify the information stated, no calibration certificate was provided for the device used to undertake the assessment and no information was provided to ascertain if the methodology used was to accepted standards. I therefore give more weight to the measured speeds recorded by DfI, as the statutory consultee for road safety matters. I am reinforced in this given that DfI have based its response on measured speeds, carried out a follow on survey which confirmed its initial findings and a third survey previously found speeds to be lower. I agree with DfI therefore that visibility splays of 2m x 67m would be appropriate for the proposed access for the site, and there is no indication that these could not be provided should permission be forthcoming.
26. At my site visit I observed the road to be wide, well surfaced, and cars appeared to be driving at appropriate speeds. Although the appeal site sits at a bend in the road, I found there to be good visibility in both directions and cars slowing down as they approached the bend in the road / appeal site. No accident statistics or police records for any vehicular accidents referred to have been provided. Given this, my observations at the site visit, and the DfI response, I am satisfied that the appeal proposal would not prejudice road safety. The third parties' concerns in this regard are not upheld.

27. One third party has raised a concern that a dwelling on the appeal site would directly face their property and would overshadow their entire frontage. The dwelling opposite the appeal site is separated from the appeal site by the road, which is some 6m wide. The dwelling is also well set back from the road with a long front garden and driveway. For these reasons, although the appeal proposal is for outline permission only, should permission be forthcoming conditions could be applied to ensure the scale and positioning of any dwelling would not result in any unacceptable overshadowing or an overbearing impact on the dwelling opposite. The third party's concerns in this respect are not upheld.
28. For the reasons given, the appeal proposal would be contrary to Policies COU1 and COU10 of the Council's Plan Strategy. The Council's first and second reasons for refusal are sustained and are determining in this appeal.

This decision relates to the following drawings:-

Drawing No.	Title	Scale
01B (22088_LM001)	Location Map	1:2500
02 (2208_CP001)	Concept Site Plan	1:500
03A (22088_CP010)	Site Plan – Access Arrangement for information purposes	1:500

COMMISSIONER LAURA RODDY

List of Documents

Planning Authority:-	Statement of Case by Lisburn & Castlereagh City Council Rebuttal by Lisburn & Castlereagh City Council
Appellant:-	Statement of Case

Committee:	Planning Committee
Date:	3 August 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Notification by telecommunication operator(s) of intention to utilise permitted development rights.

1.0	<u>Background</u> 1. The Council is notified by WHP Telecoms Ltd and BT & Three of their intention to utilise permitted development rights to install communications apparatus at five locations within the Council area. 2. The works consist of the installation of broadband and telecommunication apparatus, upgrades to existing radio base stations and alteration or replacement of a mast or antenna in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <u>Key Issues</u> 1. The notification advises the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. 2. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on Decision Time to assist Members in understanding the scope and nature of the proposed works. 3. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified.
2.0	<u>Recommendation</u> It is recommended that Members note the detail of the notifications specific to the sites identified.
3.0	<u>Finance and Resource Implications</u> There are no finance or resource implications.

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.	

Appendices:	Appendix 6 – Notification from an Operator in respect of intention to utilise permitted development rights
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List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights August Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Openreach	BT	3c Derryash Road, Aghalee	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	18/06/2026
2.	Avison Young	3	Strawberry Hill, 158 Ballynahinch Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	22/06/2026
3.	Openreach	BT	193 Saintfield Road, Belfast	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	19/06/2026
4.	Cornerstone	WHP Telecoms Ltd	Walkers Field, 150 Magheraknock Road	Remove and replace 3no. antennas with 6no. antennas and associated ancillary development. Refer to attached drawings.	30/06/2026
5.	Cornerstone	WHP Telecoms Ltd	Thievpal Barracks, Magheralave Road	The removal of the existing 20m pole to be replaced with a 20m pole. Allocated 6no. antennas, 2no. cabinets, 3no. ERs, and 1no. existing cabinet to be removed.	01/07/2026



