



January 26th, 2024

Chairperson: Councillor J Lavery BEM

Vice Chairperson: Councillor T Mitchell

Aldermen: J Baird, A G Ewart MBE, M Gregg, A Grehan, M Guy and S P Porter

Councillors: P Burke, K Dickson, J Gallen, U Mackin, A Martin, C McCready, N Parker

Ex-Officio: The Right Worshipful the Mayor, Councillor A Gowan
Deputy Mayor, Councillor G McCleave

Notice Of Meeting

A meeting of the Regeneration and Growth Committee will take place on **Thursday, 1st February 2024** at **6:00 pm** in the **Council Chamber & Remote Locations** for the transaction of business on the undernoted agenda.

For those Members attending this meeting remotely the Zoom link and passcodes are contained within the Outlook invitation that has been issued.

DAVID BURNS
Chief Executive
Lisburn & Castlereagh City Council

Agenda

1.0 APOLOGIES

2.0 DECLARATIONS OF MEMBERS' INTERESTS

- (i) conflict of interest on any matter before the meeting (Members to confirm the specific item)
- (ii) pecuniary or non-pecuniary interest (Members to complete disclosure of interest form)

3.0 REPORT OF DIRECTOR OF REGENERATION & GROWTH

3.1 Responsible Reservoir Manager Status

For Decision

- ▢ *1. Responsible Reservoir Manager Status.pdf* *Page 1*
- ▢ *Appendix 1 RRM Status Lisburn and Castlereagh City Council (002).pdf* *Page 3*

4.0 Report of the Head of Planning & Capital Development

4.1 Public Consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland) 2015

For Decision

- ▢ *2. Public Consultation the Review of the Planning (Development Management) Regulations (NI) 2015.pdf* *Page 7*
- ▢ *Appendix 2a Consultation letter on Review of the ~ Classes and Thresholds, PACC and Removal of mandatory PDHs.pdf* *Page 10*
- ▢ *Appendix 2b DM Regulations 2015.pdf* *Page 12*

4.2 Proposed abandonment at 62 to 66 Bow Street, Lisburn

For Decision

- ▢ *3. Proposed Abandonment at 62 to 66 Bow Street Lisburn.pdf* *Page 24*
- ▢ *Appendix 3 - Roads (NI) Order 1993 Proposed Abandonment 62-66 Bow Street.pdf* *Page 26*

5.0 CONFIDENTIAL BUSINESS

5.1 Acquisitions and Disposals of Land Interests including Estates Update

Page 31

For Decision

Confidential due to information relating to the financial or business affairs of any particular

person (including the Council holding that information).



5.2 City Centre Management – Relocation to the Museum

For Decision - Under Delegated Authority

Confidential due to information relating to the financial or business affairs of any particular person (including the Council holding that information).

 *2. Draft - CCM Relocation to the Museum 17 01 24.pdf*

Not included

6.0 ANY OTHER BUSINESS

Committee:	Regeneration & Growth
Date:	February 2024
Report from:	Director of Regeneration & Growth

Item for:	Decision
Subject:	Responsible Reservoir Manager Status

1.0	<p><u>Background</u></p> <p>1. In the absence of full implementation of the Reservoirs Act (NI) 2015 DfI Rivers (the legislative authority) has requested the Council signs up to Responsible Reservoir Manager Agreement. This is in respect of controlled reservoirs under Council jurisdiction located at Duncans Park and Hillsborough Forest (see Appendix).</p> <p><u>Key Issues</u></p> <p>1. It should be noted this agreement is not intended to be legally binding on either party but does provide DfI Rivers the opportunity to offer a determination on planning applications downstream of Council-controlled reservoirs as part of the planning consultation process, which can be applied retrospectively to those applications with a previously unfavourable determination.</p> <p>2. The Local Development Plan for the Lisburn and Castlereagh City Council area includes planning policy that requires assessment of the impact of a flood inundation occurring as a result of a failure of a dam. The Council has a duty to ensure it meets its obligations as a responsible reservoir owner so that the policy requirements of the Local Development Plan can be met for applications falling within an inundation area.</p> <p>3. Within the current capital programme, in order to meet our obligations as the planning authority and the asset owner to, provision has been made for works to Duncans Dam to mitigate the potential impact of flood risk. Members should note that ahead of the transfer of liabilities within the lease for Hillsborough Forest that it was a pre-requisite that dam strengthening was undertaken. Officers can confirm that the works on both dams was completed and certified.</p> <p>4. By signing up to this agreement the Council is confirming it will observe the principals of the Reservoirs Act 1975 and/or the Reservoirs Act (NI) 2015 (as applicable). It should be noted the Council actively observes the principals of the Reservoirs Act 1975 and/or the Reservoirs Act (NI) 2015 (as applicable) at present.</p> <p>5. Within current resources Parks & Amenities will facilitate regular inspections of both reservoirs as per recommendations in legislative inspection reports (twice weekly at Duncans Dam, three times weekly at Hillsborough Forest). A monthly operational inspection will be facilitated by Assets to assist in the technical considerations for the dam assessment. Any new safety works emanating from the assessments will be incorporated into the cyclical parks upgrade programme with funding opportunities being pursued.</p>
2.0	<p><u>Recommendation</u></p> <p>It is recommended the Committee considers and agrees to the Council signing up to Responsible Reservoir Manager Agreement to achieve Responsible Reservoir Manager Status.</p>

3.0	<p><u>Finance and Resource Implications</u></p> <p>Budget provision has been included in the annual estimates with regards to legislative inspections.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>The physical condition of the dams is not a policy consideration and does not specifically adversely impact on any of the Section 75 groupings equally.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>The physical condition of the dams is not a policy consideration and does not specifically adversely impact on any of the Section 75 groupings equally.</p>	

<p>Appendices:</p>	<p>Appendix 1 – Responsible Reservoir Manager Agreement</p>
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RESPONSIBLE RESERVOIR MANAGER AGREEMENT

This agreement sets out the basis on which the Department for Infrastructure (the Department) will confer Responsible Reservoir Management Status in respect of the Controlled Reservoir(s) named in the agreement and managed by:

Lisburn and Castlereagh City Council.

