

August 3rd, 2015

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 5th August 2015** at **10:00 am** in the **Boardroom District Council Offices Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor J Tinnelly

Vice Chair: Councillor W Clarke

Members: Councillor M Larkin

Councillor M Ruane

Councillor V Harte

Councillor D McAteer

Councillor K Loughran

Councillor L Devlin

Councillor M Murnin

Councillor G Craig

Councillor H McKee

Councillor P Brown

Agenda

1) **Apologies and Chairperson's Remarks.**

2) **Declarations of Interest.**

Minutes for Consideration and Adoption

3) **Minutes of the Planning Committee Meeting held on Wednesday 8 July 2015. (Attached).**

Planning Minutes July 2015.pdf

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For Noting

4) **Action Sheet of the Members' Briefing Panel Meeting held on Friday 10 July 2015. (Attached).**

Action Sheet - 10 July 2015 - Copy.pdf

Page 7

Development Management

5) **Schedule of planning applications for determination - 5 August 2015. (Attached).**

Please click on the link below which will take you to the Planning Portal - this will allow you to view the supporting documents for each planning application.

http://epicpublic.planningni.gov.uk/PublicAccess/zd/zdApplication/application_searchform.aspx

The Schedule of Planning Applications for 5 August 2015 is **attached** and lists the following planning applications:-

- **LA07/2015/0476/F** - Newry & Mourne District Council - External refurbishment works to Newry Town Hall - Bank Parade Newry. **(Officer Report attached) (Rec: Approval)**
- **P/2014/0412/F** - Alan Mills - Erection of 2 No. additional poultry houses - 80 Metres south east of No. 54 Blaney Road Newtownhamilton. **(Officer Report attached) (Rec: Approval)**

- **P/2015/09026/F** - Arquiva - Installation of 15m high lattice mast, 6 no. antenna, 2 no. dishes, 4 no. equipment cabinets and all ancillary equipment - lands at NI Water Compound 670m east of No.22 Yellow Road Hilltown. **(Officer Report attached) (Rec: Approval)**
- **P/2010/1041/F** - Mr & Mrs Murphy - Proposed motor home site - Lands to the rear of 35 Ballagh Road Ballaghanery Newcastle Co Down BT33 0LA. **(Officer Report attached) and additional information received from Mr Bob Doyle and Mr Toirleach Gourley.**

Council Schedule 05-08-15.pdf *Page 13*

Case Officer Report LA07 2015 0476 F.pdf *Page 18*

Case Officer Report P 2014 0412 F.pdf *Page 31*

Case Officer Report P 2015 0026 F.pdf *Page 41*

Case Officer Report P 2010 1041 F.pdf *Page 46*

P-2010-1041 - additional information (Bob Doyle).pdf *Page 73*

P-2010-1041 -additional information (Toirleach Gourley).pdf *Page 78*

- 6) **Department of Culture Arts & Leisure re:Shaping Place, Changing Lives - A Placemaking Symposium for Councils - Newtownabbey - Thursday 22 October 2015. (Copy enclosed)**

Placemanking Symposium for Councils - Newtownabbey - October 2015.pdf *Page 83*

END.

Invitees

| | |
|---------------------------|--|
| Cllr. Terry Andrews | terry.andrews@downdc.gov.uk |
| Cllr. Naomi Bailie | naomi.bailie@nmandd.org |
| Cllr. Patrick Brown | patrick.brown@nmandd.org |
| Cllr. Robert Burgess | robert.burgess@downdc.gov.uk |
| Cllr. Stephen Burns | stephen.burns@downdc.gov.uk |
| Cllr. Michael Carr | michael.carr@newryandmourne.gov.uk |
| Cllr. charlie casey | charlie.casey@newryandmourne.gov.uk |
| Cllr. Patrick Clarke | patrick.clarke@downdc.gov.uk |
| Cllr. Garth Craig | garth.craig@downdc.gov.uk |
| Cllr. Dermot Curran | dermot.curran@downdc.gov.uk |
| Mr. Eddie Curtis | eddie.curtis@newryandmourne.gov.uk |
| Mr. Andrew Davidson | andrew.davidson@nmandd.org |
| Cllr. Laura Devlin | laura.devlin@downdc.gov.uk |
| Ms. Louise Dillon | louise.dillon@newryandmourne.gov.uk |
| Cllr. Geraldine Donnelly | geraldine.donnelly@newryandmourne.gov.uk |
| Cllr. Sean Doran | sean.doran@newryandmourne.gov.uk |
| Cllr. Sinead Ennis | sinead.ennis@nmandd.org |
| Cllr. Cadogan Enright | cadogan.enright@downdc.gov.uk |
| Cllr. Gillian Fitzpatrick | gillian.fitzpatrick@newryandmourne.gov.uk |
| Mr. Patrick Green | patrick.green@downdc.gov.uk |
| Cllr. Glyn Hanna | glyn.hanna@nmandd.org |
| Mr. Liam Hannaway | liam.hannaway@nmandd.org |
| Cllr. Valerie Harte | valerie.harte@newryandmourne.gov.uk |
| Cllr. Harry Harvey | harry.harvey@newryandmourne.gov.uk |
| Cllr. Terry Hearty | terry.hearty@newryandmourne.gov.uk |
| Cllr. David Hyland | david.hyland@newryandmourne.gov.uk |
| Mrs. Shiela Kieran | sheila.kieran@newryandmourne.gov.uk |
| Cllr. Liz Kimmins | liz.kimmins@nmandd.org |
| Cllr. Mickey Larkin | micky.larkin@nmandd.org |
| Cllr. Kate Loughran | kate.loughran@newryandmourne.gov.uk |
| Cllr. Kevin Mc Ateer | kevin.mcateer@nmandd.org |
| Cllr. Colin Mc Grath | colin.mcgrath@downdc.gov.uk |
| Collette McAteer | collette.mcateer@newryandmourne.gov.uk |
| Cllr. Declan McAteer | declan.mcateer@newryandmourne.gov.uk |
| Mr. Anthony McKay | anthony.mckay@nmandd.org |
| Cllr. Harold McKee | harold.mckee@newryandmourne.gov.uk |
| Eileen McParland | eileen.mcparland@newryandmourne.gov.uk |
| Ms. Jacqui McParland | jacqui.mcparland@nmandd.org |
| Cllr. Roisin Mulgrew | roisin.mulgrew@nmandd.org |
| Cllr. Mark Murnin | mark.murnin@nmandd.org |
| Mrs. Aisling Murray | aisling.murray@newryandmourne.gov.uk |

