



July 28th, 2022

Chairman : Alderman J Tinsley

Vice Chairman : Councillor John Palmer

Aldermen : W J Dillon MBE, D Drysdale, O Gawith and A Grehan

Councillors : J Craig, M Gregg, U Mackin, J McCarthy and A Swan

Notice of Meeting

A re-scheduled meeting of the Planning Committee will be held on **Monday, 8th August 2022** at **10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

Refreshments shall be served in Lighters at 9.30 am.

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)

📄 *Disclosure of Interests form.pdf*

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3.0 Minutes of the Planning Committee Meeting held on 4th July 2022

📄 *Planning 040722 Draft 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:

📄 *Item 1 - Schedule of Applications - August 2022 - FINAL.pdf*

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(i) LA05/2021/0288/F - Proposed "dutch barn style" hayshed on site 88m east of No. 75 Grove Road, Dromore, BT25 1QY

📄 *Appendix 1 (a) (i) - DM Officer Report - LA0520210288F - Grove Road Shed....pdf*

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📄 *Appendix 1 (a) (ii) - Note of Site Visit - LA0520210288F - Grove Road -pdf*

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📄 *Appendix 1 (a) (iii) - DM Officer Report - LA0520210288F - Grove Road Sh....pdf*

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(ii) LA05/2021/1151/F - Removal of Condition 2 (agricultural occupancy condition) from previous grant of planning permission S/2005/0619/F on land 180m south east of 127 Saintfield Road, Lisburn

📄 *Appendix 1 (b) - DM Officer Report - LA0520211151 Removal of Condition -....pdf*

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(iii) LA05/2022/0065/F - Relocation of Hope and Aspiration Beacon of Light sculpture within previously approved sculpture trail (planning reference LA05/2019/1127/F) at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

📄 *Appendix 1 (c) - DM Officer Report - LA0520220065F - FINAL.pdf*

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(iv)	LA05/2022/0091/F - Proposed relocation of existing Harry Ferguson sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL	
	▢ <i>Appendix 1 (d) - DM Officer Report - LA0520220091F - Harry Ferguson Scul....pdf</i>	Page 72
4.2	Statutory Performance Indicators - June 2022	
	▢ <i>Item 2 - Statutory Performance Indicators - June - Drafted (004).pdf</i>	Page 89
	▢ <i>Appendix 2 - Lisburn_Castlereagh_June_Monthly_MI.XLSX</i>	Page 93
4.3	Appeal decision in respect of planning application LA05/2019/1292/O	
	▢ <i>Item 3 - Appeal Decision - LA0520191292 - Drafted.pdf</i>	Page 94
	▢ <i>Appendix 3 - LA052019 1292 appeal decision Moira Road.pdf</i>	Page 98
4.4	Submission of Pre-Application Notice (PAN) for amendments to the car parking and landscaping layout to be provided as part of the approved Dundonald international Ice Bowl (DIIB) redevelopment	
	▢ <i>Item 4 - LA0520220663PAN.pdf</i>	Page 108
	▢ <i>Appendix 4 (a) - LA0520220663PAN - FINAL.pdf</i>	Page 111
	▢ <i>Appendix 4 (b) - PAN Form - LA0520220663PAN.PDF</i>	Page 114
	▢ <i>Appendix 4 (c) - Site Location Plan - LA0520220663PAN.PDF</i>	Page 117
4.5	Notification by telecommunications operator(s) of intention to utilise permitted development rights	
	▢ <i>Item 5 - Notification by telecommunication operator(s) of intention - Dr....pdf</i>	Page 118
	▢ <i>Appendix 5 - List of Notification of Intention to utilise PD August 2022.....pdf</i>	Page 121
4.6	Proposed abandonment of a public right-of-way at the Greengraves Road, Dundonald	
	▢ <i>Item 6 - Abandonment of public rights of way at Greengraves Road Dundon.....pdf</i>	Page 122
	▢ <i>Appendix 6 - Abandonment of public rights of way Greengraves Road, Dundo....pdf</i>	Page 125
4.7	Informal consultation on guidance for Councils in respect of serving	

building preservation notices

- 📄 *Item 7 - Informal consultation on guidance for Councils in respect of se....pdf*** **Page 130**

- 📄 *Appendix 7(a) - HED - building-preservation-notices.pdf*** **Page 134**

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4.8 Replacement of Northern Ireland Planning Portal

- 📄 *Item 8 - Replacement of the Northern Ireland Planning Portal.pdf*** **Page 161**

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5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF 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. 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

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). 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 (including committee or sub committee meeting) when this matter is being discussed.

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

1. Pecuniary Interest

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:

2. Private or Personal non Pecuniary interest

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:

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

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, Lisburn on Monday 4th July 2022 at 10.05am.**

PRESENT: Alderman J Tinsley (Chairman)
Councillor John Palmer (Vice-Chairman)
Aldermen W J Dillon MBE, D Drysdale and O Gawith
Councillors D J Craig, J McCarthy and A Swan
Alderman A Grehan (via Zoom)

IN ATTENDANCE: Present in Chamber
Director of Service Transformation
Head of Planning and Capital Development
Principal Planning Officer (RH)
Senior Planning Officer (MB)
Senior Planning Officer (RT)
Member Services Officers (BF & CR)
Mr B Martyn (Cleaver Fulton Rankin) - Legal Adviser

Commencement of Meeting

The Chairman, Alderman J Tinsley, welcomed everyone to the meeting which was being live streamed to enable members of the public follow proceedings. He stated that Planning Officers were present in the Chamber and that those persons speaking for or against the applications had been afforded the option of attending in person or on a remote basis.

The Member Services Officer read out the names of the Elected Members and officers in attendance. The Head of Planning and Capital Development outlined the housekeeping and evacuation procedures.

1. Apologies

Apologies were reported on behalf of Councillors M Gregg and U Mackin.

(Mr B Martyn (Cleaver Fulton Rankin) arrived at 10.08am)

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of Meeting of the Planning Committee held on 13th June 2022

The Committee agreed that the minutes of the meeting of 13th June 2022 be signed as a correct record.

(Councillor John Palmer joined the meeting at 10.09am)

4. Report from the Head of Planning and Capital Development

4.1 Schedule of Applications

4.1.1 Application Withdrawn

- (i) LA05/2017/0021/F – Demolition of existing buildings and erection of a Care Home Class 3 (B) of the Schedule of the Planning (Use Class) Order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES

The Chairman, Alderman J Tinsley, indicated that a request had been received earlier that morning from Mr Michael Gordon, the Agent representing the Applicant for the above-mentioned application, asking that it be withdrawn from the Schedule. He advised that the request had been submitted as the Agent had reportedly contracted Covid-19 and was not in a position to present to the Committee, either in-person or virtually. The Agent had also advised that several other staff members in his company had contracted Covid-19 and that there was no one else available to handle the case.

In light of the exceptional circumstances outlined, it was agreed to defer consideration of the application.

4.1.2 Applications to be Determined

The Chairman reminded Members that they were required to be present for the entire determination of an application. Should they be absent for any part of the discussion, Members would be unable to vote on the application.

The Legal Adviser, 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.

- (ii) LA05/2021/0866/F - erection of agricultural buildings, one shed for sheep birthing pens and one general purpose agricultural shed for storage of fodder and farm machinery

The Principal Planning Officer (RH) presented the application as outlined within the circulated report.

(Alderman D Drysdale joined the meeting at 10.31am)

Speaker

The Committee received Mr A Nesbitt (via Zoom) from Andrew Nesbitt Architects who spoke in favour of the application having provided the Committee with a written submission in advance of the meeting.

Questions to Mr Nesbitt

In response to several questions from Members, Mr Nesbitt provided clarity on the types of land usage across the site and the reasons as to why the land had previously been sub-let by the owner. In addition, he indicated:

- that the sub-letting agreement at the site had concluded in October 2020 and that the plot of land was now under the management of the landowner; and
- that the landowner had not claimed single farm payment for the land in question for a period of six-years, whilst the person who had leased the land had made claims in this regard for the site.

Questions to the Planners

- In response to a query raised by Alderman O Gawith, regarding the eligibility of a sub-contractor to claim single farm payments on behalf of a landowner, the Head of Planning and Capital Development clarified the eligibility rules for the Basic Payment Scheme (BPS); and
- The Head of Planning and Capital Development, in response to further queries, pointed out that there remained an onus on the applicant to demonstrate that the level of activity on the land was sufficient to justify the development as presented.

Debate

During debate, both Alderman W J Dillon and Councillor A Swan indicated that they were both satisfied that the level of activity at the site did not justify the development and, as such, they would be supporting the recommendation to refuse the application.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous show of hands to refuse the application.

(It was noted that Alderman D Drysdale did not partake in the vote since he had joined the meeting after the item had commenced).

Adjournment

The Chairman agreed to a late request for speaking rights that had only been received earlier in the morning. To assist the Members' understanding of the issues, the Committee stood adjourned from 10.52am to 11:00am to allow it to consider the written submission supplied in support of the speaking rights in respect of the undernoted application.

- (iii) LA05/2021/0288/F - Site 88m east of No 75 Grove Road, Dromore, BT25 1QY re: Proposed "Dutch barn style" hayshed

The Senior Planning Officer (MB) presented the application.

Speaker

The Committee received Mr Jonathan Todd of Ballymullan Architects who represented the Applicant and he spoke in favour of the application having provided the Committee with a written submission in advance of the meeting.

In response to a Member's question with regard to the current management and maintenance of the site, Mr Todd confirmed that the applicant had resumed those responsibilities after a period of ill health, and that it was his understanding that this site had been subject to pre-application discussions and was agreed in principle.

Questions to Planners

The Head of Planning and Capital Development responded to Members' questions and clarified the following matters:

- that officers from the Planning Unit had met with the applicant to discuss land requirements issues in February 2020, and that no commitment was offered in respect of the siting of the farm buildings;
- that the planning approval granted previously for a dwelling near to the site re: LA05/2018/0390/O was still in place; and
- that the aforementioned development site was approximately 230 metres from the proposed new development.

Debate

Members considered the application and a query was raised by Alderman O Gawith and Councillor A Swan regarding the invoices presented within the report to indicate that the land had been used for farming activity over the prerequisite six-year period. In this regard, it was noted that the sequential numbering of the invoices presented did not reflect the date order of their issuing.

(The Director of Service Transformation left the meeting at 11.29am).

Alderman W J Dillon suggested that a site visit be convened to enable members to consider the location of the proposed development and its proximity to existing dwellings on the site to the surrounding vicinity.

Vote

Several Members concurred with the comments of Alderman W J Dillon and after further discussion it was proposed by Alderman A Gawith, seconded by Councillor John Palmer, and agreed unanimously that the Committee defer consider of the application to enable a site visit to be undertaken for the reasons outlined within the previous paragraph.

- (iii) LA05/2021/0017/F - proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and all associated site works

Prior to consideration of this application, the Chairman advised Members that, subsequent to the publication of the Committee papers, the applicant had, on Friday, 1st July, 2022, submitted an amended drawing for consideration and had requested a deferral to enable Members to consider the additional information in further detail. However, he pointed out that that he had discussed the request with Planning staff and that he had been advised that the late submission had been incorporated into the presentation as prepared and, on that basis, he was content to proceed with the application.

The Senior Planning Officer (RT) presented the application as outlined.

Speaker

The Committee received Mr Andy Stephens who represented the Applicant and he spoke in favour of the application, having provided the Committee with an amended drawing of the site in advance of the meeting. He indicated that he had only become aware on the previous Wednesday that the application was due to be considered and had submitted the revised drawing at short notice.

Questions to Planners

The Head of Planning and Capital Development and the Planning Officer responded to a range of questions.

- In respect of the amended drawing, the Planning Officer advised that following consideration of the information the Planners remained of the opinion that it had not addressed nor altered the original reasons for refusal which had already been identified, that being, the issue of ribbon development, site access and prominence, visual amenity and its impact on the surrounding landscape.
- The Head of Planning and Capital Development emphasised that, whilst the applicant was entitled to submit the amended drawing for consideration, it was entirely a matter for the Committee to determine whether it wished to

defer the application to consider in further detail the amended drawing. However, it remained the view, he added, that the amended drawing did not change the reasons stated for recommending refusal as set out in the original report.

Debate

- Several Members pointed out, regarding the Agent's view that the department had not communicated sufficiently with him regarding the application, that there was an onus on applicants to liaise with planning officials throughout the process to ascertain when an application would be presented for consideration;
- Alderman D Drysdale referred to the additional information which had been submitted and pointed out that the reasons for refusal as outlined within the report had not been addressed within the new material; and
- Councillor D J Craig and Alderman O Gawith suggested that it might be prudent for the Committee to consider further the amended plans to assist in the decision-making process.

Vote to defer application

Arising from discussion, it was proposed by Alderman O Gawith and seconded by Councillor John Palmer that the Committee agree to defer consideration of the application for one month to enable the additional information submitted on behalf of the Applicant to be considered in further detail.

On a vote by show of hands, four Members voted in favour of the proposal and four against. Accordingly, the Chairman, Alderman J Tinsley, exercised his second and casting vote against the proposal to defer the application and it was declared lost.

Vote

Having considered the information provided within the report of the Planning Officer, together with the clarification on the additional information submitted, the Committee voted by show of hands, with seven Members voting in favour and none against, with two abstentions, to adopt the recommendation to refuse the application.

4.2 Statutory Performance Indicators – May 2022

Members were provided with information on Statutory Performance Indicators for the month of May 2022, and a verbal summary was provided by the Head of Planning and Capital Development.

The Committee noted the information provided.

4.3 Notification by telecommunication operator(s) of intention to use permitted development rights

The Committee was informed that three telecommunication operators had advised of their intention to utilise permitted development rights at locations within the Council area to install electronic communications apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (NI) 2015.

The Committee noted the information provided and, in response to a query from Councillor John Palmer regarding the need for Members declaring an interest in a proposed installation at 17 Old Coach Road, Hillsborough, since it would be located on Council property, the Head of Planning and Capital Developments undertook to draw the matter to the attention of the Head of Assets.

5. Any Other Business

There was no other business and the meeting concluded at 12.29pm.

CHAIRMAN



Planning Committee

01 August 2022

Report from:

Head of Planning and Capital Development

Item for Decision

TITLE: Item 1 - Schedule of Planning Applications to be determined

Background and Key Issues:

Background

1. The following applications have been made to the Council as the Local Planning Authority for determination.
2. 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.
3. 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.

Key Issues

1. The applications are presented in accordance with the current scheme of delegation. There are four local applications in total. One has been Called In (and deferred for a site visit) and the others are mandatory.
2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.
 - (a) LA05/2021/0288/F – Proposed 'dutch barn style hay shed' at site 88 metres west of 75 Grove Road, Dromore.
Recommendation – Refusal
 - (b) LA05/2021/1151/F - Removal of Condition 2 of earlier Planning Permission S/2005/0619/F (Agricultural Occupancy Condition) on Land 180m south east of 127 Saintfield Road
Recommendation – Approval
 - (c) LA05/2022/0065/F - Relocation of 'Hope and Aspiration- Beacon of Light' sculpture within previously approved sculpture trail (planning reference LA05/2019/1127/F) at Hillsborough Forest Park, Park Street, Hillsborough.
Recommendation – Approval
 - (d) LA05/2022/0091/F - Proposed relocation of existing Harry Ferguson Sculpture from its current location at the flyover of the Pantridge Link onto A1 to lands adjacent to the slip at Hillsborough Forest Lake at Hillsborough Forest Park, Park Street, Hillsborough
Recommendation – Approval

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.

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.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

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.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
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If no, please given explanation/rationale for why it was not considered necessary:

The policies against which each planning application is considered have been subject to screening and/or assessment. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 1(a) – LA05/2021/0288/F

APPENDIX 1(b) - LA05/2021/1151/F

APPENDIX 1(c) – LA05/2022/0065/F

APPENDIX 1(d) – LA05/2022/0091/F

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	01 August 2022
Committee Interest	Local Application (Called In) - Addendum
Application Reference	LA05/2021/0288/F
Date of Application	11/03/2021
District Electoral Area	Downshire West
Proposal Description	Proposed "dutch barn style" hay shed
Location	Site 88m east of No 75 Grove Road, Dromore, BT25 1QY
Representations	None
Case Officer	Catherine Gray
Recommendation	REFUSAL

Background

1. A recommendation to refuse planning permission was included in the Schedule of Applications to be determined by the Committee on 04 July 2022 for the reason that:
 - there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement;
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given; and
 - the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
2. Following the presentation and at the request of Members, it was agreed to defer determination of this application to allow for a site visit to take place.

3. A site visit was facilitated on Thursday 21 July 2022. A separate minute of the meeting was taken and informs the detail of this report. This minute is provided as part of the bundle of papers presented to the committee.

Further Consideration

4. At the site meeting, the location of the application site relative to number 75 Grove Road was observed and described with the use of the site location and block plans.
5. Members noted that the application site was in a hollow some three to four metres below the existing road level. Having observed the site context and the extent of the dense vegetation cover, Members sought clarification as to finished floor levels relative to the finished ground level of the road.
6. Whilst finished floor level of the building were noted on one of the related drawings, there was no level associated with the proposed access point or road.
7. The Agent has been asked to provide clarification as to the road level relative to the proposed building. This detail was not available at the time of writing this report but will be made available to Members as part of the presentation. .
8. The detailed siting of the building was observed from the block plan was and the extent of the hardstanding noted.
9. Members sought further clarification in relation to the size of the proposed agricultural building.
10. The area of hardstanding measures 35 metres by 20 metres [700 metres squared]. The larger section of the L shaped building measures 16 metres by 7.5 metres. It also measures 5.3 metres to the eaves and has a ridge height of 7.3 metres. The smaller lean to section of the building is 5.5 metres by 7.5 metres [161 metres squared]. It also has a ridge height of 5 metres.
11. The larger area of the barn is to be used as a hayshed with the smaller area identified to be used as transfer pens.
12. Members then moved to the site associated with an earlier approval for a dwelling on a farm at the junction of the Backnamullagh Road and Grove Road. With the aid of stamped approved drawings, Members observed the approximate location of the proposed farm dwelling and associated garage.

Recommendations

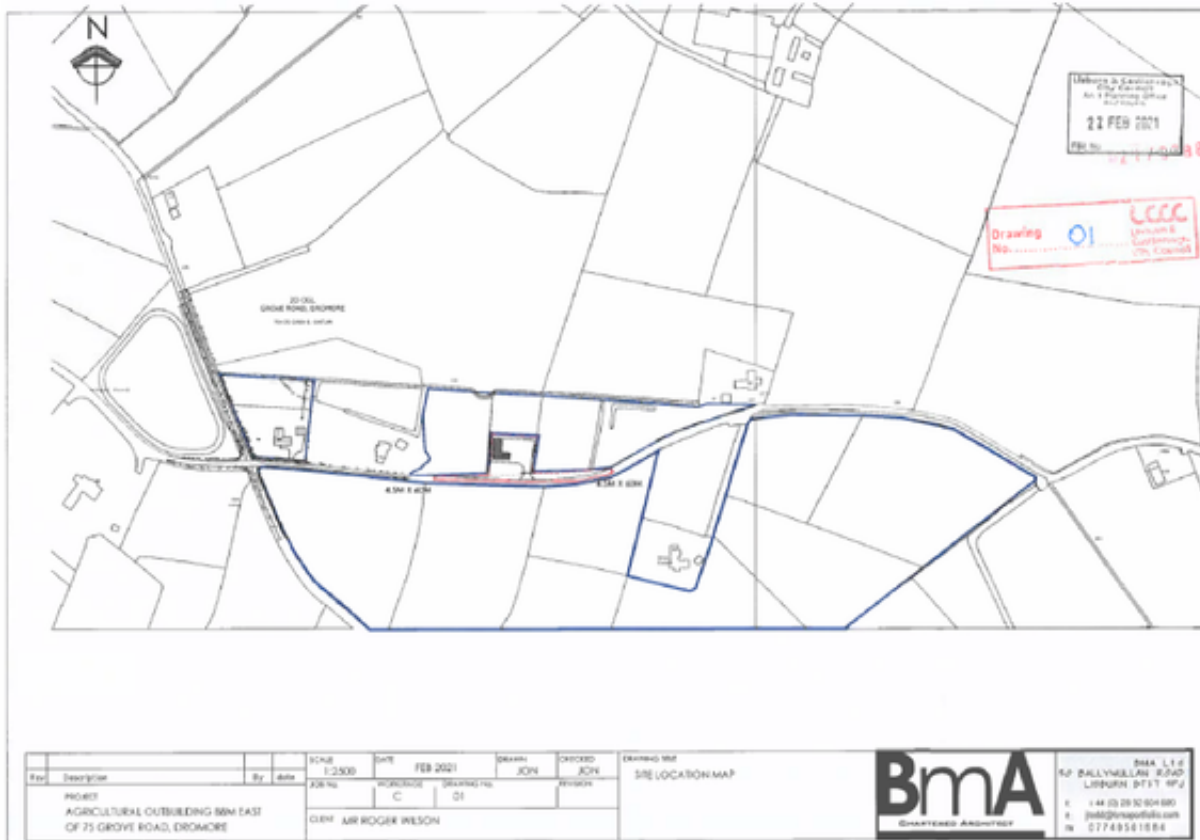
13. The purpose of the site visit was to provide opportunity for Members to observe the site and its immediate context.
14. Additional clarification requested by members in attendance at the site visit in relation to the size of the proposed agricultural building and a level at the Grove Road will be incorporated into the presentation back to Members on 01 August 2022 so they can understand the relationship between the level on the site and the impact the building will have in the landscape
15. The planning advice previously offered is not altered and the recommendation to refuse planning permission as outlined in the initial officer's report is not changed.
16. The recommendation to refuse planning permission for the reasons set out in that report remain valid.
17. The information contained in this addendum should be read in conjunction with the main officers report previously presented to the Committee on 04 July 2022 which is provided as part of the papers for this meeting.