For the purposes of reservoir communications

Lisburn & Castlereagh City Council	Department for Infrastructure
	Quinton Campbell
	DfI Rivers, 49 Tullywiggan Road
	Cookstown BT80 8SG
	Quinton.Campbell@infrastructure-ni.gov.uk
	Telephone 02886 757583

The agreement represents an interim voluntary arrangement in the absence of the full implementation of the Reservoirs Act (NI) 2015 and is not intended to be legally binding on either party.

To be considered a responsible reservoir manager, Lisburn and Castlereagh City Council will observe the principles of the Reservoirs Act 1975 and / or the Reservoirs Act (NI) 2015 (as applicable) and agree to the following:

The Council will:

1. Commission a Supervising Engineer to monitor the reservoir(s) at all times.

Lisburn and Castlereagh City Council have commissioned the following Supervising Engineer(s) from an existing approved panel of reservoir Supervising Engineers.

Duncan's Dam Reservoir _____

Hillsborough Park Lake Reservoir _____

Council agrees to ensure that the Supervising Engineer visits the reservoir(s) on a regular basis or as determined by the Reservoir Inspection Engineer, or as otherwise considered necessary. The engineer will supervise the safety of the reservoir(s) to which they are commissioned at all times. They will provide an annual statement to the reservoir manager concerning their monitoring of the reservoir(s), steps taken to maintain the reservoir(s), and any recommendations or directions they may have made.

The Council agrees to provide a copy of the annual statement(s) to the Department within 28 days of receipt by the Council.

2. Commission an All Reservoirs Panel Engineer to inspect the reservoir(s).

Lisburn and Castlereagh City Council have commissioned All Reservoir Panel Engineer Inspection(s) of their reservoir(s) in line with industry practice.

The Council agrees to ensure that each reservoir is inspected in accordance with the recommendations of the current inspection report or as required by a direction from the Supervising Engineer.

The Council will provide the Department with a copy of any reservoir inspection report(s) generated in support of this agreement, within 28 days of the report date.

3. Commission a Construction Engineer to oversee and sign off any works to alter the controlled reservoir(s).

Lisburn and Castlereagh City Council confirms that a Construction Engineer will be commissioned to oversee and sign off any works to alter the controlled reservoir(s).

4. Comply with any directions or recommendations regarding the undertaking of works in the interests of safety, and the management and maintenance of the reservoir(s) made by a Supervising Engineer and/or an All Reservoirs Panel Engineer, and/or a Construction Engineer.

Lisburn and Castlereagh City Council confirms that it will comply with any directions or recommendations regarding the undertaking of works in the interests of safety, and the management and maintenance of the reservoir(s) made by a Supervising Engineer and/or an All Reservoirs Panel Engineer, and/or a Construction Engineer.

Furthermore, Lisburn and Castlereagh City Council will ensure that certification as to the completion of each item of directed works recorded as measures or matters in the interests of safety is provided to the Department by the date for completion of the works as directed by the Inspecting Engineer. Where delivery of such a certificate is likely to be delayed, Council will supply correspondence endorsed by an All Reservoirs Panel Engineer, prior to the works due date, to account for the delay. The correspondence should provide an assurance that the delay will not endanger the safety of the reservoir and stipulate the revised period for completion of the works.

5. Stop any works that the Department considers would present a risk to the safety of the reservoir(s).

Lisburn and Castlereagh City Council confirms that it will stop any works that the Department considers would present a risk to the safety of the reservoir(s).

6. Allow the Department access to the controlled reservoir(s), or any documentation relating to them, at any time it considers necessary to establish if the reservoir manager is fully compliant with the voluntary agreement with the Department

Lisburn and Castlereagh City Council confirms that it will allow the Department access to the controlled reservoir(s), or any documentation relating to them, at any time the Department or the Council considers it necessary to establish if the reservoir manager is fully compliant with this voluntary agreement with the Department.

7. Conferring Responsible Reservoirs Manager Status

The Department will arrange bi-annual meetings (or more frequently as required), at which the Department will review the evidence presented by Lisburn and Castlereagh City Council in support of conferring and retaining Responsible Reservoir Manager Status for individual reservoirs. A schedule detailing those reservoirs on which Responsible Reservoir Manager Status has been conferred is attached. The schedule will be subject to ongoing update and review at meetings e.g. to account for information emerging from Reservoir Panel Engineer inspections or visits and any need to adjust the schedule as may arise.

8. Review

This agreement will be subject to formal review on or before 1st December 2025 with periodic review and update as required.

9. Termination

The Council shall be entitled to terminate this agreement at any time by providing the Department with 6 months written notice of its intention to do so. This agreement will terminate with immediate effect in the event of the Council disposing of its entire interest in the reservoir(s).