| | |
|------------------------|--|
| Cllr. Barra O Muiiri | barra.omuiiri@nmandd.org |
| Cllr. Pol O'Gribin | pol.ogribin@nmandd.org |
| Mr. Canice O'Rourke | canice.orourke@downdc.gov.uk |
| Cllr. Brian Quinn | brian.quinn@newryandmourne.gov.uk |
| Cllr. Henry Reilly | henry.reilly@newryandmourne.gov.uk |
| Pat Rooney | pat.rooney@nmandd.org |
| Cllr. Michael Ruane | michael.ruane@newryandmourne.gov.uk |
| Cllr. Gareth Sharvin | gareth.sharvin@downdc.gov.uk |
| Cllr. Gary Stokes | gary.stokes@nmandd.org |
| Sarah Taggart | sarah-louise.taggart@downdc.gov.uk |
| Cllr. David Taylor | david.taylor@newryandmourne.gov.uk |
| Caroline Taylor | Caroline.Taylor@downdc.gov.uk |
| Cllr. Jarlath Tinnelly | jarlath.tinnelly@nmandd.org |
| Cllr. William Walker | william.walker@nmandd.org |
| Cllr. Clarke William | william.clarke@downdc.gov.uk |

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

**Minutes of the Planning Committee Meeting of Newry, Mourne and Down
District Council held on Wednesday 8 July 2015 at 10.00 am in the Boardroom,
District Council Offices, Monaghan Row, Newry**

Chairperson: Councillor J Tinnelly**Vice Chairperson:** Councillor W Clarke**In attendance: (Committee Members)**

| | |
|---------------|-----------------|
| Cllr G Craig | Cllr V Harte |
| Cllr M Larkin | Cllr K Loughran |
| Cllr H McKee | Cllr K McAteer |
| Cllr M Murnin | Cllr M Ruane |

(Officials)

| | |
|----------------|--|
| Mr L Hannaway | Chief Executive |
| Mr C O Rourke | Director Regulatory & Technical Services |
| Mr P Green | Legal Officer |
| Mr P Rooney | Principal Planning Officer |
| Mr J Farrell | Newry Mourne & Down District Council |
| Ms J McParland | Senior Planning Officer |
| Mr A Davidson | Senior Planning Officer |
| Ms E McParland | Democratic Services Manager |
| Ms C McAteer | Democratic Services Officer |
| Ms L Dillon | Democratic Services Officer |

P/23/2015: APOLOGIES / CHAIRMANS REMARKS

The following apologies were received:

Mr A McKay Head of Planning
Councillor L Devlin

P/24/2015: DECLARATIONS OF INTEREST

Declarations of interest were put forward as follows:

Councillor M Murnin declared an interest in Planning Application R/2015/0011/A in respect of Paddy Kellys 8 The Square Ballynahinch BT24 8AE, as he was the applicant for this application.

Councillor M Ruane declared an interest in Planning Application P/2014/0217/F in respect of lands 77m south west of No.56 Chapel Road Ballyholland Newry.

Councillor D McAteer declared an interest in Planning Application P/2014/0217/F in respect of lands 77m south west of No.56 Chapel Road Ballyholland Newry as he had a non pecuniary interest in this application.

**P/25/2015: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 10 JUNE 2015**

Read: Minutes of Planning Committee Meeting held on Wednesday 10 June 2015. (Copy circulated)

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 June 2015 as a true and accurate record.

P/26/2015: APPLICATIONS FOR DETERMINATION

The following Applications were considered by the Committee:

(1) P/2005/2717/ FULL

Location:

Lands adjacent and to the rear of Nos 26-48a Dundalk Road Crossmaglen (extending north-west wards to the boundary of No.20a Dundalk Road and south-eastwards to the boundary of the Telephone Exchange Building and No.52 Dundalk Road).

Proposal:

Erection of residential development comprising 43 No. dwellings with associated access provision, parking provision and ancillary works (with main access between No.48 Dundalk Road and existing telephone exchange Building and additional pedestrian and cycle access at point immediately south-east of No.20a Dundalk Road and with demolition of existing dwelling at No.48a Dundalk Road and the remains of the disused Wastewater Treatment Works facility on site).

Conclusion and recommendation from Planning Official
Approval.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Ruane it was agreed to approve Planning Application No. P/2005/2717/ F subject to Conditions 1-16 as contained in the Development Management Officer Report.

Abstentions 0

(2) P/2013/0351/ FULL

Location:

Lands approximately 100m south west of 24 Divernagh Road Bessbrook Newry.

Proposal:

Erection of 2 No. broiler breeder poultry houses (to contain 16000 egg laying hens and 1600 roosters in total), 5 No. feeder bins, egg-packing, storage and ancillary facilities, a standby generator building with associated access, parking and turning provision, waste collection and treatment facilities and landscaping works.

Conclusion and recommendation from Planning Official

Approval.

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to approve Planning Application No. P/2013/0351/F subject to Conditions 1-10 as contained in the Development Management Officer Report and subject to the inclusion of a Negative Condition being applied that an approval notice requiring that no development shall commence until the necessary consent has been granted for the proposed septic tank and soakaway.

Abstentions 0

(3) P/2015/0028/ LBC

Location:

Newry Town Hall Bank Parade Newry.