Refusal Reasons

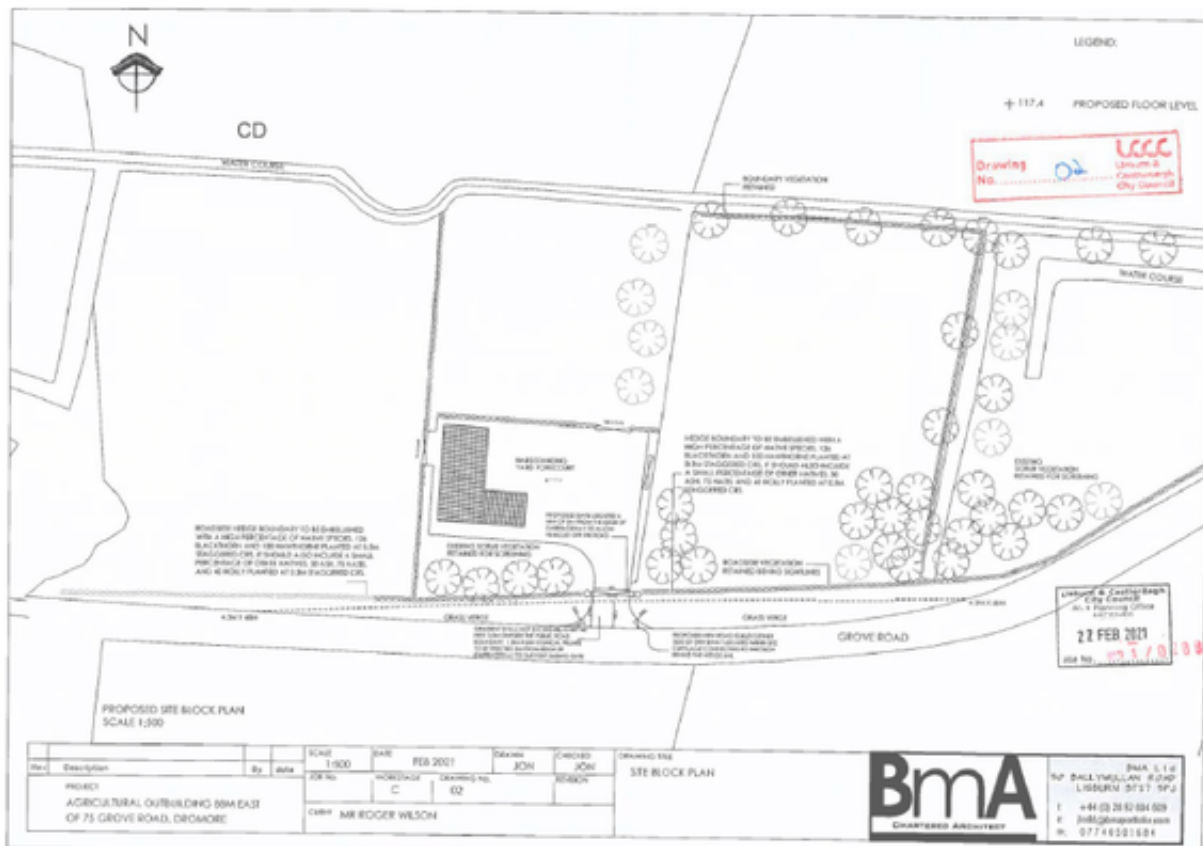
18. The following refusal reasons are recommended:
 - The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.
 - The proposal is contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.

- The proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

Site Location Plan – LA05/2021/0288/F



Site Layout Plan – LA05/2021/0288/0



LISBURN & CASTLEREAGH CITY COUNCIL**Minute of a site visit by the Planning Committee held at 11:00pm on Thursday 21st July 2022 to lands at 88 metres west of 75 Grove Road, Dromore**

PRESENT: Alderman J Tinsley (Chairman)
Councillor John Palmer (Vice-Chairman)
Aldermen J Dillon, D Drysdale and O Gawith

IN ATTENDANCE: Head of Planning and Capital Development (CH)
Principal Planning Officer (RH)
Member Services Officer (BF)

Apologies for non-attendance at the meeting were recorded on behalf of Alderman Grehan and Councillors D J Craig, U Mackin and A Swan.

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

- LA05/2021/0288/F – Proposed 'Dutch barn style hay shed' at site 88 metres west of 75 Grove Road, Dromore, Co. Down.

The application had been presented for determination at the meeting of the Planning Committee on 1st July 2022. The Committee agreed to defer consideration of the application to allow for a site visit to take place to enable Members to observe the site and its immediate context.

Members and Officers met at the site in accordance with the Protocol for the Operation of the Planning Committee. With the aid of a site location plan, the Principal Planning Officer provided an overview of the application site and surrounding context.

The Committee viewed the proposed site location and its proximity to the existing road and noted that the road was at a higher elevation. Members sought clarification as to whether the entrance to the proposed development would be level with the road. Information in relation to the size of the proposed agricultural shed was also requested.

The Committee then proceeded to the junction of Grove Road and Backmullagh Road to view the proposed location of a farm dwelling which had been granted in 2019.

The Head of Planning and Capital Development reminded Members of the reasons why the application had been recommended for refusal and advised that the application would be presented back to the Committee for determination at its meeting in August 2022. An assurance was also that detail would be provided in relation to levels relative to the road and size of the building.

There being no further business, the site visit was terminated at 11:25am.

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	04 July 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0288/F
Date of Application	11/03/2021
District Electoral Area	Downshire West
Proposal Description	Proposed "dutch barn style" hay shed
Location	Site 88m east of No 75 Grove Road, Dromore, BT25 1QY
Representations	None
Case Officer	Catherine Gray
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse.
3. It is considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
4. It is also considered that proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;

- the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.
5. In addition, the proposal is also contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
 6. And the proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permission create a ribbon of development.

Description of Site and Surroundings

Site

7. The site is located to the northern side of the Grove Road, Dromore. It appears to be a paddock, relatively flat in nature with a few wispy trees to the rear of the site.
8. The land is slightly lower level than the road. Along the frontage to the south of the site there is a bank with mature hedging and vegetation along it.

Surroundings

9. The site is located within the countryside and the surrounding area is rural in nature characterised by farm land, farm outbuildings and residential properties.
10. The nearest residential properties to the site are 75 metres to the west and also approximately 200 metres to the east of the site.

Proposed Development

11. This is a full application for a proposed 'dutch barn style' hay shed.

Planning History

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

Reference Number	Description	Location	Decision
LA05/2018/0390/O	Proposed storey and a half dwelling with detached garage	Site West of no. 75 Grove Road, Dromore, BT25 1QY	Permission Granted 11/03/2019
LA05/2018/0909/F	Agricultural building for livestock and crops	Site 100m west of 85 Grove Road, Dromore, BT25 1QY	Permission Refused 20/06/2019
LA05/2022/0204/O	A new building house	Site west of 75 Grove Road, Dromore, BT25 1QY	Decision pending

Consultations

13. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DAERA Countryside Management Inspectorate Branch	Detail provided below
DAERA Water Management Unit	No objection
LCCC Environmental Health	No objection
DfI Roads	No objection

Representations

14. No representations have been received to the proposal.

Planning Policy Context

Relevant Policy and Guidance Documents

15. The relevant policy documents are:
 - The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
 - Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside

16. The relevant guidance is:
 - Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

17. 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.
18. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
19. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
20. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.
21. Page 49 of the Lisburn Area Plan 2001 states

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.
22. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

23. The SPPS states that

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

24. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
25. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
26. 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.*
27. In practice this means that development which 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
28. Paragraph 4.11 of the SPPS outlines there are a wide range of environment and amenity considerations, including noise and air quality, which should be

taken into account by planning authorities when proposing policies or managing development.

29. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

30. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.

31. Paragraph 4.12 of the SPPS states

that 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.

32. 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.

33. Paragraph 6.73 of the SPPS states that

provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development.

34. Paragraph 6.78 of the SPPS states 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.

Building on Tradition

35. Whilst not policy, and a guidance document, the SPPS states

that regard must be had to the guidance in assessing the proposal.

36. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.

PPS 21 - Sustainable Development in the Countryside

37. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

38. Policy CTY 1 – states that

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. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

39. The policy also states that planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.*

40. Planning permission will also be granted in the countryside for:

- *a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;*
- *the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;*
- *the provision of social and affordable housing in accordance with Policy CTY 5;*

- *a residential caravan or mobile home in accordance with Policy CTY 9;*
- *the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;*
 - *an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or*
- *Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.*

41. Planning permission will be granted for non-residential development in the countryside in the following cases:

*farm diversification proposals in accordance with Policy CTY 11;
 agricultural and forestry development in accordance with Policy CTY 12;
 the reuse of an existing building in accordance with Policy CTY 4;
 tourism development in accordance with the TOU Policies of PSRNI;
 industry and business uses in accordance with PPS 4 (currently under review);
 minerals development in accordance with the MIN Policies of PSRNI;
 outdoor sport and recreational uses in accordance with PPS 8;
 renewable energy projects in accordance with PPS 18; or
 a necessary community facility to serve the local rural population.*

42. This is a proposal for the development of hay shed and is to be assessed against the requirements of policy CTY 12.

43. In addition to CTY 12, there are other CTY policies that are engaged as part of the assessment including CTY8, 13 and 14, and they are also considered.

44. Policy CTY 12 – Agricultural and Forestry Development states:

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) *it is necessary for the efficient use of the agricultural holding or forestry enterprise;*
- (b) *in terms of character and scale it is appropriate to its location;*
- (c) *it visually integrates into the local landscape and additional landscaping is provided as necessary;*
- (d) *it will not have an adverse impact on the natural or built heritage; and*
- (e) *it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- *there are no suitable existing buildings on the holding or enterprise that can be used;*
- *the design and materials to be used are sympathetic to the locality and adjacent buildings; and*

- *the proposal is sited beside existing farm or forestry buildings.*

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons.*

45. Regard is also had to the justification and amplification that states:

5.50 As agriculture and forestry continue to change and develop, it is important that the planning process continues to support the operational needs of these enterprises.

5.51 Under the Planning (General Development) Order (Northern Ireland) 1993, known as the "GDO", certain development relating to agriculture and forestry is permitted development i.e. a planning application is not required as permission is deemed to be granted. Where a proposal is not permitted development and express permission is required, planning permission will be granted for agricultural and forestry buildings/works subject to the criteria stated, as well as other planning criteria and policy requirements.

5.52 Where permission is sought for a new building, the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist.

5.53 New buildings can form an integral part of the landscape if developed in sympathy with their surroundings, so as to blend unobtrusively into the landscape. The Department of Agriculture and Rural Development has played an important role with a number of schemes relating to the design of farm buildings. Their publication "Farm Buildings in the Countryside" gives practical guidance on the importance of integrating modern farm buildings into the landscape.

5.54 A proposal located away from existing agricultural or forestry buildings will only be acceptable where it is shown to be essential for the efficient functioning of the holding or enterprise. In such cases the applicant will be required to provide sufficient information to demonstrate that this is the case. Where such a proposal is justified, the building will still be required to visually integrate into the landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable.

5.55 All permissions granted under this policy will be subject to a condition limiting the use of the building to either agricultural or forestry use as appropriate.

5.56 For the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.

46. Policy CTY 8 – Ribbon Development states:

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

47. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
48. Regard is also had to the justification and amplification that states:

5.32 Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.

5.33 For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

5.34 Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

49. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that

planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The policy directs that a new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or*
- (b) 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; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

50. Policy CTY 14 – Rural Character states

that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

51. The policy states that

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

52. With regards to Policy CTY14, Building on Tradition [page 131] states that

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

Natural Heritage

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

54. Policy NH 1 – European and Ramsar Sites 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 European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or*
- *a listed or proposed Ramsar Site.*

55. The policy also states that

where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

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

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

56. 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:

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*

- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

57. The policy also states that

a development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features 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.

PPS 3 - Access, Movement and Parking

58. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.

59. Policy AMP 2 – Access to Public Roads states

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

Development Control Advice Note 15 – Vehicular Access Standards

60. Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 that

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.

Planning and Flood Risk

61. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.

62. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

63. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that

the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

64. Policy FLD 3 Development and Surface Water (Fluvial) Flood Risk Outside Flood Plains states that

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

- *A residential development comprising of 10 or more dwelling units*
- *A development site in excess of 1 hectare*
- *A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.*

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

- *The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- *Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

Such development will be permitted where it is demonstrated through the Drainage Assessment 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.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal plan, then Policy FLD 1 will take precedence.

Assessment

65. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Agricultural and Forestry Development

66. Detail submitted with the application states that the applicant is Mr Wilson of 71 Laney Road, Moira and that he has a farm business ID which has been established for more than 6 years. The P1C form also states that no claims are made to the Department for subsidies.

67. The P1C form also states that

the land associated with the farm outbuildings is too marshy, to develop for residential accommodation and the placement was chosen next to a cross roads intersection adjacent to an existing dwelling.

68. The above statement seeks to sever the relationship between the farm dwelling (not constructed) and the farm buildings based on ground conditions and siting as a material consideration. This matter is dealt with later in the report.
69. A farm map has been submitted dated 2013. It is noted that the proposed site is not within the mapped area of the farm holding.
70. DAERA Countryside Management Inspectorate Branch have confirmed that the applicant's farm business has been in existence for more than 6 years being allocated on 09/05/2005. It is category 1, but the applicant hasn't claimed payments in each of the last 6 years, , and that the site is not on land currently being claimed and also located within an unmapped area.
71. Policy CTY12 Agricultural and Forestry Development states that planning permission will be granted on [my emphasis] an active and established agricultural or forestry holding where it is demonstrated that certain criteria are met.

The first policy test in relation to agricultural or forestry development requires the development to be located on an established agricultural or forestry holding. DAERA has confirmed that the proposal is not within the mapped area of the farm holding the business is established and this part of the policy test is met.

72. The second policy test is to ascertain if the **farm holding is active**. DAERA have confirmed that the farm business has been in existence for more than 6 years however no claims have been made.
73. Additional information has been submitted in support of the application in which the applicant believes shows that the farm is active for the requisite period of 6

years.

74. A letter from the agent received on 11 May 2021 provides copies of invoices which relate to both the baling of haylage from September 2011 to 2017. Also included are invoices for the same period of time, these relate to the supply and sowing of fertiliser on the land which up to this point has been done by external contractors.
75. The letter also states that the applicant intends to have the capabilities to store and sow this himself which requires the ability to have a farm shed on his land. However the location of the shed is on land that is of poor agricultural value in comparison to the good arable land identified on his farm maps.
76. This statement provided by the agent acknowledges that the site for the proposed farm shed is not within/on the applicant's farm holding as is demonstrated by the farm maps.
77. Further details provided by the agent advises on some history/medical circumstances of the applicant however it is considered that this does not provide evidence of farming activity on the holding for the requisite 6 years.
78. Details of invoices were also submitted from McKelvey Bros who provided farm supplies to Roger Wilson of 71 Lany Road, Moira (the applicant):
 - Invoice number 75059 dated 19/04/2011 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75060 dated 18/04/2012 for 1.5 tonnes of 27% N supplied and sowed at Grove Road;
 - Invoice number 75061 dated 22/04/2015 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75062 dated 06/04/2017 for 1.5 tonnes 27% N supplied and sowed;
 - Invoice number 75063 dated Sept 2011 for baled haylage;
 - Invoice number 75066 dated 08/04/2016 or 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75069 dated 26/04/2013 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75072 dated Sept 17 for baled haylage;
 - Invoice number 75073 dated Aug 2016 for haylage;
 - Invoice number 75074 dated Sept 2015 for baled haylage;
 - Invoice number 75075 dated Aug Sept 2013 for baled haylage;
 - Invoice number 75076 dated 16/04/2014 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75077 dated Aug 2014 for baled haylage;
 - Invoice number 75078 dated Sept 2012 for baled haylage;
79. It is noted that all of the above invoices are not signed and that there are consecutive invoice numbers with different dates on them.

80. Detailed below is information that the agent advises is from the applicants farm accounts which shows details of hedge cutting, digger work, round baling and fertilizer produce. These were supplied by James English running concurrently from 2018 to present day :-
- Copies of invoices from James English to Rodger Wilson of 71 Lany Road:
 - Invoice number 3 dated 30/09/2018 Ref Grove Road for hedges cut and digger work;
 - Invoice number 4 dated 19/09/2019 Ref Grove Road for hedges cut and digger work;
 - Invoice number 5 dated 23/09/2020 Ref Grove Road for hedges cut and digger work;
 - Invoice number 6 dated 22/09/2021 Ref Grove Road for hedges cut and digger work;
 - Invoice number 9 dated 19/08/2019 Ref Grove Road for Fertiliser sowed and supplied and round baling;
 - Invoice number 10 dated 22/08/2018 Ref Grove Road for Fertiliser sowed and supplied and round baling;
 - Invoice number 11 dated 26/08/2020 Ref Grove Road for Fertiliser sowed and supplied and round baling;
 - Invoice number 12 dated 20/08/2021 Ref Grove Road for Fertiliser sowed and supplied and round baling;
81. It is noted that all of the above invoices have consecutive invoice numbers with different dates on them.
82. It is accepted that the information provided by the agent shows some activity from 2011 to 2021.
83. Whilst the agent advises that the information supplied is from the applicant's farm accounts no evidence of actual far accounts are provided in support of the application.
84. The agent has stipulated that the information supplied is the same deemed eligible and used for the attainment of the farm dwelling on Grove Road under application LA05/2018/0390/O.
85. The information supplied for consideration at the time of application LA05/2018/0390/O was also considered not to comply with policy and a recommendation to refuse the application was presented to the Planning Committee.
86. That said, Members cited the following reasons for going contrary to the officer recommendation in that case:

In respect of criteria (a) of policy CTY10 – this is a finely balanced decision however the Committee are satisfied that the evidence presented is consistent with the farm being established for more than 6 years and that it is currently

active. The Committee are also satisfied that the reason the applicant is not in receipt of Single Farm Payment is due to ill health.

In respect of criteria (b) of policy CTY10 - the Committee is satisfied that there is no evidence presented contrary to the advice of the applicant to demonstrate that any development opportunities had been sold off the farm in the last 10 years.

In respect of criteria (c) of policy CTY10 – The applicant was bequeathed a farm with no buildings to cluster with and it is the Committee’s opinion that this is the optimum location for the development on this farm.

In respect of policy CTY13 – This proposal provides the least prominent location on the site due to it being in a dip, it does not require landscaping to integrate as the site has established boundaries and there will not be any ancillary works.

As this is outline planning permission, the design can be conditioned under Reserved Matters. The Committee consider that it blends with the land form.

In respect of policy CTY14 – This will not result in urban sprawl and will respect the rural character of the area.

87. Additional information was submitted by e-mail on 24 March 2022 for consideration. The email stated the following:

‘the client has provided proof that the fields being applied for are all within his folio of ownership. This correlates to the Farm Business Maps but for reasons unknown DARD have not outline it in Purple it does form part of the scrub land of his farmland.

88. The applicant has also provided confirmation via an accountant, BMC Newry, that he has been filing his farm accounts for the past 25 years. They have confirmed the farm machinery that they have accounted for in their accounts’.
89. The evidence/information attached to the agents e-mail for consideration is as follows:

A letter on headed paper from BMC Accountants Ltd dated 23rd March 2022 and details that they act as accountants and tax agents for Rodger Wilson of 71B Lany Road, Moira, Antrim, BT67 0PA. It states ‘We confirm that BMC Accountants Ltd has been preparing Farm Accounts & Tax Returns for Mr Wilson for over 25 years. Mr Wilson is the owner of Farm land at Grove Road, Dromore, Co. Down’.

90. A list is provided of the machinery owned by Mr Wilson – Ford vintage 610 tractor; 1 x Teagle SX 4000 Dry Fertiliser spinner; plough NAUD RCX 457; Hey Claas Liner 420 for making bails / kiker for grass; Nugent bale handling for round bale; and a Kane grass trailer.