Signed on behalf of Lisburn and Castlereagh City Council:		Signed on behalf of Department for Infrastructure
Signed		
Print Name		
Position		
Date		

Schedule

Reservoirs on which Responsible Reservoir Manager Status is conferred:

Date of confirmation



Committee:	Regeneration and Growth
Date:	1 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Public Consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland) 2015

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. In a letter dated 11 December 2023, the Department for Infrastructure informed the Council that it has issued a public consultation paper on proposals to review the Planning (Development Management) Regulations (Northern Ireland) 2015 (the Regulations). 2. The reason for the consultation is linked to a review undertaken by the Department for Infrastructure in 2022 into the Planning (Northern Ireland) Act 2011 (the Act) which identified amongst other things the need for change to the Regulations. 3. The actions arising out of the review of the Act are subsumed into the Planning Improvement Programme being brought forward by the Department, in consultation with local government and other partners, to improve current processes and the performance and delivery of the planning system. 4. It is highlighted in the documents supplied in support of the consultation that the following three areas of the Regulations are being considered: <ul style="list-style-type: none"> • A review of the classes of development to ensure they reflect current and future development trends and that the associated thresholds take a balanced approach to community consultation in planning applications for major development. • Proposals to make pre-determination hearings discretionary for Councils which will help focus resources and reduce delays in issuing planning decisions for some planning applications; and • Proposals to introduce online/digital methods into the pre-application community consultation (PACC) process, to enhance accessibility and encourage participation in the planning process by a broader range of people. 5. The full detail of the public consultation can be accessed via the NI Direct – Citizen Space website at the following link Review of The Planning (Development Management) Regulations (Northern Ireland) 2015 - NI Direct - Citizen Space 6. The closing date for receipt of comments is 03 March 2024.
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Key Issues

1. In respect of the first part of the consultation approximately 2% of all applications in this Council area fall within the major threshold. Learned experience would suggest there are a number of applications below this threshold that would benefit from greater community participation in the form of pre-application community consultation.
2. Proposals for mixed tenure housing development is one example of this and the current threshold of 50 residential units does not bring a number of applications into the category of major that would benefit from pre-application community consultation.
3. The consultation document does not provide any framework for how the thresholds might be changed but there is significant merit in reducing the thresholds for some of the categories of development to bring more applications within the major category. This allows for more public participation in the planning application process at the earliest stage and provides more time to properly consider the detail of these applications for example when a Section 76 planning agreement is required.
4. In respect of the second part of the consultation there are very few occasions in this Council area where a pre-determination has been requested. It is further noted that the types of applications that give rise to the need for a pre-determination hearing are small, and this is recognised in the consultation.
5. That said, there is a significant body of work in managing pre-determination hearings. Making them discretionary as highlighted in the supporting consultation documents is positive and should be welcomed.
6. In respect of the third part of the consultation it is recognised that there are other means of engaging through online platforms and social media that allows for more complete public consultation.
7. The following benefits are highlighted:
 - widening the sphere of community engagement by raising awareness of the proposals to a wider geographical audience;
 - altering the profile of those getting involved in planning to a younger demographic; enhancing access to proposals for major development;
 - improving accessibility for those wishing to feedback comments to an applicant on a development proposal; and
 - using social media as a tool for signposting consultations and development proposals.
8. Two options are suggested by the Department for Infrastructure to effect change and increase participation in the planning process. These are (1) require online and in person consultation at the pre-application stage or (2) make it optional - one or the other.
9. It is the learned experience of this Council that rates of participation in public consultation for most applications are low. To have the most impact both methods of consulting should be applied. More evidence of how the online consultation was undertaken also needs to be expressly set out at the start in the pre-application

	<p>notice and then reported more fully at the application stage in the pre-application community consultation report.</p> <p>10. Whilst not explicitly asked for in the consultation, if the opportunity is available under any other comments, it is further advised that the following changes should also be made:</p> <ul style="list-style-type: none"> • Removal of the transitional arrangements for application pre-dating 2015. There should be no applications in the planning system this old. • Removal of the requirement for the published scheme of delegation to be made available at the Council Offices as a digital copy is available on the Council website. • Alter the requirement to review the Scheme of Delegation from three years to every four years to align with the cycle of local government elections. 	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members consider and agree to give officers delegated authority to provide comments via the Citizen Space website based on the advice set out at paragraphs 7 to 16 of this report.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report seeking delegated authority to provide comment on a public consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland) 2015. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report seeking delegated authority to provide comment on a public consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland) 2015. RNIA not required.</p>	

<p>Appendices:</p>	<p>Appendix 2a – Letter from the Department for Infrastructure seeking participation in the Public Consultation process</p> <p>Appendix 2b – the Planning (Development Management) Regulations (Northern Ireland) 2015 (the Regulations).</p>
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Regional Planning Governance & Legislation

Department for

Infrastructure

An Roinn

Bonneagair

Deapartment fur

Infrastructurewww.infrastructure-ni.gov.uk

Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 0300 200 7830

11 December 2023

Dear Sir/Madam

PUBLIC CONSULTATION ON THE REVIEW OF THE PLANNING (DEVELOPMENT MANAGEMENT) REGULATIONS (NORTHERN IRELAND) 2015 (the Development Management Regulations)

I am writing to inform you that the Department for Infrastructure has issued a public consultation paper on proposals to review The Development Management Regulations.

These proposals are part of the [Planning Improvement Programme \(PIP\)](#) being brought forward by the Department, working closely with local government and partners, to improve current processes and the performance and delivery of the planning system.

The consultation proposes changes in three areas:

- a review of the classes of development to ensure they reflect current and future development trends and that the associated thresholds take a balanced approach to community consultation in planning applications for major development.
- proposals to make pre-determination hearings discretionary for councils which will help focus resources and reduce delays in issuing planning decisions for some planning applications; and
- proposals to introduce online/digital methods into the pre-application community consultation (PACC) process, to enhance accessibility and encourage participation in the planning process by a broader range of people.