Proposal:

External refurbishment works to Newry Town Hall: waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs /refurbishment works to facades, including brickwork, stonework and windows.

Conclusion and recommendation from Planning Official

Approval.

AGREED: On the proposal of Councillor McKee seconded by Councillor Loughran it was agreed to approve Planning Application No. P/2015/0028/LBC subject to Condition 1 as contained in the Development Management Officer Report.

Abstentions 0

NOTED: Councillor Murnin left the Chamber at this point (10.30am) and therefore was not present during discussion on the following application.

(4) R/2015/0011/A

Location:

Paddy Kelly's 8 The Square Ballynahinch BT24 8AE

Proposal:

Shop sign.

Conclusion and recommendation from Planning Official

Consent.

AGREED: On the proposal of Councillor McKee seconded by Councillor Craig it was agreed to approve Planning Application No. R/2015/0011/A subject to Condition 1 as contained in the Development Management Officer Report.

Abstentions 0

NOTED: Councillor Murnin re-joined the meeting at 10.34am.

NOTED: Councillor McAteer and Councillor Ruane left the Chamber at this point (10.35am) and therefore were not present during discussion on the following application.

(5) P/2014/0217/ FULL

NOTED: Councillor Larkin left the Chamber at this point (10.36am) and therefore was not present during discussion on this application.

Location:

77m south west of No.56 Chapel Road Ballyholland Co Down.

Proposal:

Erection of agricultural building and four silo tanks to provide feedstock for existing farm business. (additional information and layout received).

Conclusion and recommendation from Planning Official

Approval.

AGREED: On the proposal of Councillor McKee seconded by Councillor Harte it was agreed to approve Planning Application No. P/2014/0217/F subject to Conditions 1 – 10, with the exception of Conditions 4 and 6, as contained in the Development Management Officer Report.

Abstentions 0

NOTED: Councillor Ruane, Councillor McAteer and Councillor Larkin re-joined the meeting at 10.45am.

**P/27/2015: ACTION SHEET
MEMBERS BRIEFING PANEL
-TUESDAY 23 JUNE 2015**

Read: Action Sheet from Members' Briefing Panel Meeting held on Tuesday 23 June 2015. (Copy circulated)

AGREED: It was agreed to note the Action Sheet of the Members' Briefing Panel meeting held on Tuesday 23 June 2015.

**P/28/ 2015: DOE
RE: PROPOSED FERRY TERMINAL
GREENCASTLE CO DOWN**

Read: Letter dated 16 June 2015 from Mark H Durkan MLA Minister of the Environment regarding Planning Application P/2013/0434/F – proposed Ferry Terminal Greencastle Co Down. (Copy circulated)

AGREED: It was agreed to note the above correspondence.

**P/29/2015: NORTHERN IRELAND PLANNING CONFERENCE
- TUESDAY 29 SEPTEMBER 2015**

Read: Letter dated 23 May 2015 from Agenda NI giving details of the Northern Ireland Planning Conference "Making Planning Work for People", to be held on Tuesday 29 September 2015 in Belfast at a cost of £180 inc VAT, per delegate. (Copy circulated)

NOTED: It was noted at the Regulatory & Technical Services Committee Meeting held on Wednesday 17 June 2015, it was agreed to appoint the following Councillors to the Northern Ireland Planning Conference to be held on Tuesday 29 September 2015:

- Councillor H McKee
- Councillor G Craig
- Councillor M Murnin

It was also agreed details of the conference be included on the agenda for the next meeting of the Planning Committee.

AGREED: On the proposal of Councillor Craig seconded by Councillor Clarke it was agreed to appoint Councillor J Tinnelly to attend the Northern Ireland Planning Conference "Making Planning Work for

People” to be held on Tuesday 29 September 2015 at cost of £180 including VAT.

There being no further business the meeting concluded at 10.55am.

For adoption at the Planning Committee Meeting to be held on Wednesday 5 August 2015.

Signed: _____

Chairperson

Signed: _____

Chief Executive

NEWRY, MOURNE AND DOWN DISTRICT COUNCIL
MEMBERS' BRIEFING PANEL (PLANNING)

ACTION SHEET – from Meeting held on Friday 10 July 2015

- In Attendance:** Councillor J Tinnelly (Chair)
 Councillor W Clarke (Vice Chair)
 Councillor D McAteer
 Councillor H McKee
- Officials in Attendance:** Mr L Hannaway, Chief Executive
 Mr P Rooney, Principal Planning Officer
 Ms J McParland, Senior Planning Officer
 Mr C O'Rourke, Director of Technical and Regulatory Services
 Mr P Green, Legal Advisor
 Mrs E McParland, Democratic Services Manager
 Mrs L Dillon, Democratic Services Officer
 Ms C McAteer, Democratic Services Officer
- Apologies:** Mr A McKay, Head of Planning

The following delegated applications were presented to the Members' Briefing Panel for consideration:-

| DETAILS OF APPLICATION | ACTION |
|---|--------|
| <p>Application ref: R/2014/0675/F</p> <p>Applicant Name: Mr and Mrs Graham</p> <p>Proposal: Dwelling and garage</p> <p>Site Location: 110m south west of 99 Drumnaconagher Road, Crossgar.</p> <p>Recommendation from Planning Officer: REFUSAL</p> <p>Briefing Panel Decision: (Representations made by Councillor Walker supporting the application)</p> <p>Councillor Clarke proposed and Councillor McKee seconded that Planning Officers meet with the agent/applicant on site to</p> | |