91. The letter from the accountant states that they have been preparing farm accounts and tax returns for Mr Wilson for over 25 years, however no other evidence has been provided of farm accounts etc. to support this.
92. Whilst the letter from the accountant also details what machinery the applicant owns it does not show farming activity for a 6 year period.
93. A letter from James Ballentine and Son Solicitors dated 18th March 2020 which states 'We hereby confirm Mr Rodger Wilson of Flatfield House, 71 Lany Road, Moira is the registered owner of lands comprised in Folio Number DN 98394 County Down and 6421 County Down'. And the folio maps are attached. The folio maps details land north and south of the Grove Road.
94. The folio maps provided shows that the land detailed on the farm maps is within the applicant's ownership and also land to the north of the Grove road not detailed on the farm maps which includes the application site is within the applicant's ownership.
95. Previous planning appeal decisions such as 2014/A0227, provide an indication of the level of evidence required to prove that a farm business is active and established. It is considered that the submission made by the agent/applicant falls short of this.
96. It is noted that the onus is on the applicant to provide sufficient/accurate evidence to demonstrate that the farm business in which the application rests is active and established for at least 6 years.
97. It is considered that the submitted evidence detailed above does not conclusively demonstrate that the farm business has been active and established for at least 6 years.
98. It is considered that on the basis of the information/evidence provided that the farm business is not active for the requisite period of 6 years.
99. Turning to the balance of the policy test (a) – (e) and assessment is set out in the paragraphs below for completeness.
100. In terms of criteria (a), from site inspection and information from the agent it can be seen that the applicant has no other outbuildings that could be used in association with the operation of the holding. This is the first farm building. .
101. It is considered that no evidence has been submitted to show that a building to store hay / animal feed at the proposed location is necessary for the efficient use of the agricultural holding as it is indicated that the farm is established for more than six years (notwithstanding the view expressed above that based on the evidence the farm is not active).
102. In terms of criteria (b), the proposal is located within the rural area and farm buildings are relatively common in this part of the countryside. The proposed shed is described as a dutch barn style hay shed and is L shaped.

103. The main part of the shed measures 16.2 metres by 7.5 metres and a section of it from one end for transfer pens and it protrudes out from the main part of the shed by 7 metres and is 5.6 metres in width.
104. The maximum height of the shed is 7.3 metres. The exterior finishes are as follows: roof to be corrugated tin in black, black aluminium rainwater goods, walls to be corrugated tin in black and rendered blockwork and doors to be plastisol in colour black. These are considered to be acceptable for a farm shed and at this location in the rural area.
105. The character and scale of the proposal would fit with and be appropriate to its location.
106. In terms of criteria (c), the site is relatively flat and the proposal is positioned towards the front of the field. It is set at a lower level than the existing road to which the access to the site is from.
107. The existing landscaping to the front boundaries would be retained and supplemented where necessary with only existing landscaping being removed where a gate access is proposed.
108. The existing vegetation to the rear of the site and beyond would act as a backdrop to the proposal. Public views of the proposal would be limited. It is considered that the proposal would visually integrate into the local landscape. Notwithstanding the view expressed above that based on the evidence the farm is not active and established.
109. In terms of criteria (d), the proposal is not within a buffer zone of any built heritage. Existing landscape boundaries are being retained except where the proposed entrance gate would be and there are no conditions on site that present any concerns with its impact on natural heritage.
110. It is considered that the proposal would not have an adverse impact on the natural or built heritage. Notwithstanding the view expressed above that based on the evidence the farm is not active and established.
111. In terms of criteria (e), the proposal is for the storage of hay. The nearest neighbouring residential dwelling to the proposal is approximately 75 metres away. Environmental Health have been consulted and have no objections to the proposal.
112. It is considered that the proposal would not result in detrimental impact on the amenity of residential dwellings outside the holding.
113. As a new building is proposed applicant must also provide sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used, that the design and materials to be used are sympathetic to the locality and adjacent buildings and that the proposal is sited beside existing farm or forestry buildings.

114. As previously stated and based on the information provided and from site inspection it can be seen that there are no suitable existing buildings on the holding that can be used, and the agent has submitted in writing that there are no other buildings on the farm holding.
115. The design and materials proposed for the shed, as detailed above, are considered to be sympathetic to the locality. The proposal is however not sited beside existing farm or forestry buildings and fails to comply with the policy on this point. A dwelling is approved on the holding but not constructed. It is normal for farm buildings to be collocated with the place of residence of the farmer for the purpose of ease of access to livestock and equipment. No justification is provided for the location of the first farm building distant from the proposed dwelling.
116. Policy makes provision for an alternative site away from the existing farm or forestry buildings, in exceptional circumstances, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons.
117. It has not been demonstrated that the proposal is essential for the efficient functioning of the business or that there are demonstrable health and safety reasons for the proposal at this location and therefore this exception is not applicable.
118. Based on the information submitted it is considered that the proposal does not comply with policy CTY 12 of PPS 21 and that it fails to satisfy the policy test associated with policy CTY 1 of PPS 21.

Ribbon Development

119. The proposal would sit on its own (as in not surrounded by other development) and has a road frontage being located adjacent to the Grove Road.

It is considered that the proposal would create a ribbon of development at this location along the Grove Road and is therefore contrary to policy CTY 8 in that the building if approved would create a ribbon of development along the Grove Road.

Integration and Design of Buildings in the Countryside

120. Turning then to policy CTY13, in terms of criteria (a), and taking into account the topography of the site, the existing vegetation along the roadside and the setback position from the road, it is considered that the proposal would not be a prominent feature in the landscape.
121. In terms of criteria (b), the existing boundary treatments and surrounding vegetation would provide a suitable degree of enclosure for the proposal to

integrate.

122. In terms of criteria (c), the proposal would not rely primarily on the use of new landscaping for integration.
123. In terms of criteria (d), any ancillary works including the yard and entrance will integrate into their surroundings for the reasons outlined above.
124. In terms of criteria (e) and for the reasons outlined above, the design is considered to be appropriate for the site and its locality.
125. In terms of criteria (f), it is considered that the proposal would blend into the locality and have an existing backdrop of trees to the rear and rolling topography behind it.
126. Criteria (g) is not applicable.
127. For the reasons outlined above, it is considered that the proposal complies with policy CTY 13.

Rural Character

128. Turning to policy CTY 14, In terms of criteria (a) and for the reasons outlined above, it is considered that the proposal would not be unduly prominent in the landscape.
129. In terms of criteria (b), it would not result in a sub-urban style build-up of development when viewed with existing and approve buildings.
130. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area.
131. In terms of criteria (d), the proposal would create a ribbon of development as discussed above under policy CTY 8 Ribbon Development.
132. In terms of criteria (e), it is considered that the impact of ancillary works would not damage rural character.
133. The proposal is therefore contrary to criteria (d) of policy CTY 14 in that it would create a ribbon of development.

Access, Movement and Parking

134. PPS 3 sets out policies to ensure that any new development does not create a traffic hazard.
135. The proposal involves the creation of a new access onto the Grove Road to the south eastern end of the application site. The Grove Road is not a protected route. Visibility splays of 4.5 metres by 60 metres in both directions are

proposed.

136. DfI Roads have been consulted and have no objection to this development proposal with conditions and informatives provided.
137. On the basis of the information submitted and consultation with DfI Roads it is considered that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic. It is considered that a safe access can be provided in accordance with the requirements of criteria (a) of policy AMP 2PPS 3 and DCAN 15. The Grove Road is not a protected route and compliance with criteria (b) of the policy is not required.

Natural Heritage

138. PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
139. The application site is not within or adjacent to any designated areas such as ASSI's etc. There are no existing structures or buildings within the site and it consists of grassland.
140. In this case no unnecessary vegetation or trees are being removed. The only vegetation being removed would be a small portion of the boundary to the front of the site to accommodate a safe access.
141. For the reasons outlined, no protected habitat would be negatively affected by the proposal nor will the development have a negative impact on any natural heritage. It is considered that the proposal complies with PPS 2.

Planning and Flood Risk

142. From site inspection it can be seen that there is a small watercourse that runs along a small section of the eastern boundary of the field which the application site sits within and a sheugh along the southern boundary between the site and the road.
143. A review of the Rivers Agency flood maps confirms that the application site is not located within a flood plain.
144. The submission of a drainage assessment is not required for this proposal.
145. It is therefore considered that the proposal would not cause any concerns with regards to flooding and it is considered that it complies with PPS 15.

Conclusions

146. For the reasons outlined in the report, the application is considered to be contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
147. In addition, the proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.
148. The proposal is also contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
149. In addition, the proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permission create a ribbon of development.

Recommendations

150. It is recommended that planning permission is refused.

Refusal Reasons

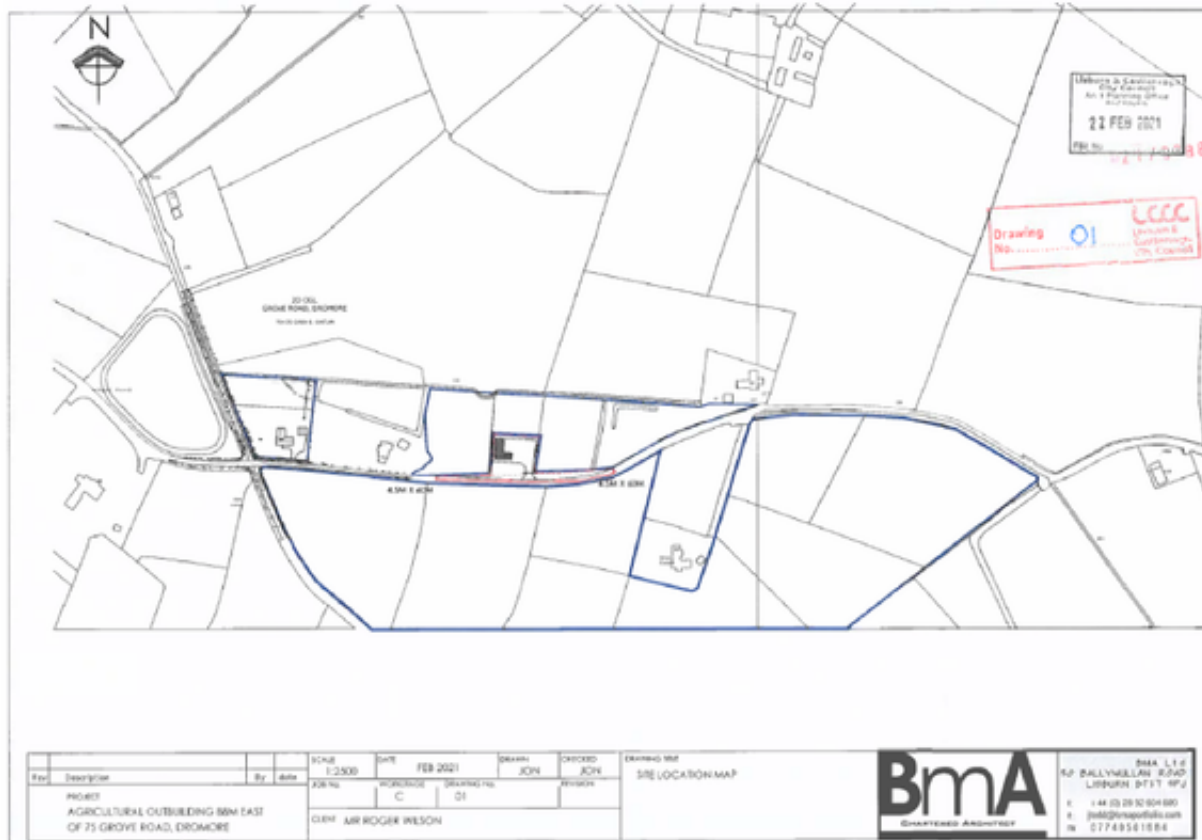
151. The following refusal reasons are recommended:
- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the

efficient use of the agricultural holding;

- the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.

- The proposal is contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
- The proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

Site Location Plan – LA05/2021/0288/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	01 August 2022
Committee Interest	Local Application [Mandatory]
Application Reference	LA05/2021/1151/F
Date of Application	19 October 2021
District Electoral Area	Downshire East
Proposal Description	Removal of Condition 2 (agricultural occupancy condition) from previous grant of planning permission S/2005/0619/F.
Location	Land 180m south east of 127 Saintfield Road, Lisburn
Representations	None
Case Officer	Maire-Claire O'Neill
Recommendation	APPROVAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that it is an application submitted by an elected member of the Council.
2. This application is presented to the Planning Committee with a recommendation to approve as regional planning policy no longer requires the occupancy of a dwelling on the farm to be linked to the operation of the farm business by a planning condition.

Description of Site and Surroundings

Site

3. The application site is situated 180 metres south east of 127 Saintfield Road, Lisburn approximately 4 miles south east of Lisburn.
4. It is located on the northern side of the Saintfield Road and is accessed via an existing laneway.
5. The site is currently a rectangular plot cut out of a large agricultural field which is defined by small hedging on each boundary. In relation to the topography the land increases slightly in gradient from south to north.
6. Foundations and sub floors of the approved dwelling were evident on the day of the site visit. There is also an area of hardstanding for parking of vehicles. These works appear to have been in place for a considerable period of time with evidence of weathering having taken place.

Surroundings

7. In terms of the surrounding context, the area is rural in character and the land predominantly agricultural in use.
8. To the rear of the application site, there is a training and management facility located at 127 Saintfield Road.

Proposed Development

9. This is a full application under Section 54 of the 2011 Planning Act to remove condition 2 of planning application S/2005/0619//F, which had been granted permission as a farm retirement dwelling.

Relevant Planning History

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

Reference Number	Description	Location	Decision
S/2005/0619/F	Proposed farm retirement dwelling.	Lands 180m south east of 127 Saintfield Road, Lisburn.	Approval 10/07/2006
LA05/2022/0160/LDE	Construction of an access, laneway, foundations and sub floor	Lands 180m south east of 127 Saintfield Road, Lisburn.	Lawful Development (Existing) Granted 05/04/2022
LA05/2022/0558/LDP	Completion of the erection of farm retirement dwelling granted permission under S/2005/0619/F	Lands 180m south east of 127 Saintfield Road, Lisburn.	Lawful Development (Proposed) Granted 07/07/2022

11. As part of the assessment of the proposal applications for certificates of lawfulness were requested to understand that the works carried out to secure the time expired planning permissions had been lawfully commenced.
12. The officer dealing with the CLUD LA05/2022/0160/LDE having considered the information provided was satisfied that the works shown on drawings 01 - 03 received on 9 February 2022 were substantially completed for more than five years up to and including the date of the application.
13. LA05/2022/0558/LDP proposed the completion of the farm retirement dwelling granted permission under S/2005/0619/F and it was concluded that the evidence provided (such as building control certificates and notes from file), that location of the foundation was generally in accordance with the approved plan and that the applicant had demonstrated that the development commenced before the expiry of the planning permission granted.

Consultations

14. This application relates only to the removal of a condition only and as such, no consultations were deemed necessary.

Representations

15. No representations have been received in relation to the proposal.

Legislative and Regional Policy Context

16. Section 54 of the Planning Act 201 is a power that allows for an application to be made for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. A section 54 application is submitted to and determined by the planning authority which granted the previous planning permission (section 54(3)).

17. Paragraph 5.65 of the SPPS states that

Planning Authorities have the power to attach conditions to a grant of planning permission. This can enable the approval of development proposals where it would otherwise be necessary to refuse planning permission. However, conditions should only be imposed which are

- *Necessary;*
- *relevant to planning;*
- *relevant to the development;*
- *precise;*
- *enforceable; and*
- *reasonable.*

18. Development Management Practice Note 24 is designed to guide planning officers and other engaged in the planning system through the fundamental legislative requirements associated with applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

19. Paragraph 1.2 of the practice note states that

Section 54 is one option available for amending a planning permission. Planning permission may be sought under section 54 to develop land without complying with conditions previously attached to a grant of planning permission. It would not be appropriate to make a planning application for the "removal" of a condition, since the removal of a condition does not amount to development. However, a section 54 planning permission may have the resultant effect of the removal or variation of a condition previously attached to a permission or the addition of a new condition

20. Paragraph 2.3 of the Practice note states that

Whilst a section 54 application is subject to similar provisions for a standard planning application seeking planning permission for development e.g.

publicity, neighbour notification and making representations, it is also subject to a number of special provisions¹⁴ laid out in the GDPO, which differ from some of the provisions for a standard planning application.

21. Paragraph 3.5 of the Practice note states that

In considering an application made under section 54, the planning authority which granted the previous planning permission must consider only the "question of the conditions" subject to which planning permission should be granted (section 54(3)).

Assessment

22. Within the legislative and regional policy context outlined above, the following assessment is made relative to this particular application.
23. The original farm retirement dwelling was granted full planning permission on 10 July 2006 within the context of planning application S/2005/0619/F. The permission was granted subject to a number of planning conditions including an occupancy condition.
24. Condition 2 stated that:
- The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Article 2(2) of the Planning (Northern Ireland) Order 1991, forestry or fishing (including any dependants of such person residing with him) or a widow or widower of such a person.*
25. At that time, the prevailing planning policy used to assess such applications, was A Planning Strategy for Rural Northern Ireland (PSRNI).
26. Policies HOU 9 and HOU 10 were the prevailing regional policies at this time and these policies sought to restrict planning permissions to those employed or last employed in agriculture, in order to prevent the accumulation of dwellings in the greenbelt.
27. Within this policy context, it was common practice at that time that an agricultural occupancy condition was attached to any farm dwelling applications, to prevent the farmer from selling the approved site for financial gain and to avoid the accumulation of dispersed dwellings in the countryside.
28. That said, it is acknowledged that following the publication of Planning Policy Statement 21 - Sustainable Development in the Countryside in June 2010 and the Strategic Planning Policy Statement in 2015 there is no requirement for occupancy conditions to be associated with a farm dwelling permission.

29. Two Certificate of Lawful applications have been determined by the Council. These certificates provide confirmation that the farm retirement dwelling as previously approved was lawfully commenced.
30. The current direction of regional policy does not require the use of agricultural occupancy conditions. It is considered that the condition no longer meets the tests set out at paragraph 5.65 of the SPPS as it is no longer necessary, relevant to planning or the development.
31. For these reasons that the development can be continued not in compliance with this condition and it is recommended the decision notice be redrafted excluding this condition.

Conclusions

32. For the reasons outlined above, it is considered the condition no longer meets the tests set out at paragraph 5.65 of the SPPS as it is no longer necessary, relevant to planning or the development and no longer needs to be complied with.

Recommendations

33. It is recommended that planning permission is approved.

Conditions

34. Given that the permission is considered to have commenced in accordance with the 2005 application, it is not considered prudent to replicate the time condition against any new decision other than to advise that the permission takes immediate effect.
35. The following conditions are however recommended to ensure that the development is carried out in accordance with the earlier approval:
 - This permission takes effect from the date of this decision notice.
Reason: Time
 - The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

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

- The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is commenced and 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.

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

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

- The dwelling shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 3 spaces per dwelling.

Reason: To ensure adequate in-curtilage parking in the interests of road safety and the convenience of road users.

- 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.

- 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 Department gives its written consent to any variation.

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

- No trees within the site shall be lopped, topped, felled or removed without the prior consent of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Department in writing at the earliest possible moment.

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

- The existing natural screenings of this site, as indicated in green on the approved plan ref. S/2005/0619/01 date stamped 25 APR 2005, shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 14 days.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

- If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use, another tree or trees shall be planted at the same place and those trees shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

36. The following additional informative is also recommended:

- This permission allows for the removal of the agricultural occupancy condition only.

Site Location Plan – LA05/2021/1151/F



Lisburn & Castlereagh City Council

Planning Committee	
Application Reference	LA05/2022/0065/F
Date of Application	11 January 2022
District Electoral Area	Downshire West
Proposal Description	Relocation of Hope and Aspiration Beacon of Light sculpture within previously approved sculpture trail (planning reference LA05/2019/1127/F)
Location	Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL
Representations	None
Case Officer	Cara Breen
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a local planning application. It is presented to the Committee for determination in accordance with the Scheme of Delegation as the applicant is Lisburn and Castlereagh City Council.
2. The application is presented with a recommendation of approval as it is considered that the development which comprises the relocation of a sculpture within a previously approved sculpture trail will continue to conform with the requirements of policies ENV 2 and ENV 3 of draft BMAP in that the nature and scale of the proposed works will not have an adverse impact on the nature conservation interests of Hillsborough Lake site of Local Nature Conservation Importance (SLNCI) or Hillsborough Forest Park Local Landscape Policy Area (LLPA).
3. It is also considered that the proposed relocation continues to comply with the tests of policy OS1 of PPS 8 in that the development will not result in the loss of existing open space.
4. It is also compliant with the SPPS and Policy OS3 of PPS8 in that it is found to be an acceptable use in the countryside without adverse impacts on features of importance.

5. The sculpture in its relocated position will continue to enhance the landscape quality of the natural environment by providing access to the forest for a wide range of community interests through the provision of an interactive sculpture trail for members of the public to visit.
6. The proposal will in its relocated position continue to comply with the SPPS and policy tests associated with PPS 6 in that the nature, form, materials and illumination elements of the proposed sculpture will not individually or cumulatively lead to the loss of, or cause harm to, the character, principle components or setting of any park, garden or demesne of special historic interest nor will it impact on the protection and conservation of archaeological remains and features of the built heritage at this location.
7. The proposal is also considered to comply with the SPPS in that the nature of the proposed development and its location within the forest park will not impact on the amenity of neighbouring residents by virtue of noise and air quality impacts nor will it result in any detrimental visual impacts to the wider environment.

Description of Site and Surroundings

Site

8. The site is located upon the eastern side of Hillsborough Fort, within Hillsborough Forest.
9. The site wraps around the north and eastern sides of Hillsborough Lake along the forest trails with access is provided via existing forest paths and trails.

Proposed Development

10. This is a full application for the relocation of the Hope and Aspiration Beacon of Light sculpture as part of the previously approved sculpture trail.