The public consultation can be accessed via the NI Direct – Citizen Space website at the link below, and submissions can be made online:

<https://consultations2.nidirect.gov.uk/dfi-1/review-of-the-planning-development-management-regu>

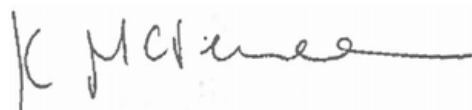
Alternatively, copies of the public consultation documents can be downloaded from the Department for Infrastructure [website](#), requested by email at: Legislation.planning@infrastructure-ni.gov.uk or by phoning NI Direct on 0300 200 7830.

The closing date for receipt of comments is **3rd March 2024**.

You have received this notification because your contact details are contained on a list of consultees used by DfI Planning when issuing public consultations, surveys, questionnaires, etc.

If you no longer wish to receive these notifications, your details can be removed by notifying the department using the same contact details as above.

Yours faithfully



DR KATHRYN McFERRAN
(Acting) Director

 STATUTORY RULES OF NORTHERN IRELAND

2015 No. 71**PLANNING**
**The Planning (Development Management) Regulations
(Northern Ireland) 2015**

Made - - - - - *25th February 2015*

Coming into operation - - - - - *1st April 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 25(2), 26(1), 27(4) and (5), 30(1), 31(1) and (3), 50(2) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Development Management) Regulations (Northern Ireland) 2015 and come into operation on 1st April 2015.

(2) In these Regulations a reference to a section is a reference to a section of the Planning Act (Northern Ireland) 2011.

(3) In these Regulations—

“the GDPO” means the Planning (General Development Procedure) Order (Northern Ireland) 2015(b);

“appointed officer” means a person appointed by the council for the purposes of section 31(1)(a);

“appropriate council” means the council for the district in which the land to which the application relates is situated;

“council” means a district council;

“EIA development” has the same meaning as in regulation 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015(c).

Hierarchy of Developments

2.—(1) For the purposes of section 25(1)(hierarchy of developments) the classes of development belonging to the category of major development are—

- (a) development described in Column 1 of the table in the Schedule, where any applicable threshold or criterion in the corresponding entry in Column 2 of that table is met or exceeded; and

(a) 2011 c.25 (N.I.).

(b) SR 2015 No.72.

(c) SR 2015 No.74.

- (b) any change to or extension of development of a class described in paragraphs 1 to 9 of Column 1 of the table in the Schedule where that change or extension itself meets or exceeds the threshold or criterion in the corresponding entry in Column 2 of that table.
- (2) All other development belongs to the category of local development.

Department's jurisdiction in relation to developments of regional significance

3. The major development prescribed for the purposes of section 26(1) is—
- (a) development described in Column 1 of the table in the Schedule, where any applicable threshold or criterion in the corresponding entry in Column 3 of that table is met or exceeded; and
 - (b) any change to or extension of development of a class described in paragraphs 1 to 5 of Column 1 of the table in the Schedule where that change or extension itself meets or exceeds the threshold or criterion in the corresponding entry in Column 3 of that table.

Content of proposal of application notice

4. A proposal of application notice must be in writing and must, in addition to those matters required by section 27(4), also contain—
- (a) a copy (where applicable) of any determination made under regulation 7(1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;
 - (b) a copy of any notice served by the Department under section 26(4) or (6); and
 - (c) an account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take.

Pre-application community consultation

5.—(1) Where the prospective applicant has been served with a notice under section 26(4), the Department must consult the appropriate council as respects a proposed application and in doing so, must give a copy of the proposal of application notice to that council.

- (2) The prospective applicant must—
- (a) hold at least one public event in the locality in which the proposed development is situated where members of the public may make comments to the prospective applicant as regards the proposed development; and
 - (b) publish in a newspaper circulating in the locality in which the proposed development is situated a notice containing—
 - (i) a description of, and the location of, the proposed development,
 - (ii) details as to where further information may be obtained concerning the proposed development,
 - (iii) the date, time and place of the public event,
 - (iv) a statement explaining how, and by when, persons wishing to make comments to the prospective applicant relating to the proposal may do so, and
 - (v) a statement that comments made to the prospective applicant are not representations to the council or as the case may be the Department and if the prospective applicant submits an application there will be an opportunity to make representations on that application to the council or as the case may be the Department at a later stage.

(3) A public event held by the prospective applicant in accordance with paragraph (2)(a) must not be held earlier than 7 days after notification of the date, time and place of such event is given under paragraph (2)(b)(iii).

Duty to decline to determine application where section 27 not complied with

6. The period prescribed for the purposes of section 50(2) is the period of 21 days beginning with the day on which the additional information referred to in that subsection was requested.

Pre-determination hearings

7.—(1) The classes of development prescribed for the purposes of section 30(1) are those developments to which a direction under Article 17 of the GDPO applies where the Department has notified the council that it does not intend to determine the application under section 29(1).

(2) The persons who submit representations to the council in respect of the application in accordance with paragraph (1) are prescribed for the purposes of section 30(1), as persons to whom the council are to give an opportunity of appearing before and being heard by a committee of the council.

Content of scheme of delegation

8.—(1) A scheme of delegation must—

- (a) describe the classes of local development to which the scheme applies; and
- (b) state with respect to every such class which of the applications mentioned in paragraph (2) are to be determined by an appointed officer and, if such application is only to be so determined in particular circumstances, specify those circumstances.

(2) The applications are—

- (a) an application for planning permission; or
- (b) an application for consent, agreement or approval required by a condition imposed on a grant of planning permission.

(3) A scheme of delegation must include provision that prohibits an appointed officer from determining an application for planning permission in the circumstances mentioned in paragraph (4).

(4) The circumstances are that—

- (a) the application is made by the council or an elected member of the council; or
- (b) the application relates to land in which the council has an estate.

Procedure for the preparation and adoption of scheme of delegation

9. The council must send a copy of the scheme of delegation to the Department and must not adopt the scheme until the scheme has been approved by the Department.