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| <p>clarify issues raised around the structure on the site and that this application will then be taken back to the next Briefing Panel Meeting to be held on Tuesday 11 August 2015.</p> <p>The proposal was UNANIMOUSLY AGREED.</p> | <p>Agreed that Planning Officers meet with the agent/applicant on site to clarify issues raised around the structure on the site and report back to the August Briefing Panel Meeting.</p> |
| <p>Application ref: P/2014/0380/F</p> <p>Applicant Name: Mr Andrew Doran and Miss Gail McConnell</p> <p>Proposal: Proposed farm dwelling and garage</p> <p>Site Location: Adjacent to No. 81 Oldtown Road, Annalong</p> <p>Recommendation from Planning Officer: REFUSAL</p> <p>Briefing Panel Decision: (Representations made by Councillor Doran supporting the application)</p> <p>Councillor Tinnelly proposed and Councillor Clarke seconded that the Briefing Panel are satisfied with the proposed decision being made under delegated powers in relation to planning application P/2014/0380/F (REFUSAL).</p> <p>The proposal was UNANIMOUSLY AGREED.</p> | <p>Agreed with the decision as proposed by the Officers under delegated powers (REFUSAL)</p> |

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| <p>Application ref: P/2008/0670/F</p> <p>Applicant Name: Mr Jim McQuillan</p> <p>Proposal: Erection of residential development comprising 30 No. apartments (in 3 No. blocks of three-and-a-half storeys, with access via Forest Hills estate road and Old Warrenpoint Road, Newry</p> <p>Site Location: Amended scheme on lands at 60 Old Warrenpoint Road, Newry</p> <p>Recommendation from Planning Officer: REFUSAL</p> <p>Briefing Panel Decision: (This application has received more than 6 objections)</p> <p>Councillor Clarke proposed and Councillor McKee seconded that the Briefing Panel are satisfied with the proposed decision being made under delegated powers in relation to planning application P/2008/0670/F (REFUSAL).</p> <p>The proposal was UNANIMOUSLY AGREED.</p> | <p>Agreed with the decision as proposed by the Officers under delegated powers (REFUSAL)</p> |
| <p>NOTED: Councillor Tinnelly declared an interest in planning application P/2015/0026/F on the basis that he had attended a meeting about the application and had expressed a view on potential alternative sites. He withdrew from the meeting for the discussion on this application – 11.05 am.</p> | |

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| <p>Councillor McAteer said he had also attended the meeting about planning application /2015/0026/F about this application but did not express any views. He therefore considered he did not have to withdraw from the discussion.</p> <p>Councillor W Clarke assumed the Chair.</p> <p>Application ref: P/2015/0026/F</p> <p>Applicant Name: Arqiva</p> <p>Proposal: Installation of a 15m high lattice mast</p> <p>Site Location: Lands at NI Water Compound, 670m east of No. 20 Yellow Road, Hilltown.</p> <p>Recommendation from Planning Officer: APPROVAL</p> <p>Briefing Panel Decision: (This application has received more than 6 objections)</p> <p>Councillor Clarke proposed and Councillor McAteer seconded that this application be referred for determination to the August Planning Committee Meeting on the basis of the local objections received; that the proposed site is on public sector land and that applications for telecommunications masts have wider strategic economic considerations throughout the entire District.</p> <p>The proposal was UNANIMOUSLY AGREED</p> <p>Councillor Tinnelly returned to the Meeting – 11.20 am and assumed the Chair.</p> | <p>Agreed this application be referred for determination to the August Planning Committee Meeting on the basis of the local objections received; that the proposed site is on public sector land and that applications for telecommunications masts have wider economic considerations</p> |
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|---|--|
| <p>Application ref: R/2012/0322/F</p> <p>Applicant Name: Mr Canning</p> <p>Proposal: 3 No. camping pods, washroom/toilets facilities and associated landscaping works</p> <p>Site Location: Lands approximately 340 nw of 22 Ringhaddy Road, Killinchy</p> <p>Recommendation from Planning Officer: APPROVAL</p> <p>Briefing Panel Decision: (This application has received more than 6 objections)</p> <p>Councillor McKee proposed and Councillor Clarke seconded that the Briefing Panel are satisfied with the proposed decision being made under delegated powers in relation to planning application R/2012/0322/F (APPROVAL) on the basis that there are no material objections in terms of planning issues which would merit it being referred to the Planning Committee for determination.</p> <p>It was noted that there would be a condition attached to the approval ensuring no vehicles will access the site except to facilitate the emptying of the septic tank and also that if there are any future proposals to extend the operation, that a new application would have to be submitted and this would be subject to fresh consultation.</p> <p>The proposal was UNANIMOUSLY AGREED.</p> | <p>Agreed with the decision as proposed by the Officers under delegated powers (APPROVAL)</p> |
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The Panel concluded at 11.45 am.

For noting at the Planning Committee Meeting to be held on Wednesday 5 August 2015.

**Signed: Pat Rooney
Principal Planning Officer**

Newry, Mourne and Down Council

Applications for Planning Permission

and

Applications deferred from previous meetings

8/5/15

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

Council Newry, Mourne and Down

Date 8/5/15

| | | | | |
|------------------------|---|--------------------|----------------------|--|
| ITEM NO | 1 | | | |
| APPLIC NO | LA07/2015/0476/F | Full | DATE VALID | 6/18/15 |
| COUNCIL OPINION | APPROVAL | | | |
| APPLICANT | Newry and Mourne District Council District Council Offices Monaghan Row Newry BT35 8DJ | | AGENT | Kriterion Conservation Architects 3 Joy Street Belfast BT2 8LE 028 90334250 |
| LOCATION | Newry Town Hall Bank Parade Newry BT35 8DJ | | | |
| PROPOSAL | External refurbishment works to Newry Town Hall. Waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows. | | | |
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 0 | 0 | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