Relevant Planning History

11. There planning history associated with the application site is set out in the table below:

Application Reference	Description of Proposal	Address	Decision
LA05/2019/1127/F	Proposed construction of ten individual sculptures (with lighting and associated works) or	Hillsborough Forest Park, Park Street	Planning Permission

	various sizes to form a sculpture trail and associated site works	Hillsborough, BT26 6AL	Granted June 2020
LA05/2019/0018/F	Children's play park consisting of forest style play equipment, crumb rubber surfacing, fencing, gates, picnic area including associated works	Lands to the south east of Hillsborough Lake Hillsborough Forest Park Park Street Hillsborough BT26 6AL	Planning Permission Granted March 2019
LA05/2019/0551/LDP	Maintenance works to existing network of paths, upgrading 2 no. pedestrian foot bridges, installation of a rope net bridge and installation of decked viewing platforms around the perimeter of the lake.	Hillsborough Forest Park	Permitted Development
LA05/2019/0282/A	1no. welcome sign, 1no. information board (within the car park) 5 no. welcome posts, 6no. interpretation signs, 5no. finger posts, 11no. bollards, 4no. water safety station signage (throughout the park).	Hillsborough Forest Park	Permission Granted
LA05/2017/0749/LDP	West Dam - raise the crest of the dam by 0.2m and create an 18m wide auxiliary spillway, close to the existing spillway. The auxiliary spillway will be reinforced to allow water to safely overtop the dam in an extreme event, without eroding it. Church Dam - raise the crest of the dam by 0.25m and re-profile the landward slope from 1 in 2.5 to 1 in 2.6. The dam crest and landward slope will be reinforced to allow water to safely overtop the	Hillsborough Forest Park	Permitted Development

	dam in an extreme event, without eroding it.		
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Consultations

12. The following consultations were carried out:

Consultee	Response
Historic Environment Division	No Objection
Environmental Health	No Objection
Natural Heritage	No Objection
Forest Service	No Objection

Representations

13. No representations have been received in opposition to the proposal.

Planning Policy Context

Relevant Policy and Guidance Documents

14. The relevant policy documents are:

- The Lisburn Area Plan
- The draft Belfast Metropolitan Plan 2015
- The Strategic Planning Policy Statement (SPPS), published in September 2015,
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 6 – Planning Archaeology and the Built Environment
- Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 21 – Sustainable Development in the Countryside

Local Development Plan Context

15. 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.

16. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.

17. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.

18. The application site is identified in the open countryside beyond any defined settlement limit. The site is also within a Historic Park, Garden and Demesne, it is adjacent to Hillsborough Conservation Area and consists of a Site of Local Nature Conservation and a Local Landscape Policy Area.

19. Page 49 of the Lisburn Area Plan 2001 states

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.

20. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

21. Policy ENV 2 of draft BMAP Sites of Local Nature Conservation Importance states that

planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated Site of Local Nature Conservation Importance.

22. Policy ENV 3 of draft BMAP - Local Landscape Policy Areas states that

in designated Local Landscape Policy Areas (LLPA's) planning permission will not be granted for development that would be liable to adversely affect those

features, or combination of features, that contribute to environmental quality, integrity or character.

Regional Policy Context

23. The SPPS states that

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

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and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

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that regard must be had to the guidance in assessing the proposal.
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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 European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or*
 - *a listed or proposed Ramsar Site.*
39. The policy also states that
where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.
- Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.*
- In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:*

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

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a development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features 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.

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development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted. The presumption against the loss of existing open space will apply irrespective of its physical condition or appearance.

50. The policy also states that

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

51. *It also states that*

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

- (i) *in the case of an area of open space of two hectares or less, alternative provision is made which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality.*
- (ii) *In the case of playing fields and sports pitches within settlement limits, an exception will be permitted if it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the overall area-and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.*

52. Policy OS3 – Outdoor Recreation in the Countryside states that

development proposals for outdoor recreational use in the countryside will be permitted were a number of policy criteria are met.

- (i) *there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*
- (ii) *there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;*
- (iii) *there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;*
- (iv) *there is no unacceptable impact on the amenities of people living nearby;* (v) *public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;*
- (v) *any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*
- (vi) *the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and*
- (vii) *the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.*

Assessment

53. The application site is identified in the open countryside beyond any defined settlement limit. The site is also within a Historic Park, Garden and Demesne, it is adjacent to Hillsborough Conservation Area and consists of a Site of Local Nature Conservation and a Local Landscape Policy Area.

54. Ten bespoke sculptures located along a trail near to Hillsborough Lake, running through the forest are designed to create an imaginative interactive attraction for visitors have previously been approved.
55. This application seeks to relocate the previously approved Sculpture 4 designed under the 'Hope and Aspiration' theme and labelled 'beacon of light' metal sculpture to a location approximately 33 metres south east of the previously approved location.
56. Supporting information explains that the sculpture needs to be relocated following a technical review on site which confirmed that the ground conditions were not suitable for the foundation associated with this sculpture.
57. The information associated with the application also explains that the Beacon of Light sculpture itself remains unchanged, comprising a 7.5 metre high metal structure, galvanised and colour coated in a range of bright colours to give a flame like form.
58. Based on a review of the information provided and advice received, it is accepted that the relocation of the sculpture will not impact the overall function, operation or appearance of the sculpture trail.
59. The scale of any loss of open space within the Forest Park to provide for this relocated sculpture would be minimal and the development as a whole will continue to bring substantial benefits to the wider community by providing a sculpture trail within Hillsborough Forest Park which enhances the use of the existing recreational facility for members of the public to visit.
60. For the reasons outlined above, the relocated sculpture continues to satisfy the policy requirements of policy OS1 of PPS8.
61. With regard to Policy OS3, the proposed relocation continues to form part of the previously approved sculpture trail which is ancillary to and supports the facilities offered by the new play park development completed within the Forest Park within the context of planning application LA05/2019/0018/F.
62. The site that the sculpture is to be relocated to remains within the established forest and as such, no impact on agricultural land or activities will occur.
63. Furthermore, its relocated position 33 metres south east of its original position will not have an adverse impact on visual/residential amenity or the character of the local landscape area as it will continue as before to be absorbed into the woodland setting. .
64. The design and materials were previously considered to be sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment. The sculpture in terms of its design and materials is not changed and as such, it remains acceptable within this forest context.

65. Access arrangements are not changed and the road network as previously accepted, can safely handle the extra vehicular traffic the proposal will attract.
66. The proposed development will continue to serve to enhance this existing area of open space, providing facilities to support the play park to north of the site. The proposal will maintain the nature conservation and biodiversity of the area as the existing vegetation and all trees are to be retained.
67. With regard to potential impacts of the relocation on Built Heritage interests, advice received from Historic Monuments confirms that the relocation of the Hope and Aspiration – Beacon of Light sculpture within Hillsborough Castle registered demesne is satisfactory.
68. In terms of Natural Heritage considerations it is acknowledged that the site is acknowledged to fall adjacent to Hillsborough Park Lake Site of Local Nature Conservation Importance (SLNCI) and Area of Constraint on Minerals Developments.
69. Given the scale and nature of the proposed works it is considered that no adverse impacts shall arise with regard to Hillsborough Park Lake SLNCI.
70. That said, the sculpture is to be relocated to a position within the forest that is already devoid of vegetation and as such, no impact on natural heritage features will arise nor will any adverse impacts arise with regard to Hillsborough Park Lake SLNCI and/or Hillsborough Forest Park Local Landscape Policy Area.
71. LCCC Environmental Health unit have no objections to the development as proposed. It is therefore concluded that there shall be no issues with respect to noise or light pollution.
72. In terms of visual impact considerations it is considered that the relocation of the sculpture will not result in any detrimental visual impacts as it continues to be absorbed into the existing woodland.

Conclusions

73. For the reasons outlined above the application is presented with a recommendation of approval as it is considered that the development which comprises the relocation of a sculpture within a previously approved sculpture trail will continue to conform with the requirements of policies ENV 2 and ENV 3 of draft BMAP in that the nature and scale of the proposed works will not have an adverse impact on the nature conservation interests of Hillsborough Lake site of Local Nature Conservation Importance (SLNCI) or Hillsborough Forest Park Local Landscape Policy Area (LLPA).
74. It is also considered that the proposed relocation continues to comply with the tests of policy OS1 of PPS 8 in that the development will not result in the loss of existing open space.

75. It is also compliant with the SPPS and Policy OS3 of PPS8 in that it is found to be an acceptable use in the countryside without adverse impacts on features of importance.
76. The sculpture in its relocated position will continue to enhance the landscape quality of the natural environment by providing access to the forest for a wide range of community interests through the provision of an interactive sculpture trail for members of the public to visit.
77. The proposal will in its relocated position continue to comply with the SPPS and policy tests associated with PPS 6 in that the nature, form, materials and illumination elements of the proposed sculpture will not individually or cumulatively lead to the loss of, or cause harm to, the character, principle components or setting of any park, garden or demesne of special historic interest nor will it impact on the protection and conservation of archaeological remains and features of the built heritage at this location.
78. The proposal is also considered to comply with the SPPS in that the nature of the proposed development and its location within the forest park will not impact on the amenity of neighbouring residents by virtue of noise and air quality impacts nor will it result in any detrimental visual impacts to the wider environment.

Recommendations

79. It is recommended that planning permission is approved.

Condition

80. The following condition is recommended:
 - 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

Site Location Plan – LA05/2022/0065/F



Lisburn & Castlereagh City Council

Planning Committee	
Application Reference	LA05/2022/0091/F
Date of Application	27 January 2022
District Electoral Area	Downshire West
Proposal Description	Proposed relocation of existing Harry Ferguson Sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake
Location	Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL
Representations	None
Case Officer	Cara Breen
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a local planning application. It is presented to the Committee for determination in accordance with the Scheme of Delegation as the applicant is Lisburn and Castlereagh City Council.
2. The application is presented with a recommendation of approval as it is considered that the development which comprises the relocation of a sculpture within a previously approved sculpture trail will continue to conform with the requirements of policies ENV 2 and ENV 3 of draft BMAP in that the nature and scale of the proposed works will not have an adverse impact on the nature conservation interests of Hillsborough Lake site of Local Nature Conservation Importance (SLNCI) or Hillsborough Forest Park Local Landscape Policy Area (LLPA).
3. It is also considered that the proposed relocation continues to comply with the tests of policy OS1 of PPS 8 in that the development will not result in the loss of existing open space.

4. It is also compliant with the SPPS and Policy OS3 of PPS8 in that it is found to be an acceptable use in the countryside without adverse impacts on features of importance.
5. The sculpture in its relocated position will continue to enhance the landscape quality of the natural environment by providing access to the forest for a wide range of community interests through the provision of an interactive sculpture trail for members of the public to visit.
6. The proposal will in its relocated position continue to comply with the SPPS and policy tests associated with PPS 6 in that the nature, form, materials and illumination elements of the proposed sculpture will not individually or cumulatively lead to the loss of, or cause harm to, the character, principle components or setting of any park, garden or demesne of special historic interest nor will it impact on the protection and conservation of archaeological remains and features of the built heritage at this location.
7. The proposal is also considered to comply with the SPPS in that the nature of the proposed development and its location within the forest park will not impact on the amenity of neighbouring residents by virtue of noise and air quality impacts nor will it result in any detrimental visual impacts to the wider environment.

Description of Site and Surroundings

Site

8. The site is located to the western side of Hillsborough Lake to the south east of an area of established parking, near the slip into the lake.
9. The site, whilst shown to be located within an area of woodland is itself, an area devoid of any vegetation cover. Access is provided via existing forest paths and trails.

Proposed Development

10. This is a full application for the relocation of existing Harry Ferguson Sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake.

Relevant Planning History

11. There planning history associated with the wider forest site is set out in the table below:

Application Reference	Description of Proposal	Address	Decision
LA05/2019/1127/F	Proposed construction of ten individual sculptures (with lighting and associated works) or various sizes to form a sculpture trail and associated site works	Hillsborough Forest Park, Park Street Hillsborough, BT26 6AL	Planning Permission Granted June 2020
LA05/2019/0018/F	Children's play park consisting of forest style play equipment, crumb rubber surfacing, fencing, gates, picnic area including associated works	Lands to the south east of Hillsborough Lake Hillsborough Forest Park Park Street Hillsborough BT26 6AL	Planning Permission Granted March 2019
LA05/2019/0551/LDP	Maintenance works to existing network of paths, upgrading 2 no. pedestrian foot bridges, installation of a rope net bridge and installation of decked viewing platforms around the perimeter of the lake.	Hillsborough Forest Park	Permitted Development
LA05/2019/0282/A	1no. welcome sign, 1no. information board (within the car park) 5 no. welcome posts, 6no. interpretation signs, 5no. finger posts, 11no. bollards, 4no. water safety station signage (throughout the park).	Hillsborough Forest Park	Permission Granted
LA05/2017/0749/LDP	West Dam - raise the crest of the dam by 0.2m and create an 18m wide	Hillsborough Forest Park	Permitted Development

	<p>auxiliary spillway, close to the existing spillway. The auxiliary spillway will be reinforced to allow water to safely overtop the dam in an extreme event, without eroding it.</p> <p>Church Dam - raise the crest of the dam by 0.25m and re-profile the landward slope from 1 in 2.5 to 1 in 2.6. The dam crest and landward slope will be reinforced to allow water to safely overtop the dam in an extreme event, without eroding it.</p>		
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Consultations

12. The following consultations were carried out:

Consultee	Response
Historic Environment Division	No Objection
Environmental Health	No Objection
Natural Heritage	No Objection
Forest Service	No Objection
DfI Roads	No Objection

Representations

13. No representations have been received in opposition to the proposal.

Planning Policy Context

Relevant Policy and Guidance Documents

14. The relevant policy documents are:
- The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015,
 - Planning Policy Statement 2 – Natural Heritage
 - Planning Policy Statement 6 – Planning Archaeology and the Built Environment
 - Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation
 - Planning Policy Statement 21 – Sustainable Development in the Countryside

Local Development Plan Context

15. 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.
16. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
17. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
18. The application site is identified in the open countryside beyond any defined settlement limit. The site is also within a Historic Park, Garden and Demesne, it is adjacent to Hillsborough Conservation Area and consists of a Site of Local Nature Conservation and a Local Landscape Policy Area.
19. Page 49 of the Lisburn Area Plan 2001 states
- that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.*
20. In respect of draft BMAP, page 16 states that
- Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.*

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

21. Policy ENV 2 of draft BMAP Sites of Local Nature Conservation Importance states that

planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated Site of Local Nature Conservation Importance.

22. Policy ENV 3 of draft BMAP - Local Landscape Policy Areas states that

in designated Local Landscape Policy Areas (LLPA's) planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, integrity or character.

Regional Policy Context

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until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

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- *features of the landscape which are of major importance for wild flora and fauna;*
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51. *It also states that*

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

- (i) in the case of an area of open space of two hectares or less, alternative provision is made which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality.*
- (ii) In the case of playing fields and sports pitches within settlement limits, an exception will be permitted if it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the overall area-and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.*

52. Policy OS3 – Outdoor Recreation in the Countryside states that

development proposals for outdoor recreational use in the countryside will be permitted were a number of policy criteria are met.

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;*
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;*
- (iv) there is no unacceptable impact on the amenities of people living nearby; (v) public safety is not prejudiced and the development is*

- compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;*
- (v) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*
 - (vi) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and*
 - (vii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.*

Assessment

53. The application site is identified in the open countryside beyond any defined settlement limit. The site is also within a Historic Park, Garden and Demesne, it is adjacent to Hillsborough Conservation Area and consists of a Site of Local Nature Conservation and a Local Landscape Policy Area.
54. The site is within a Historic Park, Garden and Demesne which is a protected open space.
55. The proposal involves the relocation of an existing sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake.
56. This sculpture will add to and compliment the nine other bespoke sculptures located along a trail on the eastern side of the lake as creative an imaginative interactive attraction for visitors.
57. Greater opportunity is afforded to the wider community to enjoy this sculpture be moving it to this location away from the A1. The detail submitted indicates that the sculpture will be mounted on a concrete foundation with a steel base support bolted to the concrete base.
58. Based on a review of the information provided and advice received, it is accepted that the relocation of the sculpture from the A1 to this location within the Forest Park will not impact the overall function, operation or appearance of the Forest or indeed existing and established sculpture trails.
59. The scale of any loss of open space within the Forest Park to provide for this relocated sculpture is minimal and the development as a whole will continue to bring substantial community benefits to the area by providing a sculpture trail within Hillsborough Forest Park which enhances the existing recreational facility for members of the public to visit.

60. For the reasons outlined above, the relocated sculpture continues to satisfy the policy requirements of policy OS1 of PPS8.
61. With regard to Policy OS3, the proposed relocation adds to the previously approved sculpture trail which is ancillary to and supports the facilities offered by the new play park development completed within the Forest Park within the context of planning application LA05/2019/0018/F.
62. The site that the sculpture is being relocated remains within the forest and as such, no impact on agricultural land or activities will occur. Furthermore, it will not have an adverse impact on visual/residential amenity or the character of the local landscape area as it will continue as before to be absorbed into the forest environment.
63. The design and materials where previously considered at other locations to be sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment. It is not considered this sculpture given its scale and location will harm the landscape setting or natural environment of the forest.
64. Access arrangements are not changed and the road network as previously accepted, can safely handle the extra vehicular traffic the proposal will attract.
65. The proposed development will continue to serve to enhance this existing area of open space, providing facilities to support the play park to north of the site. The proposal will maintain the nature conservation and biodiversity of the area as the existing vegetation and all trees are to be retained.
66. With regard to potential impacts of the relocation on Built Heritage interests, advice received from Historic Monuments confirms that the location identified for the sculpture to be relocated too is sufficiently removed in context from the listed buildings as to have no impact.
67. Furthermore, Historic Monuments have confirmed that the proposal to relocate the sculpture to Hillsborough Castle registered demesne is satisfactory to SPPS and PPS 6 archaeological policy requirements.
68. In terms of Natural Heritage considerations it is acknowledged that the site is acknowledged to fall adjacent to Hillsborough Park Lake Site of Local Nature Conservation Importance (SLNCI) and Area of Constraint on Minerals Developments.
69. Given the scale and nature of the proposed works it is considered that no adverse impacts shall arise with regard to Hillsborough Park Lake SLNCI.
70. That said, the sculpture is to be relocated to a position within the forest that is already devoid of vegetation and as such, no impact on natural heritage features will arise nor will any adverse impacts arise with regard to Hillsborough Park Lake SLNCI and/or Hillsborough Forest Park Local Landscape Policy Area.

71. LCCC Environmental Health unit have no objections to the development as proposed. It is therefore concluded that there shall be no issues with respect to noise or light pollution. The lighting of the sculpture with two small discrete lights does not require assessment. It is not floodlighting and/or of a scale that would cause harm to neighbouring residential properties.
72. In terms of visual impact considerations is considered that the relocation of the sculpture will not result in any detrimental visual impacts as it continues to be absorbed into the existing forest landscape.

Conclusions

73. For the reasons outlined above, it is considered that the development which comprises the relocation of a sculpture within a previously approved sculpture trail will continue to conform with the requirements of policies ENV 2 and ENV 3 of draft BMAP in that the nature and scale of the proposed works will not have an adverse impact on the nature conservation interests of Hillsborough Lake site of Local Nature Conservation Importance (SLNCI) or Hillsborough Forest Park Local Landscape Policy Area (LLPA).
74. It is also considered that the proposed relocation continues to comply with the tests of policy OS1 of PPS 8 in that the development will not result in the loss of existing open space.
75. It is also compliant with the SPPS and Policy OS3 of PPS8 in that it is found to be an acceptable use in the countryside without adverse impacts on features of importance.
76. The sculpture in its relocated position will continue to enhance the landscape quality of the natural environment by providing access to the forest for a wide range of community interests through the provision of an interactive sculpture trail for members of the public to visit.
77. The proposal will in its relocated position continue to comply with the SPPS and policy tests associated with PPS 6 in that the nature, form, materials and illumination elements of the proposed sculpture will not individually or cumulatively lead to the loss of, or cause harm to, the character, principle components or setting of any park, garden or demesne of special historic interest nor will it impact on the protection and conservation of archaeological remains and features of the built heritage at this location.
78. The proposal is also considered to comply with the SPPS in that the nature of the proposed development and its location within the forest park will not impact on the amenity of neighbouring residents by virtue of noise and air quality impacts nor will it result in any detrimental visual impacts to the wider environment.

Recommendations

79. It is recommended that planning permission is approved.

Condition

80. The following condition is recommended:

- 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

Site Location Plan – LA05/2022/0091/F





Planning Committee

01 August 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 2 - Statutory Performance Indicators – June 2022

Background and Key Issues:

Background

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 functions.
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.

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet summarising the monthly position for each indicator for the month of June 2022.