Publication of the scheme

10. On adoption of the scheme the council must—

- (a) make a copy of the scheme of delegation available for inspection at an office of the council; and
- (b) publish the scheme of delegation on the website of the council.

Subsequent schemes of delegation

11. The council must prepare a scheme of delegation at intervals of no greater than three years.

Transitional provision

12. Section 27 (pre-application community consultation) applies only to applications for planning permission made on or after 1st July 2015 and the requirement in Article 3(3)(e) of the GDPO shall not apply before that date.

Sealed with the Official Seal of the Department of the Environment on 25th February 2015



Angus Kerr
A senior officer of the
Department of the Environment

SCHEDULE

Regulations 2 and 3

Major Development Thresholds

1. In the Table below—

“airport” has the meaning assigned to it in Article 2(2) of the Airports (Northern Ireland) Order 1994(a)

“area of works” includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“floor space” means floor space in a building or buildings;

2. The Table below sets out the classes of development belonging to the category of major development.

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
<u>1. EIA development</u>	Development of a description in paragraphs; 1, 3, 4, 5, 6, 11, 12, 15, 17, 18, 22, 23 and 24; mentioned in Schedule 1 to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.	Development of a description in paragraphs 1, 3, 22, 23 and 24 mentioned in Schedule 1 to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.
<u>2. Energy Infrastructure</u>		
Electricity generating stations	<p>1. The construction of an electricity generating station where its capacity is or exceeds 5 megawatts.</p> <p>2. All onshore development associated with the construction of an offshore electricity generating station.</p>	<p>1. The construction of an electricity generating station where its capacity is or exceeds 30 megawatts.</p> <p>2. All onshore development associated with the construction of an offshore electricity generating station with a capacity which is or exceeds 30 megawatts.</p>
Electrical power lines	The installation of an electrical power line where the voltage exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more than one customer.	The installation of an electrical power line where the voltage: <ul style="list-style-type: none"> -is 110 kilovolts double circuit overhead line; or -is or exceeds 275 kilovolts, and a length of more than 15 kilometres.

(a) S.I. 1994/426 (N.I.1).

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
Storage	<p>1. Installations for the storage of petroleum, petrochemical, chemical products or natural gas where the storage capacity of the facility is expected to be 30,000 tonnes or more.</p> <p>2. Installations for the underground geological storage of petroleum, natural gas, carbon dioxide or compressed air energy storage.</p>	<p>1. Installations for the storage of petroleum, petrochemical, chemical products or natural gas where the storage capacity of the facility is expected to be 200,000 tonnes or more.</p> <p>2. Installations for the underground geological storage of petroleum, natural gas, carbon dioxide or compressed air energy storage.</p>
Extraction	<p>1. Any proposal relating to the extraction of unconventional hydrocarbons.</p> <p>2. The extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 250 tonnes per day in the case of petroleum and 250,000 cubic metres per day in the case of gas.</p>	<p>1. Any proposal relating to the extraction of unconventional hydrocarbons.</p> <p>2. The extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.</p>
Pipelines	<p>Pipelines with a diameter of more than 400 millimetres or more than 20 kilometres in length: -for the transport of gas, oil or chemicals, or -for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.</p>	<p>Pipelines with a diameter of more than 800 millimetres or more than 40 kilometres in length: -for the transport of gas, oil or chemicals, or -for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.</p>
<p><u>3. Transport infrastructure.</u> Construction of new or replacement railways, airports, harbours and ports, waterways, transit ways.</p>	<p>The areas of work is or exceeds 1 kilometre in length or 1 hectare.</p>	<p>a) construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more; b) inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes; or c) trading ports, piers for loading and unloading connected to land outside ports (excluding ferry piers) which</p>

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
		can take vessels of over 1,350 tonnes.
<u>4. Waste infrastructure.</u> Construction of facilities for use for the purpose of waste management, disposal or treatment.		
Waste Management Facilities	<p>1. An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of or more than 25,000 tonnes.</p> <p>2. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9(a)) of non-hazardous waste with a capacity exceeding 100 tonnes per day.</p>	<p>1. An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of or more than 100,000 tonnes.</p> <p>2. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity for an annual intake exceeding 100,000 tonnes.</p>
Waste Water	Waste water treatment plants with a capacity exceeding 50,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC.	Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(b).
<u>5. Minerals</u> Extraction of minerals	The area of the site is or exceeds 2 hectares.	<p>a) development involving quarries or open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares; or</p> <p>b) development involving underground mining where the surface of the site exceeds 2 hectares.</p>
<u>6. Housing.</u> Construction of buildings structures or erections for use as residential accommodation;	<p>a) development that comprises 50 units or more; or</p> <p>b) the area of the site is or exceeds 2 hectares.</p>	

(a) O.J. No.L312, 22.11.08, p.3.

(b) O.J. No. L135, 30.5.91, p.40.

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
includes private schemes.		
<u>7. Retailing, Community, Recreation and Culture.</u> (according to Parts A and D of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 ^(a)). Including shops, financial, professional and other services, community and cultural uses, and assembly and leisure.	a) development that comprises 1,000 square metres or more gross floor space outside town centres; or b) the area of the site is or exceeds 1 hectare.	
<u>8. Business, Industry (Light and General), Storage and Distribution.</u> (according to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015	a) development that comprises 5,000 square metres or more gross floor space; or b) the area of the site is or exceeds 1 hectare.	
<u>9. All other development.</u> Any development not falling wholly within any single class of development described in Parts 1 to 8 above.	a) development that comprises 5,000 square metres or more gross floor space; or b) the area of the site is or exceeds 1 hectare.	

(a) S.R. 2015 No. 40.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision for the new development management processes for determining planning applications. The statutory rule puts in place the regulatory framework required to implement the development management provisions in Part 3 of the Planning Act (Northern Ireland) 2011 (“the 2011 Act”).