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|------------------------|---|--------------------|----------------------|---|
| ITEM NO | 2 | | | |
| APPLIC NO | P/2014/0412/F | Full | DATE VALID | 5/8/14 |
| COUNCIL OPINION | APPROVAL | | | |
| APPLICANT | Alan Mills C/O Agent | | AGENT | Richardson Architectural Design 9 Shanecracken Road Markethill BT60 1TS 07756221840/0775 |
| LOCATION | 80 metres south east of no.54 Blaney Road Newtownhamilton | | | |
| PROPOSAL | Erection of 2 No. additional poultry houses (to contain 6000 free range egg-laying hens each for commercial egg production) with ancillary facilities, 2 No. feed bins, waste collection and treatment facilities and associated site works (with demolition of existing polytunnels and with access via existing laneway to No. 54 Blaney and existing farm) | | | |
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 0 | 0 | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

| | | | | |
|------------------------|---|--------------------|----------------------|---|
| ITEM NO | 3 | | | |
| APPLIC NO | P/2015/0026/F | Full | DATE VALID | 1/12/15 |
| COUNCIL OPINION | APPROVAL | | | |
| APPLICANT | Arqiva Crawley Court Winchester Hampshire SO21 2QA | | AGENT | Sarah Goss Harlequin Group Ltd 1st Floor 25 Talbot Street Cathedral Quarter Belfast BT1 2LD 02890823660 |
| LOCATION | Lands at Northern Ireland Water Compound 670m East of No. 20 Yellow Road Hilltown | | | |
| PROPOSAL | Installation of a 15m high lattice mast with 6 no. antenna and 2 no. dishes 4 no. dishes equipment cabinets at ground level and all ancillary equipment surrounded by a 2.2m high timber closed boarded fencing. Proposed 3.0m wide x 115m long permanent type 1 access track c/w turning head. | | | |
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 19 | 0 | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

Council Newry, Mourne and Down

Date 8/5/15

| | | | | |
|------------------------|---------------------------|------|-------------------|---|
| ITEM NO | D1 | | | |
| APPLIC NO | P/2010/1041/F | Full | DATE VALID | 8/24/10 |
| COUNCIL OPINION | APPROVAL | | | |
| APPLICANT | Mr & Mrs Murphy C/o Agent | | AGENT | Matrix Planning Consultancy 29 Old Belfast Road Newtownards Co Down BT23 4SG 028 91828375 |

LOCATION Lands to the rear of 35 Ballagh Road, Ballaghanery, Newcastle, Co. Down, BT33 OLA

PROPOSAL Proposed motor home site (amended P2 form)

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|------------------------|--------------------|--------------------|----------------------|----------------------|
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 27 | 1 | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |



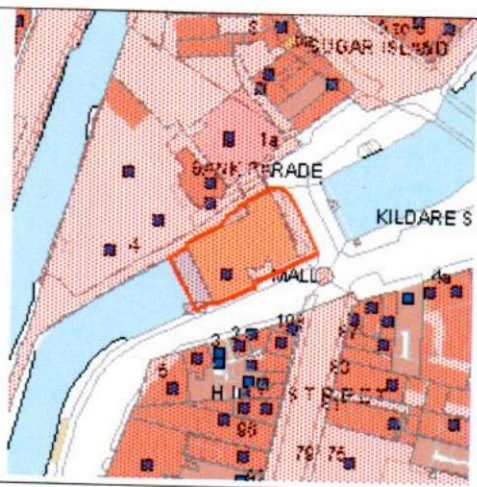
Newry, Mourne and Down District
Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA07/2015/0476/F | Target Date: <Please enter> |
| Proposal: External refurbishment works to Newry Town Hall. Waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows. | Location: Newry Town Hall Bank Parade Newry BT35 8DJ |
| Referral Route: Application is being brought before committee as it is a council application | |
| Recommendation: | Approval |
| Applicant Name and Address: Newry and Mourne District Council District Council Offices Monaghan Row Newry BT35 8DJ | Agent Name and Address: Kriterion Conservation Architects 3 Joy Street Belfast BT2 8LE |
| Executive Summary: | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|---|-----------------------|----------|
| Representations: | | |
| Letters of Support | None Received | |
| Letters of Objection | None Received | |
| Number of Support Petitions and signatures | No Petitions Received | |
| Number of Petitions of Objection and signatures | No Petitions Received | |

Summary of Issues Application for Listed Buildings Consent was approved last month, with this full application recommended for August Committee.

Characteristics of the Site and Area

The site encompasses Newry Town Hall, Bank Parade, Newry. The site holds a traditionally built 3.5 storey building erected in 1893 finished in red/brown brick, grey quoins and a number of different shaped, white timber window frames. The envelope of the building remains predominately broken with each elevation and roof structure built in a non-uniformed, traditional fashion. The Town Hall sits centrally in Bank Parade overlooking the Newry River. A footpath runs alongside the northern, eastern and southern elevations of the building with the river running under the building from the western elevation. The site is located within a commercial hub of the City where a vast number of different commercial / public / official uses and services can be located.

Planning Assessment of Policy and Other Material Considerations

Banbridge Newry and Mourne Area Plan 2015.
 The site lies within an Area of Archaeological Potential / Archaeological Site and Monument / Conservation Area / LLPA / Newry City Centre - as designated in the area plan. The Plan offers no restrictions on development provided it is in keeping with relevant and prevailing planning policy.

Planning Policy Statement 1 General Principles
 The application as proposed will not cause demonstrable harm to interests of acknowledges

importance, and will not adversely impact on the residential amenity of any properties nearby. The application is in compliance with this planning policy.

PPS 6 Planning, Archaeology and the Built Heritage: Policy BH8 Extension or Alteration of a Listed Building

Following consultation with NIEA Historic Buildings Unit they have responded to consultation on the Listed Building consent application P/2015/0028/LBC confirming the proposal is compliant with Policy BH8 of PPS6. The Council have therefore no objections to the proposal with regard to PPS6 BH8.

DES 2 considers the impact this proposal would have on the character of the townscape within the immediate area. As this proposal is to refurbish the existing town hall sympathetically and in keeping with the development within the wide streetscape.

Listed Building Consent previously approved, no objections or representations received. Approval recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation: Proposal meets Policy PPS 1, PPS 6 BH 12 and 8 and DES 2.