2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not Official Statistics and should not be publically quoted as such.
3. Members will note that the performance against the statutory target for local applications for June 2022 was 29.4 weeks with performance year to date noted to be 24.2 weeks. It was previously identified that there is a backlog of applications for single dwellings in the countryside. Following a refinement to the reporting templates for this type of application they are now being progressed and this is reflected in the performance for local applications.
4. It should be further noted that more decisions have been issued than received this month. The Planning Unit remains focused on improving performance in relation to local applications.
5. Performance in relation to major applications is 83.4 weeks. As explained previously, there has been no opportunity to perform against the statutory target for major applications as a number of proposals brought forward in previous months are subject to Section 76 planning agreements.
6. Processing major applications remains a priority for the Planning Unit.
7. A comparison report outlining performance against key planning activities for the business year 2021/22 will be presented to the Committee for noting in September 2022.

Recommendation:

It is recommended that the Committee notes the information.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

No

If no, please provide explanation/rationale

This is a report outlining progress against statutory targets and EQIA is not required.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No
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If no, please give explanation/rationale for why it was not considered necessary:

This is a report outlining progress against statutory targets and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL: No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES: APPENDIX 2 – Statutory Performance Indicators – May 2022

HAS IT BEEN SUBJECT TO CALL IN TO DATE? No

If Yes, please insert date:



Statutory targets monthly update - June 2022 (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	0	1	83.4	0.0%	74	78	17.8	47.4%	23	27	15.1	88.9%
May	0	-	0.0	0.0%	71	69	23.8	34.8%	26	25	32.2	72.0%
June	0	-	0.0	0.0%	71	74	29.4	36.5%	15	30	36.5	73.3%
July	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	0	1	83.4	0.0%	216	221	24.2	39.8%	64	82	26.9	78.0%

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.



Planning Committee

01 August 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 3 - Appeal Decision in respect of planning application LA05/2019/1292/O

Background and Key Issues:

Background

1. An application for a dwelling, garage and associated site works on lands 60 metres southwest of 240 Moira Road Lisburn was refused planning permission on 05 November 2020 as it was considered that there were no overriding reasons for this development to be located in the open countryside.
2. It was considered that the site did not constitute a gap within a substantial and continuously built up frontage and would, if permitted adversely impact on the character of the area.
3. It was further considered that the development would if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and it would add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.
4. The site was also lacked long established natural boundaries and unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visual integrate.

5. An appeal was lodged with the Planning Appeals Commission (PAC) on 08 February 2021. The informal hearing procedure was followed and a gearing took place on 13 December 2021. The main issues in the appeal are whether the development would be acceptable in principle in the countryside and whether it would have a detrimental impact on the rural character.
6. In a decision received on 21 June 2022 the PAC indicated that the appeal was dismissed and that the first three refusal reasons had been sustained.

Key Issues

1. At paragraph 5.7 of the decision report, the Commissioner accepted the Councils assessment of buildings that form part of a substantial and continuously built up frontage and that the absence of a building to the east of the site meant that there was no gap.
2. With regard to Policy CTY 14, the Commissioner identified at paragraph 5.12, those buildings within the existing ribbon of development along the Moira Road. The view is expressed that the appeal proposal would share common frontage and visually link with the other development within the existing ribbon and would add to it. In doing so this would further erode the rural character of this part of the countryside.
3. At paragraph 5.13 of the report, the Commissioner also expressed the view that the mature trees lining the eastern boundary of the appeal site provided a sense of enclosure when travelling in both directions along the Moira Road and that this combined with the low lying nature of the site would ensure that the development could be integrated into the surrounding landscape.
4. The decision by the Commission to refuse planning permission confirms the proper application and interpretation of policy in this case and that the Council continue to exercise good judgement in cases for infill development in the open countryside.

Recommendation:

It is recommended that the Committee notes the report and decision of the Commission in respect of this planning appeal.

Finance and Resource Implications:

No cost claim was lodged in this instance.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report updating the committee on a decision by the PAC and EQIA is not required.

If yes, what was the outcome?

Option 1

Screen out without mitigation

N/A

Option 2

Screen out with mitigation

N/A

Option 3

Screen in for a full EQIA

N/A

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

No

Has a Rural Needs Impact Assessment (RNIA) template been completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

This is a report updating the committee on a decision by the PAC and RNIA is not required

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES: **Appendix 3 – Appeal Decision - LA05/2019/1292/O**

HAS IT BEEN SUBJECT TO CALL IN TO DATE? **No**
If Yes, please insert date:



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
E: info@pacni.gov.uk

98

Appeal Reference:	2020/A0138
Appeal by:	Mr Randall Ward
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling, garage and associated site works
Location:	Lands 60m south west of and adjacent to 240 Moira Road, Lisburn
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2019/1292/O
Procedure:	Hearing on 13 December 2021
Decision by:	The Commission, dated 21 June 2022

The Commission has considered the report by Commissioner Helen Fitzsimons and accepts her analysis of the issues and recommendation. The Council's fourth reason for refusal based on Policy CTY 13 of PPS 21 is not sustained. The Commission agrees that the first three reasons for refusal which are determining have been sustained and the appeal must fail.

Decision – the appeal is dismissed.

This decision is based on the following drawing:

Drawing Number 19188_DD001 titled Location Map and Site Plan, scale: 1:500/1:2500 at A2 and received by the Council on 19 December 2019

ANDREA KELLS
Chief Commissioner

PLANNING APPEALS COMMISSION

**THE PLANNING ACT (NORTHERN IRELAND) 2011
SECTION 58**

Appeal by

Mr Randall Ward

**against the refusal of outline planning permission for a proposed
dwelling, garage and associated site works**

at

Lands 60m south west of and adjacent to 240 Moira Road, Lisburn

Report

by

Commissioner Helen Fitzsimons

Planning Authority Reference: LA05/2019/1292/O

Procedure: Informal Hearing on 13th December 2021

Report Date: 14 June 2022

1.0 **BACKGROUND**

1.1 Lisburn and Castlereagh City Council received the application on 19th December 2019 and advertised it in the local press on 3rd January 2020. By notice dated 5th November 2020 the Council refused permission giving the following reasons:

1. **The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
2. **The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal site does not constitute a gap within a substantial and continuously built-up frontage and would, if permitted adversely impact on the character of the area.**
3. **The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and it would, if permitted, add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.**
4. **The proposal is contrary to the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.**

1.2 The Commission received the appeal on 5th February 2021 and advertised it in the local press on 26th February 2021. No third-party representations were received.

2.0 **SITE AND SURROUNDINGS**

2.1 The appeal site is located on Moira Road, Lisburn and comprises a lawned garden to the front of number 240 Moira Road and the southern portion of a field immediately to its west. It is broadly rectangular in form.

2.2 The site is bounded by mature trees along its eastern boundary, a mature hedge along its southern and western boundaries. The northern boundary is undefined. A single drive, which is positioned west of a row of mature trees located along the eastern boundary of the appeal site provides access/egress directly from Moira Road to numbers 240 and 240a Moira Road.

2.3 No. 240 Moira Road comprises a detached single storey dwelling with a detached garage and associated outbuildings. To the east lies agricultural land behind which is No. 240a Moira Road. To the west lies agricultural land beyond which Nos. 242,

252 and 254 Moira Road are located. To the south is Moira Road itself beyond which is agricultural land.

- 2.4 The topography within the appeal site rises gently from Moira Road to its northern boundary and onto No. 240 Moira Road.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 Although the Council did not submit a written statement of case, at the hearing the following case was put forward:-
- 3.2 The planning approval under LA05/2019/0110/F and the renewal of outline approval under LA05/2021/0155/O show a dwelling directly adjacent to No. 240 Moira Road and to the rear of the appeal site. Both were approved as infill development as they met the exception under Policy CTY 8 of PPS 21 and they respected the pattern of development and plot size on the road. However, they do not have the same footprint as the appeal site.
- 3.3 The three dwellings to the west of the appeal site at Nos. 242, 252 and 254 Moira Road all have frontage to the road. They are visible from the road and each of their curtilages extend to the road.
- 3.4 The garden between No. 240 Moira Road and the road is maintained as such. Therefore, No. 240 Moira Road has frontage to Moira Road for the purposes of policy.
- 3.5 There is no building to the east of the appeal site. There is therefore no gap. As there is no gap, the proposal would fall in terms of Policy CTY 1 of PPS 21 and it would form ribbon development along Moira Road.
- 3.6 The planning history of 240 Moira Road is as follows:-

Planning Reference	Applicant	Address of Site	Description of Development	Decision
LA05/2017/0815/O	Randall Ward	Adj.240 Moira Road	Proposed infill no 1 dwelling and garage and associated site works	Approved 26/03/2018
LA05/2019/0110/F	Randall Ward	Adj.240 Moira Road	Proposed dwelling and garage and associated site works. Alterations to improve the existing access to Nos 240 & 240a Moira Road	Approved 13/09/2019
LA05/2021/0155/O	Randall Ward	Adj.240 Moira Road	Proposed infill site for dwelling, garage and associated site	Approved 26/04/2021

			works (Renewal of outline planning permission LA05/2017/0815/O)	
LA05/2021/0743/F	Randall Ward	240 Moira Road	Extension and renovation to existing dwelling	05/10/21
LA05/2015/0173/O	Mr Mc Cullough	Between 240-244 Moira Road	Proposed infill site for 1 No dwelling (part of a gap capable of facilitating 2 dwellings))	Withdrawn 05/01/2016

3.7 If this appeal is allowed, the following conditions in summary are suggested on a without prejudice basis:

- Time limit;
- Submission of 1:500 access plan showing the access to be constructed in accordance with RS1 form;
- Visibility splays of 2.4 metres x 129 metres to be provided in both directions along Moira Road;
- Provision of 3 parking spaces within the curtilage of the site;
- Details of a landscaping scheme to be provided at Reserved Matters stage; and
- Ridge height of the dwelling not greater than 6.45 metres above ground level.

4.0 **APPELLANT'S CASE**

- 4.1 A previous application for this site was approved on the basis that it complied with the (CTY 8) policy criteria for an infill development opportunity. (Reference LA05/2017/0815/O and renewal LA05/2021/0155/O) This was approved with a condition requiring the dwelling to be sited to the rear of the field.
- 4.2 Application LA05/2017/0359/F granted permission for an extension of the curtilage to the existing dwelling at No. 240 Moira Road. This has been implemented. No. 240 Moira Road therefore has frontage to Moira Road.
- 4.3 The appeal proposal seeks to secure planning permission in the gap site, broadly in line with the established frontage to the west i.e. Nos. 242, 252 and 254 Moira Road.
- 4.4 The first reason for refusal refers to Policy CTY 1 and is applicable only if the proposal does not meet any of the exceptions set out in the following policy provisions.

- 4.5 The second reason for refusal refers to CTY 8 and states that the site does not constitute a gap site within a substantially and continuously built-up frontage, therefore would be ribbon development.
- 4.6 The Development Management Officer Report sets out the assessment of this point and argues that “while there is residential development closer to the highway to the west of the site, this would not create a gap site, given the lack of development to the east of the site”.
- 4.7 This position does not stand up to scrutiny. The planning authority has previously approved this ‘gap site’ as an infill, on the basis that it is one part of a small gap between Nos. 240 and 242. While No. 240 is set back at a considerable distance from Moira Road, the three dwellings to the west of the gap are sited closer to the road with No. 242 being the furthest forward. Critically, the other half of the infill gap i.e. the adjoining gap to the west (shown as Proposed Dwelling 2 on the Concept Plan) can only, reasonably be sited to the front section of that field, as the rear section is too narrow to accommodate a dwelling. It follows that the future development of the other half of the infill gap will, of necessity, adopt a development solution consistent with the appeal proposal. It is accepted that No 240a does not have frontage to Moira Road being set back behind a field.
- 4.8 The previous approval LA05/2017/0815/O (now renewed under LA05/2021/0155/O) has established that this frontage onto Moira Road satisfies all of the Policy CTY 8 criteria, being part of a small gap sufficient to accommodate a maximum of two dwellings. This decision confirms the whole of the gap between the frontage of Nos. 240 and 242 is an infill opportunity under CTY 8.
- 4.9 This appeal satisfies the policy criteria for an infill dwelling under CTY 8.
- 4.10 The third reason for refusal refers to CTY 14 and alleges that the development would result in a suburban style build-up of development. CTY 8 allows for the infilling of a gap within existing development and it follows that, if the proposal is a development opportunity under CTY 8 it cannot then offend under CTY 14 on the basis of a build-up of development.
- 4.11 The fourth reason for refusal states that the site cannot provide a suitable degree of enclosure. This cannot be sustained. The site is low lying with established hedges to the west and front. Access is off the established driveway to the east, meaning that the frontage hedge will remain in its entirety. Whilst there is a post and rail fence to the east boundary of the plot, there are a number of mature trees along the driveway, within the garden of No. 240. These provide a strong visual enclosure to the dual gap/infill sites and effectively mark the end of this frontage. The site has well established natural boundaries which provide a strong visual enclosure to the proposed development.

5.0 **CONSIDERATION**

- 5.1 The main issues in this appeal are whether the proposed development would be acceptable in principle in the countryside and whether it would have a detrimental impact on the rural character of the area.

- 5.2 Section 45(1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act requires that, where in making any determination, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.3 The adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. As a result of this, the Lisburn Area Plan 2001 (LAP) operates as the LDP for the area where the appeal site is located with the draft Belfast Metropolitan Area Plan (dBMAP), published in 2004, remaining a material consideration. In both LAP and dBMAP, the appeal site is located in the countryside and is zoned as green belt. The Moira Road is identified as a Protected Route in both plans. The rural policies in the LDP are now outdated, having been overtaken by a succession of regional policies for rural development, and no determining weight can be attached to them. There are no other provisions in the plans that are material to the determination of the appeal.
- 5.4 The Strategic Planning Policy Statement 'Planning for Sustainable Development' (SPPS) sets out transitional arrangements that will operate until a Plan Strategy is adopted for the area. During the transitional period, the SPPS retains certain existing Planning Policy Statements (PPSs) including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). In line with the transitional arrangements, as there is no conflict or change in policy direction between the provisions of the SPPS and retained policy, PPS 21 provides the policy context for assessing this appeal.
- 5.5 Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8 of PPS 21.
- 5.6 Policy CTY 8 states that an exception to the policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The appellant argued that the proposal constitutes the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8 of PPS 21.
- 5.7 The appeal site comprises the front garden of No. 240 Moira Road and the southern portion of an adjacent field to the west. No 240 is currently a road frontage dwelling. The appeal site extends fully across the width of this part of the garden and is located directly in front of the dwelling. This proposed arrangement would sever No. 240 from the road meaning its road frontage would be lost. No. 240a which is located to the north-east of the appeal site comprises a dwelling which is set back from the Moira Road behind a roadside field. The eastern boundary of the appeal site abuts the front part of this field. At the hearing the appellant accepted that No. 240a Moira Road does not have frontage to Moira Road. Therefore, there is no bookend to the east of the appeal site that would allow the appeal site to form a gap.

- 5.8 In support of his case, the appellant submitted a concept plan with his application for planning permission as a means of demonstrating that a small gap site existed within an otherwise substantial and continuously built-up frontage. The gap identified in the concept plan is formed by the field west of the appeal site and the appeal site itself. The appellant has shown two dwellings one located within the appeal site and one in the field to its west. Notwithstanding the details of the concept plan, given the location of the appeal site adjacent to a larger field to the east, the fact that it would sever No. 240 from the road and also given the presence of the field on its western boundary, there can be no substantial and continuously built-up frontage within which a new dwelling would lie. As indicated above, as No 240a does not have road frontage there is no 'bookend' to the 'gap'. Accordingly the appeal site would not constitute a small gap site in an otherwise substantial and continuously built-up frontage.
- 5.9 The appellant referred to the planning history of the surrounding lands to justify his position that Policy CTY 8 would be satisfied. At the time that planning permission would have been granted, No 240 would have had road frontage and the Council would have factored this into its overall conclusions. The planning histories lend no support to the appeal proposal. No arguments were presented in respect of the proposed access onto a protected route.
- 5.10 As I have already concluded that the appeal site would not sit within a small gap in an otherwise continuous and substantially built-up frontage, it would fail to meet the provisions of Policy CTY 8 of PPS 21. Policy CTY 1 of PPS 21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. I was given no arguments regarding any overriding reasons why the proposed development was essential in this countryside location. As the proposed development would fail to meet the requirements of Policy CTY 8 and it has not been demonstrated that it is essential in this location, it would not be acceptable in principle in the countryside, and it would also fail Policy CTY 1. The Council has sustained its first and second reasons for refusal.
- 5.11 Policy CTY 14 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It adds that a new building will be unacceptable in five stated circumstances. One of these is (d) where it creates or adds to a ribbon of development (see Policy CTY 8).
- 5.12 There is an existing ribbon of development along Moira Road comprised of Nos. 250, 252, 254, 242, 244, 240 and 240a. This is due to their road frontage locations or visual linkage with each other. This ribbon of development already appears suburban in nature and rural character has therefore already been eroded. The appeal proposal would share common frontage and visually link with the other development within the existing ribbon and would add to it. This would further unacceptably erode rural character within this part of the countryside. The Council's third reason for refusal based on Policy CTY 14 of PPS 21 is therefore sustained.
- 5.13 Policy CTY 13 'Integration and Design of Buildings in the Countryside' states that planning permission will be granted for a building where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. A new building will

be unacceptable in seven instances one of which is (b) where the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Mature trees line the eastern boundary of the appeal site and provide a sense of enclosure when travelling in both directions along Moira Road. This combined with the retention of the existing mature frontage hedge adjacent to Moira Road and the low-lying nature of the appeal site would ensure that the proposed development could be satisfactorily integrated into the surrounding landscape. The Council's fourth reason for refusal based on Policy CTY 13 of PPS 21 is not sustained.

- 5.14 I have concluded that the appeal proposal is not acceptable in principle in the countryside as it would fail to meet the requirements of both Policy CTY 1 and CTY 8 of PPS 21. I have also concluded that it would erode the rural character of the area contrary to Policy CTY 14 of PPS 21. Accordingly the first, second and third reasons for refusal are sustained and are determining in this appeal.

6.0 **RECOMMENDATION**

- 6.1 I recommend to the Commission that as I have found the Council's first, second and third reasons for refusal based on Policies CTY 1, CTY 8 and CTY 14 of PPS 21 to be sustained the appeal is dismissed and outline planning permission is refused.
- 6.2 This decision is based on Drawing Number 19188_DD001 titled Location Map and Site Plan, scale: 1:500/1:2500 @ A2 and received by the Council on 19 December 2019

List of Appearances**Planning Authority:-****Ms. Marie-Claire O'Neill
Lisburn and Castlereagh City Council****Appellant(s):-****Mr Tom Wilson, Tom Wilson Planning****List of Documents****Planning Authority:-****“A” Post Hearing Evidence (Planning History)****Appellant(s):-****“B” Written Statement of Case**



Planning Committee

01 August 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 4 – Submission of Pre-Application Notice (PAN) for amendments to the car parking and landscaping layout to be provided as part of the approved Dundonald International Ice Bowl (DIIB) redevelopment.

Background and Key Issues:

Background

1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.

Key Issues

1. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report set out how the requirement of the legislation and associated guidance has been considered as part of the submission.

Recommendation:

It is recommended that the Members note the information on the content of the Pre-application Notice attached in the appendices.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please give explanation/rationale for why it was not considered necessary:

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:**SUBJECT TO PLANNING APPROVAL:**

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:**Appendix 4 (a)** - Report in relation to LA05/2022/0663/PAN**Appendix 4 (b)** – LA05/2022/0663/PAN– PAN Form**Appendix 4 (c)** – LA05/2022/0662/PAN– Site Location Plan**HAS IT BEEN SUBJECT TO CALL IN TO DATE?**

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	01 August 2022
Responsible Officer	Conor Hughes
Date of Report	22 July 2022
File Reference	LA05/2022/0663/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for amendments to the car parking and landscaping layout for the Dundonald International Ice Bowl (DIIB) redevelopment.

Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
4. The PAN for the above described development was received on 08 July 2022. The earliest possible date for the submission of a planning application is week commencing 03 October 2022.

Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

6. The description associated with the FORM PAN1 is for amendments to the car parking and landscaping layout for the previously approved Dundonald International Ice Bowl (DIIB) development.

7. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

The postal address of the site, (if it has one);

8. The postal address identified on the FORM PAN1 as Dundonald International Ice Bowl (DIIB), 111 Old Dundonald Road, Dundonald, Belfast, BT16 1XT.
9. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site;

10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

Details of how the prospective applicant may be contacted and corresponded with;

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
12. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent at AECOM, 10th Floor, the Clarence West, Building 2, Clarence Street West, Belfast, BT2 7GP
13. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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;

14. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that question 9 of the FORM PAN 1 indicates that an environmental impact assessment determination has been made. This reference is in relation to the earlier application against which the proposed amendments relate.

A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

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

16. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the 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 has been provided.

The PAN form indicates at Question 10 that an Open House Public Drop In Session will be held at Dundonald International Ice Bowl on Tuesday 16 August 2022 from 12 Noon until 7pm.

Reference is also made to the event being publicised in the Belfast Telegraph on Monday 08 August 2022. Public Exhibitions and consultation material will be displayed at the Ice Bowl and Dundonald Library from Wednesday 17 August to Wednesday 28 September 2022.

An online version of the feedback form will be made available as well as a dedicated email address [theicebowl@aecom.com].

Information Leaflets are to be delivered to addresses within the immediate vicinity of the DIIB complex approximate 1km radius of the subject site.

Posters advertising consultation events to be displayed in commercial units located at Eastpoint Entertainment Village [subject to agreement] and social media will be used by LCCC and DIIB to publicise consultation.