Regulation 2 prescribes the classes of major development.

Regulation 3 prescribes the classes of major development that are considered to potentially be developments of regional significance.

Regulation 4 makes provision regarding the content of the proposal of application notice required under section 27(4) of the 2011 Act.

Regulation 5 sets out the prescribed manner of pre-application community consultation which an applicant will have as a minimum to undertake. This requires the holding of a public event and publication of the proposed event in a local newspaper.

Regulation 6 prescribes the time period for requesting additional information where section 27 of the 2011 Act may not be complied with.

Regulation 7 prescribes the classes of development in respect of applications for which a council must hold a hearing before reaching a decision and provides who is to be given an opportunity to appear before the committee of the council.

Regulations 8-11 relate to schemes of delegation. Section 31 of the 2011 Act requires a council to prepare a scheme of delegation by which applications for planning permission for local development and for consent, agreement or approval required by a condition imposed on a grant of planning permission are to be determined by an appointed person. This person is defined in regulation 1 as the “appointed officer”. Regulation 8 makes provision in relation to the content of the scheme of delegation and prescribes the circumstances that prohibit an appointed officer from determining an application for planning permission. Regulation 9 requires the council to send a copy of the proposed scheme of delegation to the Department and it may not adopt the scheme until it has been approved by the Department. Regulation 10 sets out the manner of publication of the adopted scheme. Section 31(1)(a)(ii) of the 2011 Act requires a council to prepare a scheme of delegation at such intervals as may be provided for in regulations and regulation 11 sets this period at no greater than every 3 years.

Regulation 12 makes a transitional provision.

The Schedule to these Regulations prescribes the classes of development for the purposes of regulations 2 and 3.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department of the Environment, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG or accessed at www.doeni.gov.uk

The Explanatory Memorandum is available alongside the Regulations on the government’s website www.legislation.gov.uk

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STATUTORY RULES OF NORTHERN IRELAND

2015 No. 71

PLANNING

The Planning (Development Management) Regulations
(Northern Ireland) 2015

£6.00

N6472 03/2015 456472T 19585



Committee:	Regeneration and Growth Committee
Date:	1 February 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Proposed abandonment at 62 to 66 Bow Street, Lisburn

1.0	<p><u>Background</u></p> <p>1. In a letter dated 14 December 2023, the Department for Infrastructure notified the Council of a proposed abandonment at 62 – 66 Bow Street, Lisburn.</p> <p><u>Key Issues</u></p> <p>1. The letter explains that an application has been received from Danske Bank for the abandonment of an area of footway outside their premises as shown on a related plan.</p> <p>2. It also explains that this is to allow them to install a new ATM machine, with external ramp access to comply with DDA requirements. The applicant has obtained planning approval for the proposed works under LA05/2022/0495/F.</p> <p>3. There are no implications for the implemented public realm scheme at this location as the materials proposed are to match the existing footpath.</p> <p>4. One representation was received in objection to the construction of the ramp during the planning application process. The objector was concerned about the ability for vehicles delivering cash to the branch to pull off the road without blocking the entire footpath when the ramp is constructed. There is no parking on Bow Street but there is off-street parking on Bow Lane and room for a van to pull off the street without impeding the footpath.</p> <p>5. Comments on the proposed abandonment are invited. As planning permission is granted and any public objection to the construction of the ramp is taken account of, it is recommended that a response is returned to the consultation confirming no objection in principle to the abandonment of this small section of the footpath to facilitate disabled access to the proposed ATM.</p>
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee considers and agreed that a response is returned to DfI confirming no objection in principle to the abandonment of a small part of the footpath at this location.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

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	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report for noting in relation to a proposed abandonment at 62 to 66 Bow Street Lisburn. It is noted the ramp is required for disabled access. The screening for EQIA is a matter for the Department for Infrastructure as part of their decision-making process.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report for noting in relation to a proposed abandonment at 62 to 66 Bow Street Lisburn. RNIA not required.</p>	

Appendices:	APPENDIX 3 – Letter from DfI in relation to the proposed abandonment at 62 to 66 Bow Street Lisburn
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Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Annexe 7, Block 2
Castle Buildings
Stormont Estate
Upper Newtownards Road
BELFAST
BT4 3SQ

Telephone: 0300 200 7899

Textphone number: 028 9054 0022

Being Dealt With By: Victor Clegg

Email: Victor.clegg@infrastructure-ni.gov.uk

Direct Line: 02890 526193

Our Ref:MD2/Z/03/1114

Date: 14 December 2023

Local Planning Office
Lisburn & Castlereagh City Council
Lagan Valley Island
Island Civic Centre
LISBURN
BT27 4RL

DEAR SIR/ MADAM,

ROADS (NI) ORDER 1993

PROPOSED ABANDONMENT AT 62- 66 BOW STREET, LISBURN.

An application has been received from Danske Bank for the abandonment of an area of footway outside their premises at 62-66 Bow Street Lisburn as shown on the attached plan, to allow them to install a new ATM machine, with external ramped access to comply with DDA requirements.

The Applicant has obtained planning approval for the proposed works under LA05/2021/1063/F.

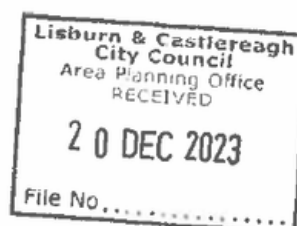
Could you please let me have your comments on the above proposal.

A prompt response would be appreciated, and I look forward to hearing from you. If I do not receive your reply, I shall assume you have no objection and will proceed accordingly.