Conditions

Standard Time condition to be attached.

Signature(s)

Date:

| ANNEX | |
|---|----------------|
| Date Valid | 18th June 2015 |
| Date First Advertised | 1st July 2015 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner/Occupier, 1 10A The Mall Carneyhough</p> <p>The Owner/Occupier, 1 13A The Mall Carneyhough</p> <p>The Owner/Occupier, 1 1A Kildare Street Carneyhough</p> <p>The Owner/Occupier, 1 23A The Mall Carneyhough</p> <p>The Owner/Occupier, 1 39A The Mall Carneyhough</p> <p>The Owner/Occupier, 1 4 The Mall Carneyhough</p> <p>The Owner/Occupier, 1 Bank Parade Lisdrumgullion Newry</p> <p>The Owner/Occupier, 1 Kildare Street Carneyhough Newry</p> <p>The Owner/Occupier, 1 Kildare Street Carneyhough Newry</p> <p>The Owner/Occupier, 1 Sugar Island Lisdrumgullion Newry</p> <p>The Owner/Occupier, 1 The Mall Carneyhough Newry</p> <p>The Owner/Occupier, 10 Sugar Island Lisdrumgullion Newry</p> <p>The Owner/Occupier, 100 Hill Street Carneyhough Newry</p> <p>The Owner/Occupier, 100A Hill Street Carneyhough Newry</p> <p>The Owner/Occupier, 100B Hill Street Carneyhough Newry</p> <p>The Owner/Occupier, 100C Hill Street Carneyhough Newry</p> <p>The Owner/Occupier, 102 Hill Street Carneyhough Newry</p> <p>The Owner/Occupier, 104 Hill Street Carneyhough Newry</p> <p>The Owner/Occupier, 104A Hill Street Carneyhough Newry</p> <p>The Owner/Occupier,</p> | |

106 Hill Street Carneyhough Newry
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108 Hill Street Carneyhough Newry
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11 Sugar Island Lisdrumgullion Newry
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13 Sugar Island Lisdrumgullion Newry
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17 Sugar Island Lisdrumgullion Newry
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19 Sugar Island Lisdrumgullion Newry
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2 2B The Mall Carneyhough
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2 3B Kildare Street Carneyhough
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2 Sugar Island Lisdrumgullion Newry
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2 The Mall Carneyhough Newry
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3 1C Kildare Street Carneyhough
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3 3C Kildare Street Carneyhough
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3 The Mall Carneyhough Newry
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3-5 Sugar Island Lisdrumgullion
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3A Sugar Island Lisdrumgullion Newry
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4 1D Kildare Street Carneyhough
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4 3D Kildare Street Carneyhough
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4 Bank Parade Lisdrumgullion Newry
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4 Kildare Street Carneyhough Newry
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4 The Mall Carneyhough Newry
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5 3E Kildare Street Carneyhough
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71B Hill Street Carneyhough Newry
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9 Sugar Island Lisdrumgullion Newry
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9-10 The Mall Carneyhough
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96 Hill Street Carneyhough Newry
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98 Hill Street Carneyhough Newry
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Office 1 3 Kildare Street Carneyhough
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Office 1 4 Kildare Street Carneyhough
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Office 1 5 Kildare Street Carneyhough
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Office 2 3 Kildare Street Carneyhough
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Office 3 3 Kildare Street Carneyhough
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Office 4 3 Kildare Street Carneyhough
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 UNIT B 10 Sugar Island Lisdrumgullion
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 Unit A 10 Sugar Island Lisdrumgullion
 The Owner/Occupier,
 Unit A The Island Arcade 18 Sugar Island
 The Owner/Occupier,
 Unit B The Island Arcade 18 Sugar Island
 The Owner/Occupier,
 Unit C 10 Sugar Island Lisdrumgullion
 The Owner/Occupier,
 Unit C The Island Arcade 18 Sugar Island
 The Owner/Occupier,
 Unit D 10 Sugar Island Lisdrumgullion
 The Owner/Occupier,
 Unit D The Island Arcade 18 Sugar Island
 The Owner/Occupier,
 Unit F The Island Arcade 18 Sugar Island
 The Owner/Occupier,
 Unit G The Island Arcade 18 Sugar Island

Date of Last Neighbour Notification

1st July 2015

Date of EIA Determination**ES Requested**

Yes /No

Planning History

Ref ID: LA07/2015/0476/F

Proposal: External refurbishment works to Newry Town Hall. Waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows.

Address: Newry Town Hall, Bank Parade, Newry BT35 8DJ,

Decision:

Decision Date:

Ref ID: P/2015/0028/LBC

Proposal: external refurbishment works to Newry Town Hall: waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows

Address: Newry Town Hall, Bank Parade, Newry, BT35 6HR,

Decision: CG

Decision Date:

Ref ID: P/2005/1560/LB

Proposal: Roof repairs including installation of lead lined tapered parapet gutters,

replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar capings, and solar panel installation to roof.

Address: Newry Town Hall, Bank Parade, Newry.

Decision:

Decision Date: 15.11.2005

Ref ID: P/2005/1559/F

Proposal: Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar capings and solar panel installation to roof.

Address: Newry Town Hall, Bank Parade, Newry.

Decision:

Decision Date: 16.11.2005

Ref ID: P/2006/2334/CA

Proposal: Partial demolition of No 2 Bank Parade and demolition of No 4 Bank Parade to facilitate mixed use scheme(49 residential units, cafe, offices and associated works).

Address: No.2 and No.4 Bank Parade including the former Ross Thompson site, Bank Parade, Newry

Decision:

Decision Date: 22.07.2008

Ref ID: P/2006/2322/F

Proposal: Erection of Mixed Use development (including 49 residential units, cafe and offices and associated works.)