Elected Members for the DEA identified as having an interest will receive a copy of the Proposal of Application Notice on 08 July 2022.

Recommendation

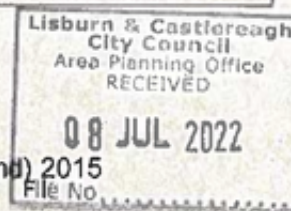
17. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee note the information submitted.

Form PAN1

Official Use Only LA05/22/0663	
Reference No.:	
Associate Application No.:	
Registration date:	

Proposal of Application Notice

Planning Act (Northern Ireland) 2011
 Planning (General Development Procedure) Order (Northern Ireland) 2015



To be completed for all developments within the major category of development

Please note that when you submit this form the information, including plans, maps and drawings, will appear on the Planning Register which is publicly available and, along with other associated documentation (with the exception of personal telephone numbers, email addresses or sensitive personal data), will also be published on the internet on the Public Access site (www.planningni.gov.uk/public-access-info). The Department for Infrastructure and the 11 Councils will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available at www.infrastructure-ni.gov.uk/dpi-privacy. To request a hard copy, please contact the relevant Data Protection Officer as listed in the statement.

1a. Applicant's name and address

1b. Agent's name and address (if applicable)

Name:	Lisburn & Castlereagh City Council	Name:	AECOM (Contact: Tony Sloan)
Address:	Civic Centre Lagan Valley Island	Address:	AECOM, 10th Floor, The Clarence West Building, 2 Clarence Street West
Town:	Lisburn	Town:	Belfast
Postcode:	BT27 4RL	Postcode:	BT2 7GP
Tel:	c/o Agent	Tel:	0799 0063 368
E-mail:	c/o Agent	E-mail:	tony.sloan@aecom.com

2. Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, describe its location. Please outline the site on an OS base plan and attach it to this completed notice.

Dundonald International Ice Bowl (DIIB) (including the existing building and adjacent land within the Ice Bowl complex), 111 Old Dundonald Road, Dundonald, Belfast, BT16 1XT

3. What is the area of the site in hectares?

13.994

4. Description of Proposed Development Please describe the development to be carried out, outlining its characteristics. Please also enclose appropriate drawings, including: plan, elevations and site layout of the proposal.

Amendments to the car parking and landscaping layout to be provided as part of the approved Dundonald International Ice Bowl (DIIB) redevelopment. Consent for amendments to be sought under Section 54 of the Planning Act (Northern Ireland) 2011, which will seek to vary conditions attached to the DIIB planning permission (reference: LA05/2020/0048/F).

5. What is the total gross floorspace of the proposed development?

13,744

6. If the proposed development includes a renewable energy project, what is the total amount of power (in kilowatts or megawatts) expected to be generated per year?

N/A

7. Which type of planning permission does this Proposal of Application Notice relate to? (Please tick)

Full planning permission Outline planning permission

8. Has a determination been made as to whether the proposed development would be of Regional Significance?

Yes (Please enclose a copy of the determination made under Section 26 of the Planning Act (NI) 2011)
 No

9. Has an Environmental Impact Assessment determination been made?

Yes (Please enclose a copy of the determination made under Part 2 of the Planning [Environmental Impact Assessment] Regulations [NI] 2015)
 No

10. Please give details of proposed consultation

Proposed public event	Venue	Date and Time
Open-House Public Drop-In	Dundonald International Ice Bowl	Tuesday 16th August 2022
Session		12.00 noon – 19.00 pm
Name of publication(s) used: Belfast Telegraph		
Proposed newspaper advert date(s): Monday 8th August 2022		
Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc) and method of notification (please include date, time and with whom): Public exhibitions - Consultation material will be displayed at Dundonald International Ice Bowl and Dundonald Library from Wednesday 17th August to Wednesday 28th September 2022 (Subject to opening hours). Feedback sheets and post-boxes will be provided at each exhibition. Website - The consultation material will be available on DIIB's website (https://www.theicebowl.com/) from Tuesday 16th August to Wednesday 28th September 2022. An online version of the feedback form will be made available as well as a dedicated email address (theicebowl@aecom.com)		
Details of any other publicity methods (such as leaflets, posters, etc): Information Leaflets - To be delivered to addresses within the immediate vicinity of the DIIB complex (approximate 1km radius of the subject site). Posters advertising consultation events - To be displayed within commercial units located at Eastpoint Entertainment Village (subject to their agreement). Social Media - LCCC and DIIB social media accounts to publicise consultation.		

11. Please state which other parties have received a copy of this Proposal of Application Notice (Please continue on a separate sheet if necessary)

<p>Elected member(s) for District Electoral Area Castlereagh East: - Alderman David Drysdale (DUP) - Councillor Hazel Legge (UUP) - Councillor Sharon Skillen (DUP) - Councillor Sharon Lowry (APNI) - Councillor Martin Gregg (APNI) - Councillor John Lavery BEM (DUP)</p>	<p>Date notice served 8th July 2022</p>
<p>Other</p>	<p>Date notice served</p>

12. Council Employee / Elected Member Interest

Are you / the applicant / applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes No

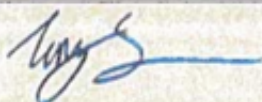
Or are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes No

If you have answered yes, please provide details (name, relationship and role):

<p>Lisburn & Castlereagh City Council project contact: Colum Surginor Capital Projects Manager</p>
--

13. Declaration

<p>Signature:</p>	
<p>Print name:</p>	<p>Tony Sloan</p>
<p>Date:</p>	<p>08/07/2022</p>

PLEASE NOTE: A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation report.

We will respond within 21 days of receiving the Notice. We will confirm whether the proposed pre-application community consultation is satisfactory, or if additional notification and consultation is required. The minimum statutory consultation activity includes holding one public event and its advertisement in a local paper. We also require this Notice to be sent to local councillors for the District Electoral Area in which the proposed development is situated, and evidence of additional publicity of the event.

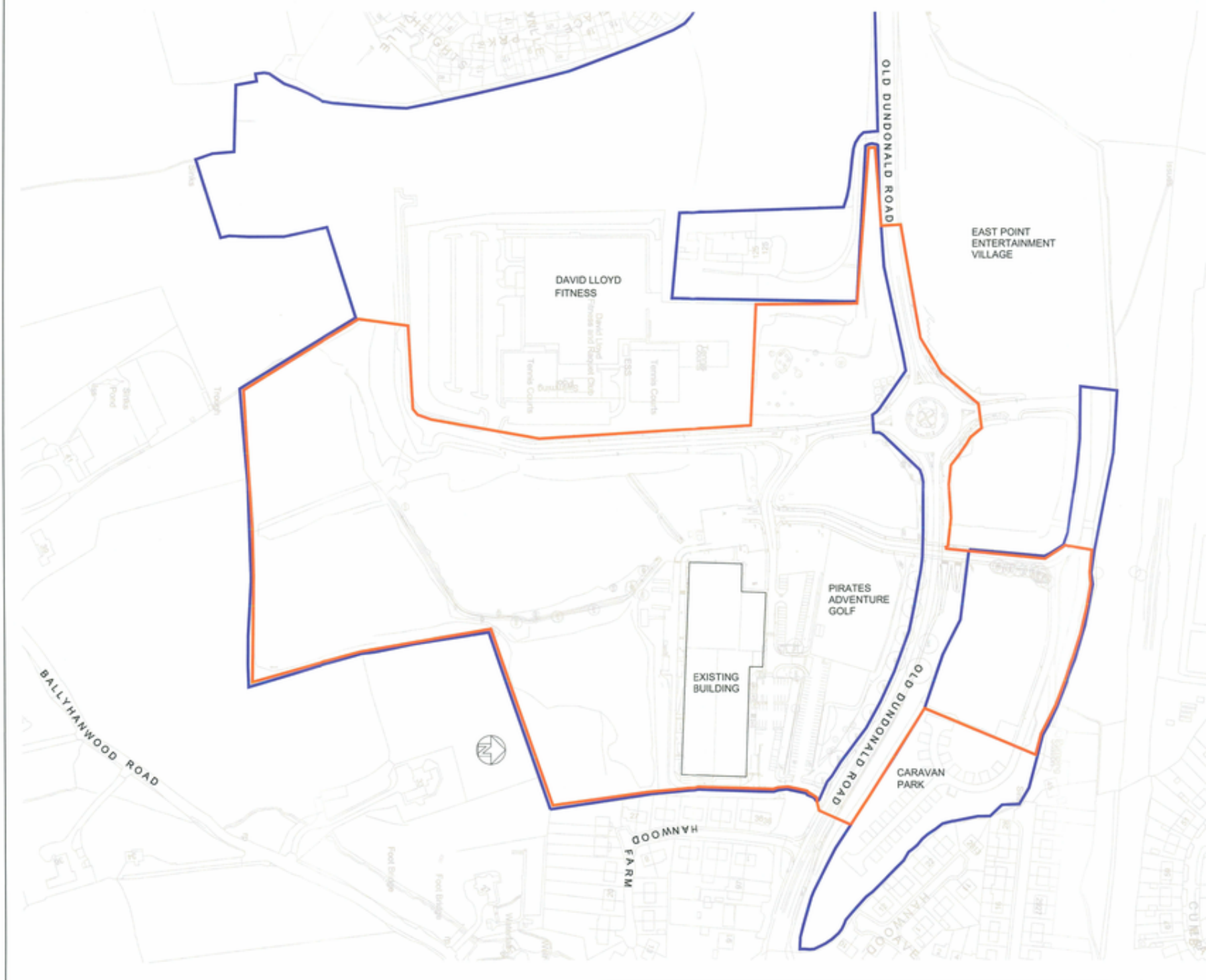
Project
Dundonald International Ice Bowl (DIIB)

111 Old Dundonald Road,
Belfast BT16 1AT

Client
Lisburn & Castlereagh City Council

Consultant
AECOM
10th Floor, The Clarence West Building
2 Clarence Street West
Belfast
BT2 7GP
United Kingdom
Fax +44 (0)28 9060 7399
Tel +44 (0)28 9060 7200
www.aecom.com

Notes
 - Site Boundary
 - Land Owned By Applicant



ISSUE/REVISION

NO.	DATE	DESCRIPTION
1	25.10.19	Updated for Consultation Letter
2	21.01.19	Per Application
3	05.10.19	Preliminary PFD Application



Suitability Status
Planning Submission Issue
Project Number
 01067570
Sheet Title
 Site Location Plan

Sheet Number
 DIS-ACM-00-ZZ-DR-AR-000001
Scale: 1:1250@A1 **Rev:** P01

Project Management Initials: Designer: SP, Checked: SP, Approved: AC, Drawn By: MC, ISO A1 (84mm x 610mm)

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Planning Committee

01 August 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 5 - Notification by telecommunication operator(s) of intention to utilise permitted development rights

Background and Key Issues:

Background

1. The Council is notified by three different telecommunication operators of their intention to utilise permitted development rights at a total of three locations within the Council area to install electronic communications apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Key Issues

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. A list of the recent notification(s) is provided.
2. 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 Council. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met.

Recommendation:

It is recommended that Members note the detail of the notifications specific to the site identified and that hard copies are available to view at the Council Offices at Lagan Valley Island.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

If no, please provide explanation/rationale

This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. Screening not required.

If yes, what was the outcome:

Option 1 Screen out without mitigation	<input type="text" value="N/A"/>	Option 2 Screen out with mitigation	<input type="text" value="N/A"/>	Option 3 Screen in for a full EQIA	<input type="text" value="N/A"/>
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

N/A

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="No"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>
--	---------------------------------	---	---------------------------------

If no, please given explanation/rationale for why it was not considered necessary:

This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 5 – Notifications from an Operator in respect of intention to utilise permitted development rights

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights August 2022 Planning Committee

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	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Fibrus	Fibrus	Ballynahinch Road, Annahilt	Installation of new cabinet	28/06/2022
2	KTL	EE Limited	Carnkilly Hill, Glenavy	Replacement of 3no antenna and installation of 1no GPS Node and 3 no Remote Radio Units	30/06/2022
3	Cornerstone	O2	Carryduff Shopping Centre, Church Road, Belfast	Proposed upgrade works at existing communications installation	18/07/2022



Planning Committee

01 August 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 6 – Proposed abandonment of a public right of way at the Greengraves Road, Dundonald

Background and Key Issues:

Background

1. The Department for Infrastructure in a letter dated 11 January 2021 made contact with the Council in relation to an application by Lagan Homes for the abandonment of part of the Greengraves Road, Dundonald.
2. The letter advised that the abandonment was necessary to facilitate re-development in the area. Members will note that this is part of the road works agreed through a planning application process.
3. Further correspondence in relation to the proposed abandonment is provided in a letter dated 22 June 2022.

Key Issues

1. A copy of the draft order, a local map and the Statutory Notice of Intention is provided for information purposes only.
2. A copy of the Order will be provided if/and when it comes into operation.

Recommendation:

It is recommended that the committee note the additional information provided by DfI Roads in relation to the intention to abandon a public right of way at Greengraves Road, Dundonald.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report detailing the intention of the Department to abandon a right of way under separate legislation. The Council is informed of the intention through the normal consultation process. No EQIA is required.

If yes, what was the outcome?

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
---	-----	--	-----	---	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please given explanation/rationale for why it was not considered necessary:

This is a report detailing the intention of the Department to abandon a right of way under separate legislation. The Council is informed of the intention through the normal consultation process. No RNIA is required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 6 – Letter from Department for Infrastructure regarding abandonment of Rights of Way at Greengraves Road.

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

No

Eastern Division



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

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

Telephone: 0300 200 7893

Textphone number: 028 9054 0022

Email: Sandra.connolly@infrastructure-ni.gov.uk

Being Dealt With By Sandra Connolly
Direct Line: 02890 526162

Your Ref:
Our Ref: MD2/Z/03/1090

Date: 22nd June 2022



Dear Sir/Madam

**ROADS (NI) ORDER 1993
ABANDONMENT OF PUBLIC RIGHTS-OF-WAY AT GREENGRAVES ROAD,
DUNDONALD**

Further to previous correspondence in respect of the proposed abandonment indicated above. I enclose for your information a copy of the draft order, a location map and the Statutory Notice of Intention which will be published in the Belfast Gazette on 27th June 2022, in the Belfast Telegraph, News Letter and Irish News on 22nd June and 29th June 2022.

This is for information purposes only, a response is not necessary.

If/when the Department make the order, I will forward a copy when it comes into operation.

Yours faithfully

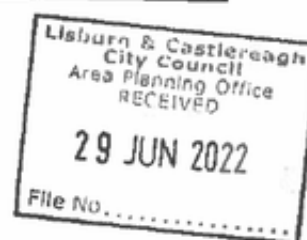
Sandra Connolly
Land Acquisition

ENC

 STATUTORY RULES OF NORTHERN IRELAND

2022 No.

ROADS



The Greengraves Road, Dundonald (Abandonment and Stopping-Up) Order (Northern Ireland) 2022

<i>Made</i>	- - - -	2022
<i>Coming into operation</i>	-	2022

The Department for Infrastructure(a) makes the following Order in exercise of the powers conferred by Article 68(1), (3) and (5) of the Roads (Northern Ireland) 1993(b) and now vested in it(c).

The Department in accordance with Article 68(4) of that Order proposes on the completion of works providing alternative facilities for road traffic to abandon the area of Greengraves Road as described in Part 1 of the Schedule and to stop-up Greengraves Road to vehicular traffic at the line described in Part 2 of the Schedule.

Notice has been published, served and displayed in compliance with paragraphs 1, 2 and 3 of Schedule 8 to that Order.

(Here will follow, where appropriate, recitals of the fact of any written objections received or inquiry held and the outcome thereof).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Greengraves Road, Dundonald (Abandonment and Stopping-Up) Order (Northern Ireland) 2022 and shall come into operation on 2022.

(2) In this Order “the developer” means Lagan Homes whose registered office is situated at Lagan House, 19 Clarendon Road, Belfast, BT1 3BG.

Application

2.—(1) The developer shall carry out such works as the Department considers necessary for the provision of alternative facilities for road traffic and on the completion of works the area of Greengraves Road described in Part 1 of the Schedule shall be abandoned and Greengraves Road shall be stopped-up to vehicular traffic at the line described in Part 2 of the Schedule.

(2) The developer shall carry out such works as the Department considers necessary to prevent or restrict to such extent as the Department think fit, access to the road by vehicular traffic.

(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act 2016 (2016 c. 5 (N.I.)).

(b) S.I. 1993 3160 (N.I. 15).

(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV.

3.—(1) All existing cables, wires, mains, pipes or other apparatus placed along, across, over or under the abandoned area of road and the stopped-up road shall be removed.

(2) All existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be extinguished.

Sealed with the Official Seal of the Department for Infrastructure on 2022

(L.S.)

A senior officer of the Department for Infrastructure

SCHEDULE

Article 2(1)

AREA OF ROAD TO BE ABANDONED AND ROAD TO BE STOPPED-UP

PART 1

AREA OF ROAD TO BE ABANDONED

An area of 1,334 square metres of carriageway of Greengraves Road, Dundonald extending from a point 180 metres east of its junction with Millmount Road for a distance of 195 metres in an easterly direction, more particularly delineated and shown hatched and coloured red on Map No. IN1/22/109835.

PART 2

ROAD TO BE STOPPED-UP TO VEHICULAR TRAFFIC

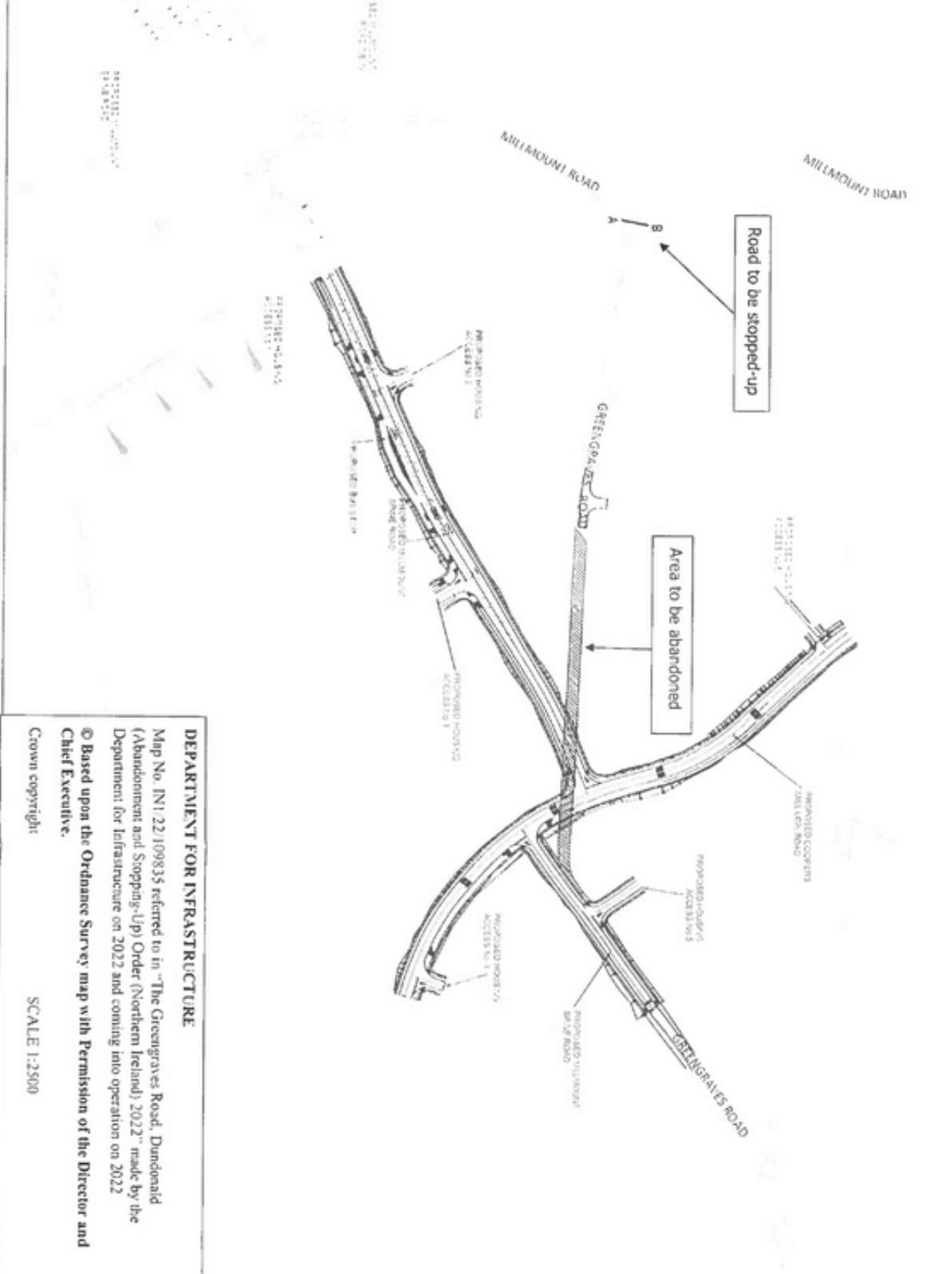
Greengraves Road, Dundonald at a line at its junction with Millmount Road for a distance of 15.8 metres in a northerly direction, more particularly delineated and marked A-B on Map No. IN1/22/109835.