Yours faithfully

Victor Clegg
Lands Section

ENC



ACEmap® Multi-Copy

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Centre Point (Easting, Northing): 326421, 364323

Danske Bank Lisburn

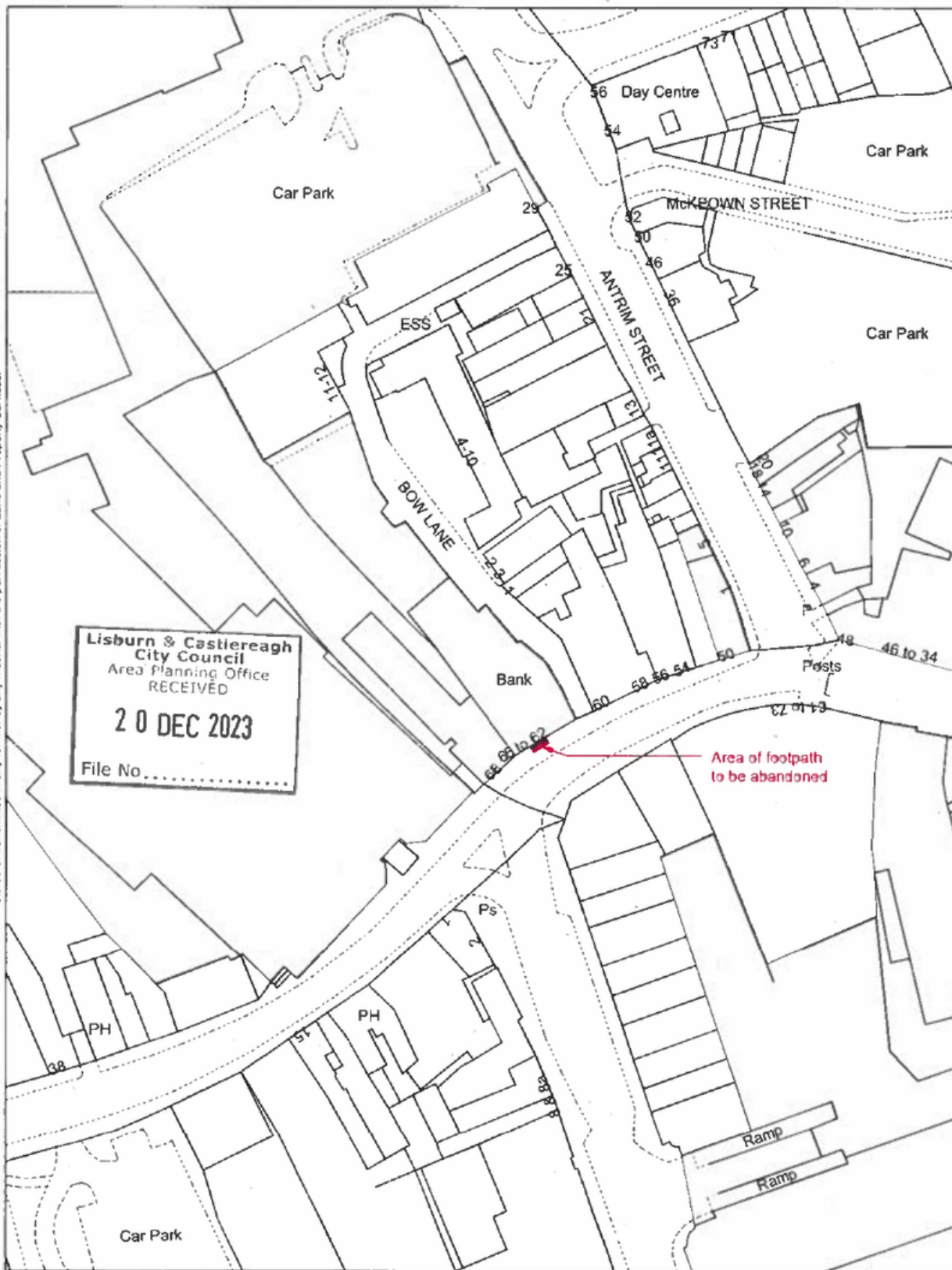
Scale: 1:1,250

Order no. ORD116097

Plan No. 16506SE3

326525

364463



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Lisburn & Castlereagh
City Council
Area Planning Office
RECEIVED
20 DEC 2023
File No.....

Area of footpath
to be abandoned

Abandonment of Part of the Footpath to the front of Danske Bank 62-66 Bow Street, Lisburn, Co. Down

MARK INGRAM CHARTERED SURVEYORS
5 MULLAFERNAGHAN ROAD, DROMORE BT25 1JZ
TEL: 07970044839, EMAIL: Mark@MHIngram.co.uk



Area of Footpath to be abandoned		Length = 3.804m
		Width = 1.589m
		Total Area = 6.044 sq m

Project Ref	Date	Scale
Day Ref	Rev	Scale
Drawn	Checked	Date
RSFA01	GAL	08/09/2023

Job No	23-03-B-505
Client	Danske Bank
Project	Danske Bank Lisburn Disability Access Alterations - External Ramp
Doc Title	Road Service Footpath Abandonment Map

Committee:	Regeneration and Growth Committee
Date:	1 February 2024
Report from:	Director of Regeneration and Growth

CONFIDENTIAL REPORT

Reason why the report is confidential:	Information relating to the financial or business affairs of any particular person (including the Council holding that information).
When will the report become available:	
When will a redacted report become available:	<i>Post sealing at Council</i>
The report will never become available:	

Item for:	Decision
Subject:	Acquisitions and Disposals of Land Interests including Estates Update