Address: No. 2 and No.4 Bank Parade, the Former Ross Thompson Site, Bank parade, Newry

Decision:

Decision Date: 22.07.2008

Ref ID: P/2006/2161/LB

Proposal: Proposed bridge link between Town Hall and Arts Centre. Proposed demolition of existing external staircases and erection of new staircases and enclosure

Address: Newry Town Hall and Arts Centre, Bank Parade, Newry

Decision:

Decision Date: 19.07.2010

Ref ID: P/1992/1109

Proposal: Renovations and alterations to Town Hall (Listed Building Consent)

Address: TOWN HALL BANK PARADE NEWRY

Decision:

Decision Date:

Ref ID: P/1992/1108

Proposal: Alterations and renovations to Town Hall
Address: TOWN HALL BANK PARADE NEWRY
Decision:
Decision Date:

Ref ID: P/2006/2201/F

Proposal: Erection of bridge link between Town Hall and Arts Centre. Erection of staircase and enclosure to Town Hall. Remodelled facade and internal alterations to Arts Centre

Address: Newry Town Hall and Arts Centre, Bank Parade, Newry

Decision:

Decision Date: 19.07.2010

Ref ID: P/2012/0502/F

Proposal: Erection of a new BT Street cabinet to facilitate provision of a new fibre optic infrastructure across BT network. Cabinet dimensions approx 1300 high, 800mm wide and 450mm deep

Address: At back of footway on Kildare Street Newry just past Town Hall, BT34 1DQ,

Decision: PG

Decision Date: 25.09.2012

Ref ID:

Proposal: External refurbishment works to Newry Town Hall. Waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows.

Address: Newry Town Hall

Bank Parade

Newry BT35 8DJ

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
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Status: Submitted

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Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

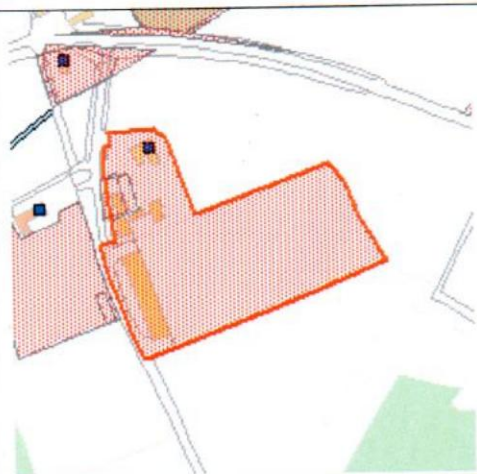
Response of Department:



Newry, Mourne and Down District
Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 5th August 2015 | Item Number: |
| Application ID: P/2014/0412/F | Target Date: |
| Proposal: Erection of 2 No. additional poultry houses (to contain 6000 free range egg-laying hens each for commercial egg production) with ancillary facilities, 2 No. feed bins, waste collection and treatment facilities and associated site works (with demolition of existing polytunnels and with access via existing laneway to No. 54 Blaney and existing farm) | Location: 80 metres south east of no.54 Blaney Road Newtownhamilton |
| Referral Route: Major application. | |
| Recommendation: | Approval |
| Applicant Name and Address: Alan Mills C/O Agent | Agent Name and Address: Richardson Architectural Design 9 Shanecracken Road Markethill BT60 1TS |
| Executive Summary: Two poultry houses with ancillary facilities. | |
| Signature(s): | |

| Case Officer Report | | |
|--|---|-----------------------------------|
| Site Location Plan | | |
|  | | |
| Consultations: | | |
| Consultation Type | Consultee | Response |
| Non Statutory | Env Health Newry & Mourne District Council | Substantive Response Received |
| Non Statutory | Water Management Unit | Add Info Requested |
| Non Statutory | NI Transport - Downpatrick Office | Substantive Response Received |
| Non Statutory | NI Water - Single Units East - Planning Consultations | No Objection |
| Non Statutory | Industrial Pollution & Radio Chemical Inspectorate | Considered - No Comment Necessary |
| Non Statutory | DCAL- Inland Fisheries Group | Substantive Response Received |
| Non Statutory | DARDNI - Armagh | No Objection |
| Non Statutory | Rivers Agency | Add Info Requested |
| Statutory | NIEA | |
| Non Statutory | NI Transport - Downpatrick Office | No Objection |
| Non Statutory | Rivers Agency | Substantive Response Received |
| Non Statutory | NIEA | Considered - No Comment Necessary |
| Representations: | | |
| Letters of Support | None Received | |
| Letters of Objection | None Received | |
| Number of Support Petitions and | No Petitions Received | |

| | |
|--|-----------------------|
| signatures | |
| Number of Petitions of Objection and signatures | No Petitions Received |
| Summary of Issues | |
| All issues explored in the assessment below. | |
| Characteristics of the Site and Area | |
| <p>The site is located 80 metres East of 4 Tullyvallen Hall Road, Newtownhamilton. The site as identified in red on the site location plan is broadly 'L' in shape and takes in No's 2 and 4 Tullyvallen Hall Rd along with the associated farm buildings and an agricultural field. There is an existing poultry house and egg store on the site. In the middle of the site an agricultural access exists to the farm holding. The boundaries of the site in its entirety are a mixture of mature hedging and fencing. The area is predominately rural in character with green fields surrounding the site. In addition to this an Orange Hall is opposite the site with a few other properties located close by. The land form in this particular area can be described as undulating.</p> | |
| Planning Assessment of Policy and Other Material Considerations | |
| <p>KEY PLANNING HISTORY N/A</p> <p>Banbridge Newry and Mourne Area Plan 2015. The site lies in the rural countryside, outside any defined settlement and Special Countryside Policy Area (SCPA), as defined in the Banbridge / Newry & Mourne Area Plan 2015 (published on 4 Oct 2013).</p> <p>CONSIDERATION</p> <p>My consideration is set out under the issues and policy tests below.</p> <p>Policy CTY 1 – Principle of Development in the Countryside - this will be assessed against CTY12, in that if the application meets the policy criteria of CTY12 it is then acceptable with regard to CTY1.</p> <p>Policy CTY 12 – Agricultural and Forestry Development</p> <p>The initial assessment of CTY12 where permission will only be granted for development on an active and established agricultural holding has been confirmed by DARD in their consultation response. The response confirmed the farm Business ID had been established for more than 6 years and that a subsidy had been claimed in the last 6 years. The proposal is necessary for the efficient use of the agricultural holding as there are no existing buildings suitable for the nature and scale of the poultry house development proposed. With regard to character and scale, the proposal is typical of this type of development both in terms of the buildings and associated works and the rural area is the most appropriate setting. Integration will not be an issue for this application as the buildings will be sited behind existing agricultural buildings and the site benefits from an existing mature hedgerow which is to remain unaltered. Views from the north will be obscured by the existing dwellings and buildings on the farm. Buildings of this nature are typically found in rural locations and therefore will not be intrusive on the existing landscape. The proposal will also be read with the existing farm dwelling and holding located immediately to the</p> | |