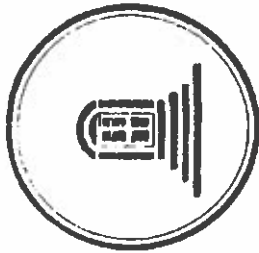
Committee:	Planning Committee
Date:	3 August 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Notification from DfC Historic Environment Division confirming the listing of a building at 20 Soldierstown Road Aghalee

1.0	<u>Background</u>	
	The Department for Communities (DfC) has written to the Council to advise that following on from an advance notice of listing on the 24 April 2026 that a building has now been added to the list of Buildings of Special Architectural or Historic Interest.	
2.0	<u>Key Issues</u>	
	The address which the listing relates to is detailed below:	
	20 Soldierstown Road Killough Aghalee Craigavon Co Antrim BT67 0ES	
	The listing (HB19/03/070) comprises a roadside vernacular grouping consisting of a single storey farmhouse with detached two storey stone outbuilding to the rear.	
3.0	<u>Recommendation</u>	
	It is recommended that Members note the correspondence from Department for Communities (DFC).	
3.0	<u>Finance and Resource Implications</u>	
	N/A	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out	
	EQIA not required.	

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. RNIA not required.	

Appendices:	Appendix 7a – Listing Schedule Appendix 7b– Listing Map
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**THIRTIETH ADDITION TO THE LIST OF BUILDINGS OF SPECIAL
ARCHITECTURAL OR HISTORIC INTEREST
IN LISBURN AND CASTLEREAGH CITY COUNCIL**

Department for Communities
Causeway Exchange
1 – 7 Bedford Street
Town Parks
BELFAST
BT2 7EG

Dated: 15 June 2026

HISTORIC BUILDINGS LIST NUMBER 4206

NOTE: Further additions to the list relating to this Council area may be issued at a future date.

SCHEDULE
30th ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN
THE LISBURN & CASTLEREAGH CITY COUNCIL

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB19/03/070	164/09	J1332 6377	20 Soldierstown Road Killough Aghalee Craigavon County Antrim BT67 0ES	15/06/2026	B2	A roadside vernacular grouping that retains its original form and character. 20 Soldierstown Road is a single-storey, three bay lobby-entry vernacular farmhouse with detached two storey stone outbuilding to rear, originating before 1830 and located on Soldierstown Road approximately 1 mile southeast of Aghalee. Externally, the special interest of the dwelling is characterised by the pitched profile over a former thatched roof, a windbreak porch with a pitched natural slated roof and small window openings to front and rear elevations, all characteristic of vernacular architecture. Internally it retains much of its essential vernacular character and form with an open hearth with crane and crook within the chimney aperture, sheeted ceilings, panelled doors and quarry	1820 – 1839

						tilled floor. The outbuilding to rear is a two storey, rubblestone structure, also constructed prior to 1830, which has irregularly placed openings of varied sizes, as per the vernacular idiom. The arrangement of the dwelling (with conjoined former dwelling and remains of a third dwelling) and outbuilding linked by a boundary wall along the roadside and with wall and pier at the site entrance form a cohesive vernacular composition. This complex forms an interesting and increasingly rare architectural group with the scale and form contributing to the rural character and adding local distinctiveness to the rural scene. The linear vernacular form of the dwellings, with stepped roofs responding to the sloping ground, remains clearly legible.	
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Further information on these records can be accessed on the historic buildings database at www.communities-ni.gov.uk

PLANNING ACT (NORTHERN IRELAND) 2011

STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

WHEREAS

1. by section 80 of the Planning Act (Northern Ireland) 2011 the Department for Communities (hereinafter called "the Department") is required to compile lists of buildings of special architectural or historic interest;
2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Lisburn and Castlereagh City Council