1.0	<p><u>Key Issues</u></p> <p>██████████ Lisburn</p> <ol style="list-style-type: none"> 1. Agreement has been reached with the owner of ██████████ Lisburn for the acquisition of the property to allow for expansion of Blaris Cemetery. Solicitors have been instructed in line with the business case which was presented to Environmental Services Committee in September 2023 and ratified at Council. 2. The purchase is agreed at ██████████ which is supported by a Land and Property Services valuation. Transfer of title and closure of the contracts will include the provision for the current owners to find suitable alternative accommodation. Meanwhile the Council will submit a planning application for change of use of these lands. 3. All the necessary consents are in place for Lisburn New Cemetery Extension and the works currently instructed to secure additional burial space. The purchase of ██████████ facilitates an extension to the existing cemetery and a wider planning assessment for this land has been undertaken to inform the purchase of the land. This assessment confirms that an extension is acceptable in principle subject to meeting normal planning and environmental considerations. <p>██████████ Sports Pitch Lease, Carryduff</p> <ol style="list-style-type: none"> 4. The lease to ██████████ of the sports pitch at Saintfield Road, Carryduff will expire 31st March 2024. The property is adjacent to other Council industrial land and open space at Comber Road, Carryduff. The site has significant frontage on to the Saintfield Road (██████████). 5. Whilst the site has significant frontage on to the Saintfield Road, which may at a future point be considered by the Members as a potential asset for realisation, the overall lands are quite restricted. For example, the current markings for the football pitch are not in line with amateur football regulation standards.
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6. By virtue of the existing lease [REDACTED] enjoy a degree of protection under their business tenancy rights conferred under the Business Tenancy Act. These rights allow for [REDACTED] to renew their lease under similar terms unless the Council have actively progressed an alternative use.
7. [REDACTED] have requested a renewal of their lease with the duration subject to negotiation. Officers are recommending that this lease be renewed on the same terms as they currently enjoy. Officers appreciate that this will limit the [REDACTED] club from applying to third party funders for capital development on the site.
8. Further consideration of the type of tenure and duration of the same can be reviewed following both Communities and Wellbeing's pitches review and Environmental Services' waste management infrastructure assessment, either of which may require consideration of use of these lands.

Laurelhill Community College 3G Sports Pitch

9. Within the Council's current capital programme, provision has been made for a new 3G pitch facility at Laurelhill Sportszone. This scheme involves a partnership agreement with Laurelhill Community College and the Education Authority (EA). We currently manage an adjacent 2G pitch and changing pavilion in partnership with the EA through the college whereby both the patrons of the college and the community have access rights.
10. Attached ([REDACTED]) is a draft lease and associated development agreement for Members' consideration and approval subject to minor clarifications. On approval, these agreements will allow the pending award of contract for the works to be undertaken in line with the capital programme.
11. The existing licence for the current 2G pitch and changing pavilion is still subject to further considerations and will be presented to Members in due course. The facility will still be made available to the Council under the default of the existing licence.

Expression Of Interest - Football Pitch, Lough Moss Leisure Centre

12. It was agreed to release Soccer pitch 5i ([REDACTED]) at Lough Moss Leisure Centre as an Expressive of Interest (EOI) for Lisburn and Castlereagh based clubs through the Leisure and Community Services Committee. A current EOI process has been advertised seeking expressions of interest from sports clubs wishing to lease the pitch on an exclusive basis.
13. The draft principles for the evaluation criteria for award is outlined within the Leisure and Community Development Committee item in February 2023. They include a series of due diligence requirements in line with the Council's objectives in the provision of pitch facilities.
14. It is anticipated that the successful applicant will enter into a best terms lease for the pitch maintaining its current use as a pre-requisite. The draft heads of terms will be presented to Members for consideration and approval in due course.

2.0

Recommendation

It is recommended that the Committee considers and agrees:

1. To note the update regarding the purchase of [REDACTED] and agree the proposal to submit, in parallel with the Contract for Sale, a planning application for the change of use for these lands.

	<ol style="list-style-type: none"> 2. To consent to the granting of an renewal of the lease of the sports pitch at Saintfield Road, Carryduff to [REDACTED] under the same terms. 3. To approve the draft lease and the associated development agreement for Laurehill Community College 3G sports pitch. 4. To note the release of an EOI to soccer clubs for pitch 5i at Lough Moss Leisure Centre. 	
3.0	<p><u>Finance and Resource Implications</u></p> <ol style="list-style-type: none"> 1. Legal costs in relation to the acquisition of [REDACTED], Lisburn will be capitalised as part of the development costs. 2. Legal costs in relation to the lease renewal of the pitch at Saintfield Road, Carryduff will be met from within Leisure and Community Services revenue budget underspends. 3. Legal costs to be met from within the capital allocation towards the redevelopment of the pitch with the land transfer part of the EA consideration towards the redevelopment of the facility. 4. Legal costs in relation to the lease of pitch 5i at Lough Moss Leisure Centre will be met from within Leisure and Community Services budget. Any additional financial consideration will be part of the business case and presented to Members for consideration. 	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>Yes</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>[REDACTED] – The expansion of the cemetery will be open to all residents and no equality issues were identified.</p> <p>Lease – [REDACTED] currently has a three year lease with Business Tenancies protection rights. The Council is obliged to negotiate a new lease term. The position regarding equality impact has not changed.</p> <p>Laurehill - The Council already manages the sports pitch at Laurehill under a licence agreement and the new proposed development agreement and lease to allow investment to improve facilities will not change the position regarding equality impact.</p> <p>Lough Moss - The release of pitch 5i at Lough Moss is open to all interested groups from the local area. Applicants will have to demonstrate how they meet the Council’s equality policies and therefore no equality issues are identified, thus it is screened out without mitigation.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>Yes</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>[REDACTED] - The expansion of the cemetery will be available to all residents and no adverse impact has been identified with rural needs.</p>	