A copy of the map has been deposited at the Department's Headquarters, Room 301, Clarence Court, 10-18 Adelaide Street, Belfast and at DfI Roads Eastern Division, Lands Section, Annex 7 Block 2, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abandons the area of road and stops-up the road described in the Schedule.



DEPARTMENT FOR INFRASTRUCTURE

Map No. IN/22/109835 referred to in "The Greengraves Road, Dundonald (Abandonment and Stopping-Up) Order (Northern Ireland) 2022" made by the Department for Infrastructure on 2022 and coming into operation on 2022

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Crown copyright

SCALE 1:2500

<p>RPS</p> <p>REGULATED PROFESSIONAL SERVICES</p> <p>100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000</p>		<p>Scale: 1:2500</p> <p>North Arrow</p>
<p>Millmount Developments LLP</p> <p>Project: Millmount Village Phase 2 Dundonald</p>	<p>Abandonment Order Drawing</p> <p>Project No: IBH0483</p> <p>Scale: 1:2500</p> <p>Drawing No: IBH0483/AO/0003</p> <p>Scale: 1:2500</p> <p>Author: JMB</p> <p>Check: BJD</p> <p>Date: 28/07/2022</p>	

Abandonment and Stopping-Up – Greengraves Road, Dundonald

The Department for Infrastructure (DfI), gives notice of its intention to make an Order under Article 68 of the Roads (Northern Ireland) Order 1993, the effect of which would be to abandon an area of 1,334 square metres of road at Greengraves Road, Dundonald, extending from a point 180 metres east of its junction with Millmount Road for a distance of 195 metres in an easterly direction, and to stop-up Greengraves Road to vehicular traffic at its junction with Millmount Road, after completion of such works as the Department considers necessary to provide alternative facilities. The area of road proposed to be abandoned and the road to be stopped-up are delineated on a map which, together with a copy of a draft order, may be inspected free of charge during office hours within the period 22nd June 2022 to 1st August 2022 at DfI Roads Eastern Division, Lands Section, Annexe 7 Block 2, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast, BT4 3SQ.

Due to ongoing Covid-19 guidance, access to this building is limited and inspection of the draft Order and map is by appointment only which can be arranged either by email using the lands eastern email address below or by telephone during office hours (Monday to Friday 9.00 a.m. to 5.00 p.m.) on 0300 200 7899. Details can also be viewed online at www.infrastructure-ni.gov.uk/consultations

Any person may, within the period above, object to the proposal by writing to the Department at the address above or emailing lands.eastern@infrastructure-ni.gov.uk stating the grounds of the objection. Information you provide in your response to this consultation, excluding personal information, may be published or disclosed in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations (EIR). If you want the information you provide to be treated as confidential, please tell us why, but be aware that, under FOI/EIR, we cannot guarantee confidentiality. For information regarding the Department Privacy Notice following the introduction of GDPR please go to the following link <https://www.infrastructure-ni.gov.uk/dfi-privacy> or phone the Data Protection Office on 028 90540540. For further details on confidentiality, the FOIA and EIR please refer to www.ico.org.uk



Planning Committee

01 August 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 7 - Informal consultation on guidance for Councils in respect of serving building preservation notices

Background and Key Issues:

Background

1. In June 2022, a report in relation to a request for feedback on Guidance for Councils on building preservation notices was made available to Members.
2. The report advised that since 01 April 2015, Councils have had the power to serve a 'Building Preservation Notice' [BPN] as a discretionary power under the Planning Act (Northern Ireland) 2011 where it appears that a building is of architectural or historic merit and is at risk of demolition or significant alteration.
3. It explained that the notice when served is a form of temporary listing which provides statutory protection to an unlisted building for a period of 6 months.
4. This discretionary power transferred from the former Department of the Environment [DoE], under the review of Public Administration transfer of functions agreement.
5. Whilst no resource with experience of serving these types of notice transferred to Council, a good practice guide has subsequently been developed to explain how and when to consider serving a BPN.

Key Issues

1. As previously noted Historic Environment Division alerted the Council that it was undertaking an informal review of the guidance for serving building preservation notices. Comments or suggested improvements were invited in relation to the guidance on or before 01 July 2022.
2. As advised the comments sought in respect of the current guidance were considered to be technical in nature and to assist officers of the Council in bringing forward advice and recommendations to committee. The decision making process would still rest with Elected Members.
3. At the Development Committee meeting held on 1 June 2022 Members provided delegated authority for the response to the consultation to be prepared by officers and the final response added to the noting schedule for the Development Committee for Members' information. The document was also provided to Members of the Planning Committee on 13 June 2022.
4. A copy of the response that issued by way of delegated authority is provided for your information.

Recommendation

It is recommended that Members note the response prepared and submitted under delegated authority.

Finance and Resource Implications:

No finance and resource implications are identified.

Screening and Impact Assessment**1. Equality and Good Relations**

Has an equality and good relations screening been carried out on the proposal/project/policy?

No

If no, please provide explanation/rationale

This is a report on feedback provided back to the Department for Communities - Historic Environment Division in relation to Guidance for Councils on building preservation notices/Schemes of Delegation. The requirement for EQIA screening rests with the Department.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

No

Has a Rural Needs Impact Assessment (RNIA) template been completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

This is a report on feedback provided back to the Department for Communities - Historic Environment Division in relation to Guidance for Councils on building preservation notices. The requirement for EQIA screening rests with the Department.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 7 (a) – Guidance for Councils on building preservation notices

APPENDIX 7 (b) – Response provided on guidance document

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Building Preservation Notices

A good practice guide for District Councils

Issue 2.0 May 2017

Historic Environment Division



Front Page: Lidells Mill, Donaghcloney ©DfC

Issue Date: May 2017

'This good practice guide aims to assist councils achieve a consistent approach when considering serving a Building Preservation Notice on an unlisted building. Its correct application will help councils to identify and satisfy legislative requirements with regard to Building Preservation Notices, where the building appears to be of architectural and historic importance and is in danger of demolition or of alteration in such a way as to affect its character.'

This guide does not attempt to provide a detailed account of the legislation and policy that underpin Building Preservation Notices in Northern Ireland, and is not intended to be a source of definitive legal advice. This guide is not intended to replace the need for council judgement in their decision making. Reference should be made to the actual legislation referred to in this document and if any discrepancy or conflict exists between this guide and legislation, the provisions of the legislation will prevail.

*Further information can be obtained from the Department for Communities website
<https://www.communities-ni.gov.uk/>*

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Overview

Since 1st April 2015, district councils have had the power to serve a 'Building Preservation Notice' (BPN), where it appears to a council that a building is of architectural or historic merit and is at risk of demolition or significant alteration.¹ This discretionary power transferred from the former Department of the Environment (DOE), to district councils, under the Review of Public Administration transfer of functions agreement.

To assist councils undertake this new function, this good practice guide has been developed as a series of questions and accompanying answers to explain how and when councils may consider serving a BPN.

On 9th May 2016, the functions of the former Department of the Environment (DOE) were allocated to three new departments; Department for Infrastructure (DfI), Department of Agriculture, Environment and Rural Affairs (DAERA) and Department for Communities (DfC)

Historic Environment Division (HED) transferred to DfC and Strategic Planning Division (SPD) functions transferred to DfI. Respective departmental powers under the Planning Act (Northern Ireland) 2011, have been set out in the The Departments (Transfer of Functions) Order (Northern Ireland) 2016.



Front cover image & above: Lidells Mill, Donaghcloney, Grade B2 listed building, initially protected by a BPN© DfC

¹ Sections 81 & 82 of The Planning Act (NI) 2011

1. Introduction

- 1.1 The historic environment is an asset of immense cultural, social, economic and environmental value, which contributes to our sense of history, place and our quality of life. District Councils and the Department² have responsibility under the Planning Act (NI) 2011 to protect and conserve the historic environment for the benefit of our present and future generations.
- 1.2 District councils can actively contribute to the protection and conservation of the built heritage through the appropriate application of Building Preservation Notices (BPN) where there is concern that an unprotected historic building of special interest is in danger of demolition or significant alteration.
- 1.3 'Historic Buildings' can be understood to be any feature or structure built by man. The more recent the date of a structure the less historic it will be. This implies that a recent structure will need to have high architectural interest if it is to be protected in this way.

2. What is a Building Preservation Notice?

- 2.1 A BPN is a form of temporary listing which provides statutory protection to an unlisted building, for a period of 6 months, as if it were listed. The Planning Act (Northern Ireland) 2011 gives councils the discretionary power to serve a Building Preservation Notice (BPN) on the owner and occupier of a non-listed building that they consider meets the following test:

- It is of special architectural or historic interest; and
- It is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.

- 2.2 These powers are detailed in Section 81 – 83 of the Act. For the 6 month period of the BPN, the building is protected as though it was a listed building and all relevant planning controls apply. This includes the need to apply for Listed Building Consent for changes that might affect its architectural or historic interest, and enforcement powers relating to unapproved works.



² References to the 'Department' in this guide refer to the 'Department for Communities' - DfC)

- 2.3 Prior to the Review of Public Administration, BPNs were available to the Department of the Environment (DOE) under the Planning (NI) Order 1991 and were implemented by the Historic Environment Division (HED). Central government no longer has this power.

3. What is the process for serving a BPN?

- 3.1 If a council considers that a building meets the statutory tests then it can issue a Building Preservation Notice. A standard form, (*see Appendix A1&A2*) can either be served on the owner and occupier by registered delivery or in urgent cases it can be affixed to the building. Though it is important that an owner knows of this legal change as soon as possible, it is also essential that there is no confusion in regard to ownership and protection. Where there is any doubt in regard to ownership, it is recommended that a notice is also affixed to the building. This approach, using the same form, is provided for by Section 82 of the Planning Act (NI) 2011.
- 3.2 At the same time the council should forward a listing request to HED, who on behalf of the Department, will consider listing the building. This will give HED the maximum time to consider the case. **HED requires a minimum of five months to consider such a request.** A copy of the information used by the council in arriving at this decision would be very helpful to HED as it commences its appraisal. This should be enclosed with the request.
- 3.3 From notification, HED will commence a process to: record the structure; consider the building against the Listing Criteria³; undertake statutory⁴ (and non statutory) consultations; and make a final decision. The council will be consulted as part of the process and informed of the final decision.
- 3.4 It is not anticipated that the number of BPNs served will be large. From introduction in 2003 to the end of 2013 only 43 BPNs were issued. Public requests and Departmental use of the power rose in line with development activity during the 2000s and declined in more recent years in line with the economic downturn.

³ The Listing Criteria was published in a revised and updated Annex C of Planning Policy Statement 6 in March 2011.

⁴ Historic Buildings Council, District Councils and Strategic Planning Division in DfI

4. How can district councils be made aware of such buildings?

4.1 Councils can be made aware of such buildings through a number of different ways:

- A planning application may be submitted that involves the demolition of a historic building. A council planning officer or a member of the public may then raise a request that this building be considered for protection.
- HED may separately ask a council to consider taking action. Its power to protect by making a structure a listed building requires detailed research and advance consultation. It may consider there is a high risk of loss during this period.
- It is also possible that a member of the public may make a request without a current planning application being in place - in this case they would need to supply other evidence that the building is in risk of demolition or substantial alteration.

5. When should district councils consider using the power?

5.1 Before a BPN can be served there are two tests that need to be met:

Test 1: Does it appear to the district council that the building is *of special architectural or historic interest*?

Annex C of Planning Policy Statement 6 (March 2011) sets out the criteria that the Department follows when considering this test. The BPN legislation is, however, carefully written to make clear that its test is one of appearance. Detailed research and assessment can be carried out later. This lower test allows for swift action.

5.2 A report along the lines of a standard listing query report (Appendix B) is recommended. This may be compiled by a Conservation Officer⁵ or appointed consultant⁶ with reference to the published criteria. HED's listing team will be happy to liaise with district councils at this early stage in regard to advice on standards.

5.3 Listing Queries involve a site visit, initial historical research and an assessment of the record taken. While assessment by the Conservation Officer or consultant is likely to be sufficient, approval by the wider Planning team may, however, provide a more

⁵ This is normally a qualified planner or architect who has responsibility for providing advice to decision makers on the designation and management of heritage assets, such as Conservation Areas, within a Council area.

⁶ Where councils choose to appoint an external consultant, it is recommended that councils appoint consultants with appropriate architectural and historical expertise to make an initial assessment and recommendation.

robust corporate decision. If, following this stage, council officers consider that the building appears to be a building of special architectural or historic interest they can then consider the other BPN test.

5.4 Test 2: Is the building *in danger of demolition or of alteration in such a way as to affect its character as a building of such interest?*

This test is normally met if there is a current planning application involving the demolition or substantial alteration of the building or if the building is being advertised for sale as a cleared site/development opportunity. Unconfirmed rumours from the public are less clear cut, but may on occasion justify action if officers conclude that the risk is high. Unoccupied buildings can be considered to be of higher risk of sudden removal than those which are occupied.

5.5 It is good practice, in any case, that a letter is issued to the person who made the initial request to inform them of the outcome of the investigation.

6. When is compensation payable to affected owners?

6.1 Revocation of existing planning permission

A BPN can be served on a building even if there is an existing planning permission for its demolition or alteration. Should the building be subsequently listed, Listed Building Consent (LBC), will also be required for any proposed works of alteration. If LBC is not granted for works approved under a current planning permission, this may require the current planning permission to be revoked. Under Section 179 of the Planning Act (NI) 2011, applicants may seek compensation for losses associated with a revoked planning permission.⁷

To avoid major disruption to the smooth working of the planning system, together with consideration of the significant financial implications, and damage to the reputation of the heritage protection system, the Department has adopted the following policy:

*'A building will not normally be considered for listing by the Department once planning permission which will affect its special architectural or historic interest has been granted and is still valid, or while works which have received such planning permission are under way.'*⁸

⁷ See Section 179 of the Planning (Northern Ireland) Act 2011 '*Compensation where planning permission is revoked or modified*'.

⁸ Paragraph C26 of Annex C of Planning Policy Statement 6

If a council is actively considering serving a BPN in this circumstance, then the exceptional nature of the case will need to be highlighted in the request for listing submitted to HED.

6.2 Building fails to merit statutory listing

Compensation may also be claimed from the council for losses incurred due to the service of a BPN if, after consideration, the structure is not protected by the Department as a listed building. Section 186 of the Planning Act 2011 makes clear that such compensation would be in respect of *'any loss or damage directly attributable to the effect of the notice.'* This includes (Section 186 (2) *'a sum payable in respect of any breach of contract caused by the necessity of discontinuing or countermanding any works to the building on account of the building preservation notice being in force with respect to it.'*

- 6.3 No claim for such compensation has been made against the Department since the introduction of this power in 2003 even though, in a number of cases, the service of a notice did not lead to protection as a listed building. The provision emphasises, however, that a council should have due regard when considering serving a BPN.

7. If the building is not listed, can an alternative means of protection be applied?

- 7.1 Paragraph 6.24 of the Strategic Planning Policy Statement 2015 (SPPS), allows District Councils to bring forward bespoke policies in their Local Development Plan for historic buildings of local importance. These are defined as: *'a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.'*
- 7.2 The policy makes it clear that the effect of a planning application on the significance of a non-designated heritage asset should be taken into account in determining the application. Though it also says that such assets will have been *'identified by the council as an important part of their heritage'*⁹, there is no time requirement for this work, and such identification, could, in principle, be carried out at a late stage i.e. after the submission of a planning application.
- 7.3 To ensure that such structures have protection from demolition and inappropriate alteration, councils can consider the use of an 'Article 4 Direction'.¹⁰ This allows the removal of permitted development rights, including demolition, for a designated

⁹ Strategic Planning Policy Statement for Northern Ireland. September 2015, paragraph 6.24, page 41

¹⁰ Article 4 of the Planning (General Permitted Development) Order (NI) 2015 allows the Department or a District Council to *'give a direction that the permission granted by Article 3 shall not apply to— (a)all or any development of the Part, Class or paragraph in question in any particular area specified in the direction; or(b)any particular development, falling within that Part, Class or paragraph, which is specified in the direction.'*

area or feature. However, the agreement of the Department for Infrastructure is required¹¹ before such a route is followed.

- 7.4 It is good practice, however, to ensure that prospective applicants are aware of any potential designations on their property well in advance of making a planning application. This also helps to ensure that the identified historic and architectural interest can be taken into consideration at an early stage and costly changes avoided. The Department for Communities therefore recommends that district councils consider protection for such buildings well in advance of proposals for significant change.
- 7.5 To assist district councils take forward strategies to protect historic buildings of local importance, HED has published a guide to their identification and protection, which is available to download from its website at:

www.communities-ni.gov.uk/topics/historic-environment

8. What other heritage designations offer protection?

- 8.1 The temporary protection of historic buildings and structures through the service of a BPN is only one tool in a suite of controls aimed at managing the Historic Environment. Other features may be more appropriately protected as Monuments in State Care; Scheduled Historic Monuments; as part of Conservation Areas, or through area plan designations such as Areas of Townscape Character and Local Landscape Policy Areas¹².
- 8.2 Service of a notice on a structure which is already protected as a Listed Building, a Scheduled Historic Monument or a Monument in State care is not appropriate. Research to ensure that a structure is not already protected should form part of initial review of a case. Where a structure is located within an area designation, the merits of increasing protection via the BPN versus reliance on the existing planning controls should be considered.

9. Can councils seek support from HED?

- 9.1 Yes. As the Government's expert advisor on the Historic Environment in Northern Ireland, HED can provide further advice to councils as they decide how best to deploy this power. HED has 40 years experience of carrying out historic buildings surveys across Northern Ireland and 10 years in the service of Building Preservation

¹¹ Article 4 (2): 'Subject to paragraph (4), a direction by a council under this Article shall require the approval of the Department who may approve the direction with or without modifications.'

¹² The Strategic Planning Policy Statement provides more information and definitions for all of these area heritage designations.

Notices. Engagement with councils who want to set up appropriate procedures in regard to this facet of heritage protection is welcomed by HED.



Above: Dundrum Road, Tassagh, B1 Listed Terrace, protected initially by BPN © DfC

Appendix A Typical Building Preservation Notice.

Appendix A (1) Notice for service on owner/ occupier

Appendix A (2) Notice to be served on the building

Appendix A (1)**NOTICE FOR SERVICE TO OWNER/ OCCUPIER****PLANNING ACT (NORTHERN IRELAND) 2011 SECTION 81-83****BUILDING PRESERVATION NOTICE**

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

SERVED BY: XXX District Council

(Serving Officers Details: Name, Grade, and Telephone Number)

TO: *Owners Name and address (if Known)*

This Building Preservation Notice, (the 'Notice') is served by XXX District Council for the purposes of Section 81-82 of the Planning Act (NI) 2011 ("the Act") because it appears to XXX District Council that the building described in the Schedule to this Notice which is not a listed building, is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.

XXX DISTRICT COUNCIL GIVES NOTICE THAT:

1. The building described in the Schedule ("the Building") appears to XXX District Council to be of special architectural or historic interest and the Department¹³ is considering including the Building in a list of buildings of special architectural or historic interest compiled under Section 80 of the Act.
2. By Section 81(3) of the Act, the Notice shall come into force as soon as it has been served on both the owner and occupier of the Building and shall remain in force for 6 months from the date when it was served or last served.
3. By Section 81(4) of the Act the Notice shall cease to be in force if, before the expiration of that 6 months, the Department either includes the Building in a list compiled under Section 80 of the Act or notifies the owner and occupier of the Building in writing that it does not intend to do so.
4. By Section 81(5) of the Act while the Notice is in force, the provisions of the Act (other than Section 103) shall have effect in relation to the Building as if it were a listed building; and by Section 83 of the Act, if the Notice ceases to be in force by virtue of the expiry of the 6 month period or service of notification, in writing by the Department that it does not intend to list

¹³ Historic Environment Division on behalf of the Department for Communities (DfC)

the Building, then the provisions of Section 83 shall have effect with respect to things done or occurring under the Notice or with reference to the Building. Under Section 83:

- (a) the fact that the Notice has ceased to be in force shall not affect liability for offences committed under the Act with respect to the Building while it was in force;
- (b) any proceedings on or arising out of an application for listed building consent with respect to the Building made while the Notice was in force and any such consent granted while it was in force shall lapse;
- (c) any listed building enforcement notice served under the Act while the Notice was in force shall cease to have effect and any proceedings, including appeal proceedings, relating to the listed building enforcement notice, shall lapse;
- (d) Section 186 (as applied by Section (186 (2)) of the Act shall continue to have effect as respects any expenses incurred by the owner or occupier as mentioned in that Section and with respect to any sums paid on account of such expenses.

NOTE: This Notice does not call for any action on your part unless you propose at any time to demolish the Building or execute or cause to be executed any works (either to the exterior or interior) for the demolition of the building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historical interest. If you wish to carry out such works you will need to obtain listed building consent, in writing from **XXX District Council Planning Authority** before commencing the works.

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE OF SERVICE. THERE IS NO RIGHT OF APPEAL TO THE PLANNING APPEALS COMMISSION AGAINST THIS NOTICE.