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

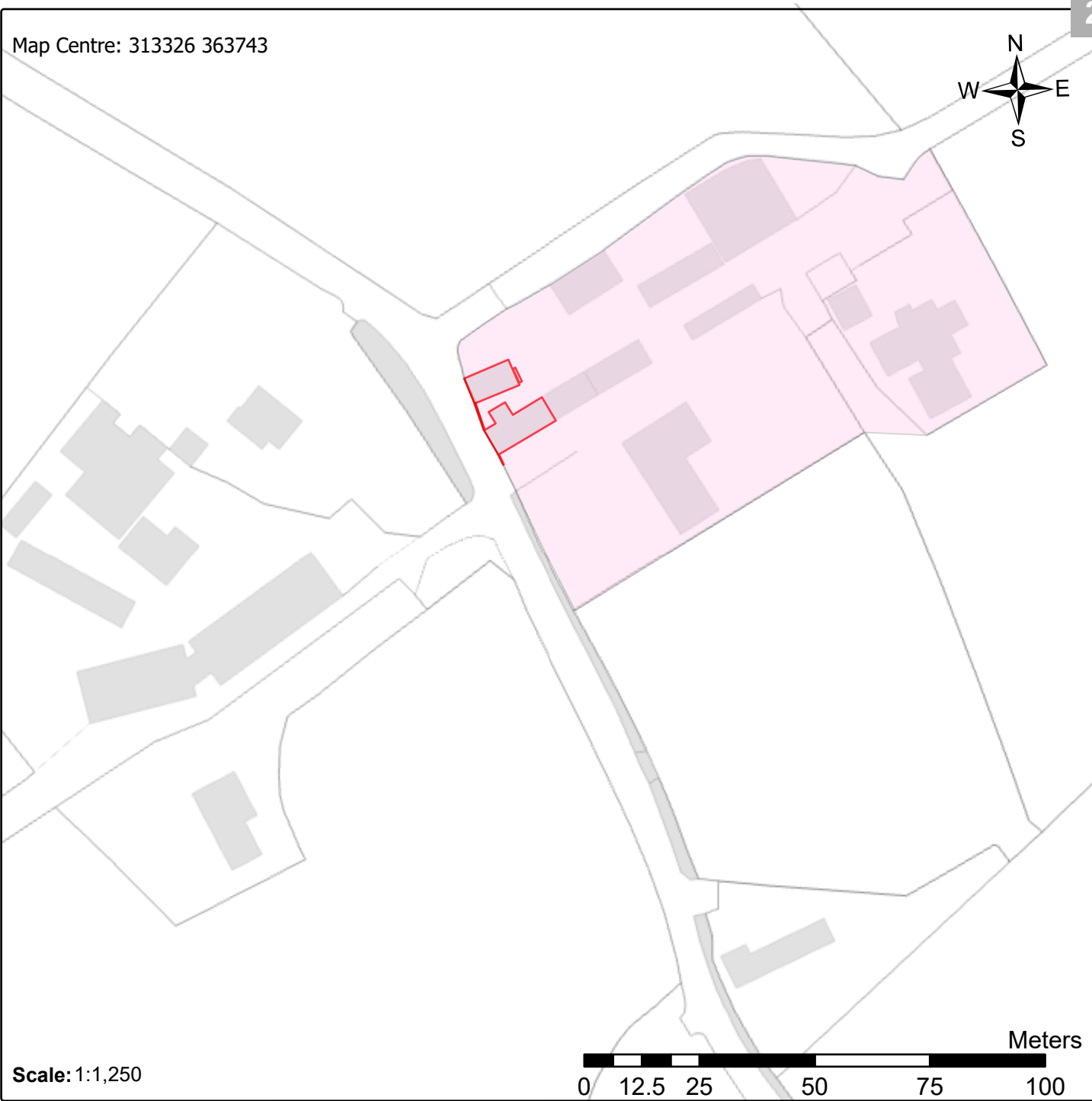
Dated 15 June 2026


 Senior Officer for the Department for Communities

NOTE: Subsection (7) of the said section 80 provides that the following shall be treated as part of the listed building:-

- a. any object or structure within the curtilage of the building and fixed to the building;
- b. any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 October 1973.

This map is supplied for information only. Please note any changes to a listed building require Listed Building Consent. Professional advice and relevant planning approvals should be sought.



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Listing Map

HB Ref: HB19/03/070

Address: 20 Soldierstown Road, Killough, Aghalee, Craigavon, County Antrim, BT67 0ES.

- Note:*
- The following should be treated as part of the listed building - any object or structure within the curtilage of the building and fixed to the building; or although not fixed to the building, forms part of the land and has done so since before 1st October 1973.
 - The pink wash has no statutory basis.