Any person who carries out unauthorised works to the Building will be guilty of an offence under Section 85 of the Act and liable:

- A) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding £100,000, or both;
- B) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both;

and in determining the amount of any fine imposed on a person convicted of an offence under Section 85 (1) or (5) the court shall have particular regard to any financial benefit which has accrued or is likely to accrue to him in consequence of the offence.

If you need independent advice about the Notice, you are advised to contact a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

SCHEDULE

Insert address of building being served.

Dated this (insert date) day of (insert month) 20XX

Signed: (signature)

Authorised Officer on behalf of XXX District Council.

Appendix A (2)**NOTICE TO BE AFFIXED TO STRUCTURE****PLANNING ACT (NORTHERN IRELAND) 2011 SECTION 81-83****BUILDING PRESERVATION NOTICE****IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY****SERVED BY:** *XXX District Council**(Serving Officers Details: Name, Grade, and Telephone Number)***TO:** *Owners Name and address (if Known)*

This Building Preservation Notice, (the 'Notice') is served by *XX District Council* for the purposes of Section 81-82 of the Planning Act (NI) 2011 ("the Act") because it appears to *XX District Council* that the building described in the Schedule to this Notice which is not a listed building, is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.

XXX DISTRICT COUNCILS GIVES NOTICE THAT:

1. The building described in the Schedule ("the Building") appears to *XXX District Council* to be of special architectural or historic interest and the Department is considering including the Building in a list of buildings of special architectural or historic interest compiled under Section 80 of the Act.
2. By Section 81(3) of the Act, the Notice shall come into force as soon as it has been served on both the owner and occupier of the Building and shall remain in force for 6 months from the date when it was served or last served.
3. By Section 81(4) of the Act the Notice shall cease to be in force if, before the expiration of that 6 months, the Department either includes the Building in a list compiled under Section 80 of the Act or notifies the owner and occupier of the Building in writing that it does not intend to do so.
4. By Section 81(5) of the Act while the Notice is in force, the provisions of the Act (other than Section 103) shall have effect in relation to the Building as if it were a listed building; and by Article 83 of the Act, if the Notice ceases to be in force by virtue of the expiry of the 6 month period or service of notification, in writing by the Department that it does not intend to list the Building, then the provisions of Section 83 shall have effect with respect to things done or occurring under the Notice or with reference to the Building. Under Section 83:

- (a) the fact that the Notice has ceased to be in force shall not affect liability for offences committed under the Act with respect to the Building while it was in force;
- (b) any proceedings on or arising out of an application for listed building consent with respect to the Building made while the Notice was in force and any such consent granted while it was in force shall lapse;
- (c) any listed building enforcement notice served under the Act while the Notice was in force shall cease to have effect and any proceedings, including appeal proceedings, relating to the listed building enforcement notice, shall lapse;
- (d) Section 186 (as applied by Section (186 (2)) of the Act shall continue to have effect as respects any expenses incurred by the XX Council, owner or occupier as mentioned in that Section and with respect to any sums paid on account of such expenses.

5. By Section 82 of the Act:

- (1) If it appears to a council to be urgent that a building preservation notice should come into force, it may, instead of serving the notice on the owner and occupier of the building, affix the notice conspicuously to some object on the building.
- (2) The affixing of a notice under subsection (1) shall be treated for all the purposes of Section 81, this section, Section 83 and sections 86 to 101 as service of the notice.

The notice has been so affixed and by virtue of it being so affixed it is treated as being served for those purposes described in Section 82 (1) and (2) of the Act.

NOTE: This Notice does not call for any action on your part unless you propose at any time to demolish the Building or execute or cause to be executed any works (either to the exterior or interior) for the demolition of the building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historical interest. If you wish to carry out such works you will need to obtain listed building consent, in writing from **XX District Council Planning Authority** before commencing the works.

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE OF SERVICE. THERE IS NO RIGHT OF APPEAL TO THE PLANNING APPEALS COMMISSION AGAINST THIS NOTICE.

Any person who carries out unauthorised works to the Building will be guilty of an offence under Section 85 of the Act and liable:

- A) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding £100,000, or both;
- B) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both;

and in determining the amount of any fine imposed on a person convicted of an offence under Section 85 (1) or (5) the court shall have particular regard to any financial benefit which has accrued or is likely to accrue to him in consequence of the offence.

If you need independent advice about the Notice, you are advised to contact a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

SCHEDULE

Insert address of building being served.

Dated this (insert date) day of (insert month) 20XX

Signed: (signature)

Authorised Officer on behalf of XX District Council.

Appendix B Listing Query Report Form

Building Name:			
OS Map No:		IG Ref:	
Apparent Current Use:			
Pictures taken – Number:		Type: Digital/ Slides	
Date of Inspection:			
Exterior Description (not more than 100 words)			
Considered by council planning authority on :			
Checklist	Yes	No	
Building appears to satisfy listing criteria			
Building has permission to demolish or significantly alter the			

Decision

Signed: Date

Name & Title of authorising officer

Case Study: Navigation House, Lisburn

Navigation House is a detached three-bay, two-storey, polychromatic brick house, built c. 1866 for the Canal Manager of The Lagan Navigation Company. It is a well proportioned Victorian villa with its original ornate door surround, retaining most of its original external features and its interior. The building was occupied by successive superintendent /managers of the canal, the last of whom was in post from 1928-1954. It is the only canal manager's house on the waterway and is a well preserved remnant of a period when the Lagan Navigation was probably the most commercially successful of all the waterway enterprises in Ulster. Set in its original secluded, landscaped site, with enclosed yard and outbuildings, Navigation House has group value with the listed Lock Keeper's house (HB19/08/005) and Union Lock canal structures (DOW 009:500) directly adjacent.

Navigation House was brought to the attention of the Department by Lisburn City Council's Planning Committee, who asked for a planning application involving the demolition of the building to be deferred pending consideration of its historic interest.

A BPN was served on the building's owners in June 2012, to give the Department time to carry out detailed research and consultation to determine if the house should be the subject of permanent listing as an historic building. Following consideration of a detailed survey and research, evaluation against the listing criteria and consultation with the Historic Buildings Council and Lisburn City Council, the building was listed in December 2012, as a Grade B1.

Hearth Revolving Fund and Lagan Canal Trust have since been working in partnership to conserve the heritage significance of the building and its group value with the associated canal structures. In 2014, Hearth Revolving Fund negotiated a temporary loan from Ulster Garden Villages to acquire Navigation House, and have carried out essential holding repairs.

The Lagan Canal Trust has now relocated their offices to Navigation House, with the future ambition of acquiring the property and reusing the existing building and outbuildings as a visitor centre and teaching centre as part of the 'Discover Waterways Lisburn' project, subject to planning permission, listed building consent and scheduled monument consent.



*Left:
Navigation House,
134 Hillsborough Road,
Lisburn © DfC*



DfC

Department
for Communities
www.communities-ni.gov.uk

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Supporting and sustaining vibrant communities and a strong economy through realising the significant, ongoing value of our historic environment.

Historic Environment Division

Causeway Exchange

1-7 Bedford Street

Belfast

BT2 7EG

Tel: 028 9082 3177 / 028 9082 3126

Email: Historicenvironmentenquiries@doeni.gov.uk

Web: www.communities-ni.gov.uk/topics/historic-environment



INVESTORS
IN PEOPLE



Planning Unit
Lisburn & Castlereagh
City Council
Lagan Valley Island
Lisburn
BT27 4RL

30th June 2022

Dear Ms O'Rourke

The Department for Communities, Historic Environment Division (HED) issued a good practice guide for District Council's in May 2017 in respect of the process for bringing forward recommendations for serving 'Building Preservation Notices (BPN).

A Building Preservation Notice (BPN) is a form of temporary listing which provides statutory protection to an unlisted building, for a period of 6 months, as if it were listed. The Planning Act (Northern Ireland) 2011, gives councils the discretionary power to serve a BPN on the owner and occupier of a non-listed building it considers to meet the following test it is of special architectural or historic interest; and it is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.

Officers of the Council are given delegated authority by the Council to provide the following feedback and it is provided where considered relevant and also to address those questions asked of the council as part of an informal review. The deadline for submission is 1st July 2022.

Please note that BPN's are not in the LCCC Scheme of Delegation. Where a request to serve a notice is received this decision will be made by members of the Development Committee.

Council note that a relatively low number of BPN's, 43 issued over 10 years from introduction in 2003 to end of 2013. HED records provided to Council by mail on 25 April 2022, indicate 12 issued over 7 years from 2015 to March 2022. None of these are in the Lisburn and Castlereagh City Council Area and any review of the guidance

should be considered in the context in the limited application of this discretionary power.

Council acknowledge as per Section 4, that officers can be made aware of how the need for a BPN may arise:

- Submission of a planning application which involves the demolition of a historic building will enable a planning officer or member of the public to raise a request;
- HED may separately ask for the council to take action to protect the structure while detailed research and consultation is carried out;
- A member of the public may make a request without a current planning application and in doing so evidence that the building is in risk of demolition or substantial alteration to be provided.

This Council has not encountered a circumstance where the planned demolition of a building has required an officer to consider a request. This requirement is more likely to arise in a rural context for the replacement of a single dwelling and there is a mechanism in policy for the building to be retained. It is more likely for a member of the general public to make a request.

1. Section 5 states that before a BPN can be served two tests need to be met:

Test 1: Does it appear to the district council that the building is of **special architectural or historic interest**?

Test 2: Is the building in **danger of demolition or of alteration in such a way as to affect its character as a building of such interest**?

The BPN guidance refers to 'Annex C of Planning Policy Statement 6 (March 2011) sets out the criteria that the Department follows when considering this test. The BPN legislation is, however, carefully written to make clear that the test is one of appearance. Detailed research and assessment can be carried out later. This lower test allows for swift action'.

Please note this deals with buildings of architectural interest alone, not those of historic interest which is a matter beyond the remit of planning or conservation officers. Additionally please note that reference to 'Annex C' of PPS6 in the guidance document needs to be updated to reflect that it is no longer retained planning advice that the council can use.

This position is reflected by way of notice on the Department for Infrastructure (DFI) website which states at the beginning of Planning Policy Statement 6 the following: *'On 3 June 2019 the Department for Communities (DfC) published 'Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures'. This DfC document replaces and supersedes Annex B and Annex C (revised March 2011)*

of Planning Policy Statement 6 (PPS6) 'Planning, Archaeology and the Built Heritage', which was published in March 1999. Further information is available from the following DFC web link:

<https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfched-scheduling-of-historic-buildings.PDF>

This HED document 'Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest with associated procedures (May 2019) refers at page. 9, paragraph 8 'Statutory Criteria' to how Article 80(1) of the Planning Act (NI) 2011 provided the overall test for assessing a building for listing as follows:

BPN legislation within Section 81 of the Planning Act (NI) 1991, Temporary listing: building preservation notices is:

- (1) If it appears to a council that a building in its district which is not a listed building -
 - (a) is of special architectural or historic interest; and
 - (b) is in danger of demolition or of alteration in such a way to affect its character as a building of such interest, it may serve on the owner and occupier of the building a notice (in this Act referred to as a "building preservation notice").

- (2) A building preservation notice served by a council must -
 - (a) state that the building appears to the council to be of special architectural or historic interest and that it has requested the Department to consider including it in a list compiled under section 80; and
 - (b) explain the effect of subsections (3) to (5) and section 83.

The Council would ask HED to take into account as part of the informal review the following concerns on the matter of BPNs:

- Council cannot assess BPNs on the basis of Annex C as it does not align with current planning policy in so far as Annex C has been superseded by HED guidance and that there is no planning policy that requires referral to either Annex C, or its replacement. Firstly, this is particularly so with regard to buildings within settlements, i.e. PPS6 does not cater for buildings of architectural merit that are threatened with demolition beyond ATCs and CAs. Secondly, for buildings in rural areas Annex C applies a test which goes beyond the relevant planning policy within PPS21, and its Annex 2. There is a clear definition between those responsibilities of HED and Planning and it must be clear that account is taken of all guidance and policy.
- Update guidance is therefore required from HED to have regard to policy within Annex 2 of PPS21.

Section 5, of the BPN guidance states that 'listing queries involve a site visit, initial historical research and an assessment of the record taken.

It would be helpful if the BPN guidance document provides the listing criteria as an appendix to the document.

It should also be clear that the initial assessment compiled by a Conservation Officer or appointed consultant will be a test of appearance of the building and therefore a checklist for this test to be included within Appendix B Listing Query Report Form.

2. In terms of compensation a firm and targeted commitment from HED to reduce the timeframe to consider requests is necessary to minimise delay in the processing times for planning applications and to help minimise potential compensation claims against councils. The HED timeframe for processing potential BPN requests has not taken account of the Council's requirement to process planning applications to set targets.
3. If the building is not listed, can an alternative means of protection be applied? Paragraph 6.24 of the Strategic Planning Policy Statement 2015 (SPPS) states: 'The effect of an application on the significance of a non-designated heritage asset such as an unlisted vernacular building, or historic building of local importance should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any loss and the significance of the asset. Councils may wish to bring forward bespoke local policies for such buildings. Paragraph 6.24 of the SPPS makes it clear that relevant policies will be considered by Planning at Local Plan Policy stage.

Paragraph 7.2 of the guidance document recognises that the effect of a planning application on the significance of a non-designated heritage asset should be taken into account in determining the application.

At page 41 of the SPPS vernacular buildings are defined to 'reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925.

Planning assessment to determine if a building is vernacular will be considered through the following policy and guidance:

- PPS 21, Annex 2 – Vernacular Buildings;
- PPS6 - BH15 The Re-use of Non-listed Vernacular Buildings Criteria (a) to (e);
- Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest with associated procedures (May 2019); and
- 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland' published by DOE, March 1998.

Council recognise that a building which meets the criteria for vernacular at application stage to be forwarded by the officer for consideration as a BPN.

As already referenced at paragraph 6.24 of the SPPS District Councils can bring forward bespoke policies for historic buildings of local importance. This will not be done until Local Plan Policy stage of the plan making process (which is due to commence in the autumn of 2022).

The SPPS defines at page 41 a historic building of local importance as, 'a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance'. Section 7, of the guidance document requires more explanation in relation to the BPN process. For example if a building identified for a BPN is not considered worthy by HED of listing, do HED at this stage recommend if it should be added to a list of those historic buildings of local importance?

Will the local list be collated on a first instance by those buildings on the Department for Communities Listed Building Database <https://www.communities-ni.gov.uk/services/buildings-database> as 'Record Only' at second survey? And, if a building is already identified on HED's Record Only list does that negate the need for consideration of a BPN and in such instances does that mean that a BPN can be disregarded 'automatically'?

Paragraph 7.3 refers to use of an 'Article 4 Direction'. Is this imposed on completion of a list of historic buildings of local importance? How is this updated as properties are added?

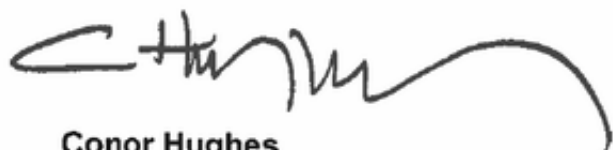
The timeframe for HED to implement an Article 4 Direction should be clearly agreed with councils as this is not stated in the Planning (General Permitted Development) Order (NI) 2015 and as a result, like Point 2 above, this could give rise to delaying the processing of planning applications.

Para 7.5 of this section provides a link to www.communities-ni.gov.uk/topics/historic-environment. This is a general link and not specific to the guidance document 'Historic Buildings of Local Importance – A guide to their identification and protection'. It would be more helpful if the link contained in the guidance document goes straight to this subject matter rather than a general information page. The Council looking forward to the Local Plan Policy stage will compile a list of 'Buildings of Local Importance'. If an application is submitted for any buildings on this list a BPN should then be considered.

In light of paragraph 6.24 of the SPPS a BPN will also be considered through the submission of a planning application where there is proposed replacement of a rural dwelling which is considered to be vernacular or for those buildings within the rural area or within settlements where council normally permit the sympathetic conversion of non-listed vernacular buildings to other appropriate uses where this would secure their upkeep and retention. This may include mills, schools, churches and dwellings.

4. Appendix B Listing Query Report Form, missing text under the check list, 'Building has permission to demolish or significantly alter the ...' What is the rest of the intended text to say?
5. As referenced within point 3 above, it would be helpful if the BPN guidance document provided the listing criteria as an appendix to the document. It should also be clear that the initial assessment compiled by a Conservation Officer or appointed consultant will be on a test of appearance of the building and a checklist provided within Appendix B Listing Query Report Form.
6. It would be useful to include case studies from those councils who have issued BPN's since 2015 to present.

Yours sincerely



Conor Hughes
Head of Service
Planning & Capital Development



Planning Committee

01 August 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 8 – Replacement of the Northern Ireland Planning Portal

Background and Key Issues:

Background

1. As Members will be aware, 10 Councils and Department for Infrastructure (Planning) have been working collaboratively on a joint project to develop and configure a new IT system for delivering the planning function. The appointed consultancy team led by TerraQuest are due to complete the development stage of the project on 22 July 2022.
2. As the project moves to the implementation phase this involves engagement with key stakeholders including staff, consultees, agents and other stakeholders in order to ensure that the IT system is rolled out in accordance with the specification and project plan and that the system when it goes live provides the essential functionality needed to support the wider planning system.

Key Issues

1. The Department for Infrastructure published its first Planning Portal newsletter on 30 May 2022 and is available to view via the following link

<https://www.infrastructure-ni.gov.uk/publications/planning-portal-newsletter>

2. The following key benefits of the new system include:
 - Submission of applications online
 - Linked front and back-office allowing for improved efficiency by streamlining administrative processes
 - Improved validation and workflows to better manage workloads
 - Improved Consultee interface
 - Better user experience from an intuitive modern interface, making it easier for users to engage with the planning process
3. A Change Lead has been appointed within the Unit and existing resources are being used to plan and deal with any changes needed. User Acceptance Testing will take place in the months of August and September to test the robustness of the new system.
4. A Transition plan is also being developed that will outline the key steps during the changeover phase from the current system to the new portal. This will include a period of downtime to facilitate the migration of data and the process for handling in-flight applications at the time of transfer.
5. Training will be delivered via a 'Train the Trainer' approach using existing resources. A six week window has been scheduled for the user training starting at the end of summer. The training will include practice tasks for users to trial on the system as well as additional materials such as user guides and demo videos. Pilot training is currently being trialled.
6. Further updates will be provided as the project is ready to be rolled out. The anticipated go live date is the middle of October 2022.

Recommendation

It is recommended that Members note the conclusion of the development phase of the IT project and the proposed actions in relation to testing and training before the system is rolled out in October 2022.

Finance and Resource Implications:

No additional finance and resource implications are identified. The project is allocated a budget from the capital programme and is being delivered in accordance with current Council governance arrangements.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report on the launch of the New Planning Portal System and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
---	-----	--	-----	---	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No
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If no, please given explanation/rationale for why it was not considered necessary:

This is a report the launch of the New Planning Portal System and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL: No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES: **APPENDIX 8 - First Planning Portal News Letter – May 2022.**

HAS IT BEEN SUBJECT TO CALL IN TO DATE? **No**
If Yes, please insert date:

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NEW NI PLANNING PORTAL IN 2022

A new Regional Planning IT System, for Northern Ireland will be launched later this year for 10 of the 11 Councils and the Department for Infrastructure (DfI). The 10 councils and DfI have been working collaboratively to develop and configure the new IT system with TerraQuest, the company contracted to deliver and support the system going forward. This work continues to involve engagement with key stakeholders including Staff, Consultees, Agents and other organisations in order to ensure that the IT system provides the essential functionality needed to support the wider planning system.

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KEY BENEFITS

This is the largest joint IT project between central and local government to date in Northern Ireland and will see benefits for all users as we seek to drive planning online in this digital age.

Key benefits include:

- Submission of applications online
- Linked front and back-office allowing for improved efficiency by streamlining administrative processes
- Improved validation and workflows to better manage workloads
- Improved Consultee interface
- Better user experience from an intuitive modern interface, making it easier for users to engage with the planning process

↪ *Continued overleaf...*

PREPARING FOR CHANGE



In preparation for the launch, each council and the Department have appointed Local Change Leads who are currently assessing the impact the new system will have on their business processes and resources and are putting in place plans for any changes needed.

Transition plans are being developed that will outline the key steps during the changeover phase from the current system to the new portal. This will include what downtime is required to facilitate the migration of data and the process for handling in-flight applications at the time of transfer.

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TESTING

Nominees to assist with the User Acceptance Testing (UAT) have been identified within the Councils and DfI and have been helping to carry out system checks during the development and configuration phase. The final UAT phase will start in the summer and the invites for this will be issued soon.





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↻ *Continued...*

TRAINING

Training will be delivered via a 'Train the Trainer' approach and nominees have been identified across the Planning Authorities to take on the Local Trainer roles.

They will receive the necessary training, guidance and support in advance which will enable them to deliver the user training to their colleagues locally. A six week window has been scheduled for the user training starting at the end of summer and will include practical tasks for users to trial on the system as well as additional materials such as user guides and demo videos. Pilot training sessions with the Local Trainers are currently being trialled.




LOOKING FORWARD

As part of the roll-out we hope to release demos of the new portal to the wider planning community before it is launched. Further Newsletters will also be published to advise of progress and provide more information to users about the plans for transitioning to the new portal.

In the meantime, please feel free to provide feedback on this newsletter and any issues or topics you would like to see featured.

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