north and east of the site as well as the existing poultry house on the site.

The proposal will not have an adverse impact on the natural or built heritage of the area. The application site does not fall in the sphere of influence for any listed building. Following consultation with Environmental Health they have confirmed the proposal will not have a detrimental impact the residential amenity of dwellings outside the holding. Standard conditions and informatives will be applied to any decision notice to remind the applicant to continue to operate the business in a safe and environmentally respectful manner.

The agent has shown the extent of the farm holding in maps accompanying the application. It is clear that the existing buildings are being utilised at present and could not sustain the size and scale of this operation, which justifies the need for new buildings to be created. The proposal will be sited to group with the main dwelling on the farm and the existing farm buildings adjoining the site as well as the existing poultry house on the site. The design and materials of the proposal are in keeping with traditional farm buildings in the area and are sympathetic to the existing landscape.

The proposal meets the policy criteria of CTY12.

Policy CTY 13 – Integration and Design of Buildings in the Countryside

The proposal will not be a prominent feature in the landscape and the site does not lack long established natural boundaries. The design and materials dictate that it does not rely on landscaping for integration however this has been added to reinforce visual amenity of the site. The design and materials are in keeping with that traditionally found in the countryside. Natural boundaries to the south and existing buildings to the north and east will help soften the impact on the local landscape. The proposal will utilise an existing access.

The proposal meets the policy criteria of CTY13

Policy CTY 14 - Rural Character

The proposal will not be unduly prominent in the landscape and is sited to group with existing farm buildings which the policy encourages. The proposal will not add to ribbon development and with no established settlement pattern in the immediate area, does not fail this policy criteria. Build up is not an issue for this application.

The proposal meets this policy criteria.

PPS 2 – Nature Conservation

As the proposed site is not situated beside any or within any Environmental Designations such as Areas of Special scientific Interest Ramsar Sites or Special Areas of Conservation and is outside of the deemed consultation zone or zone of Influence, it has been decided that consultation with NIEA Natural Heritage is not required in this instance. This application does not raise any nature conservation concerns. The site does not fall into any international or local sites of nature conservation importance for policies NH 1 and 4 to apply. The proposal does not affect Any existing buildings, that would be suitable for bats (a European Protected Species) to roost in or any other natural features worthy of protection or of habitat value. The proposal does not contravene PPS 2.

Flood Risk (Policy FLD 3 – Development beyond Flood Plains)

DARD Rivers Agency were consulted with regard to this planning policy and subsequently since the submission of a drainage assessment have stated they are satisfied. However the applicant must submit under the Terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 to Rivers Agency, for its consent, for any proposal to carry out works which might affect a watercourse.

Sewage Disposal (Policy CTY 16 – Development relying on Non-Mains Sewerage)

Environmental Health (NMD Council) did not comment on waste arrangement as part of the proposal. It has been indicated by the developer that a wash tank will be used on the site whereby, when the sheds are cleaned out the washings will be collected in this tank and the wash tank will have no overflow or outlet to the waterway. Informatives will be applied to any approval to make the developer aware of measures they must meet under Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2010 (as amended). The proposal does not contravene Policy CTY 16.

Public Safety and Residential Amenity (Para. 52 of Planning Policy Statement 1 (PPS 1))

There is no policy reference in PPS 21 directly relating to the issues of public safety and residential amenity. The fall back is Para.52 in PPS 1 (General Principles). The proposal raises a number of amenity issues, considered as follows:

i) Odour Nuisance

Environmental Health raised no concerns with regard to Odour Nuisance.

ii) Air pollution

Environmental Health and NIEA Industrial Pollution and Radiochemical Inspectorate raised any issue with regard to air quality / pollution levels.

iii) Noise Nuisance

The facility is located sufficiently far away from non-associated dwellings to safeguard against any noise nuisance. Environmental Health did not raise any concern in relation to noise.

iv) Dust Nuisance

Environmental Health has no objections.

vi) Farm Hygiene

The facility will be subject to regulation by the Department of Agriculture and Rural Development (DARD). The owner of this poultry rearing facility is required by law to register the facility with DARD and to comply with their animal welfare and disease control requirements.

PPS3 Access Parking and Movement

Following amendments, Transport NI have no objections to the proposal, subject to the standard conditions applied to any decision notice.

Waste / Chicken Litter

The agent has sent in documentation stating that the 324 tonnes of litter per year which will be produced annually will be immediately transported to 3 sites in Co Louth. A copy of the contracts are documented on the file. Any alternative arrangement will have to be agreed by Newry Mourne and Down Council, in writing. This will be dealt with under a condition applied to any approval. The initial consultation response from NIEA WMU requested more evidence that litter from this proposal will be utilised in a manner which has an acceptable impact on the environment. This documentation has now been provided by the agent and WMU have been reconsulted and their response is pending, however as mentioned above, the issue of chicken litter from the site will be dealt with via an appropriate condition that all the chicken litter generated by the proposed development shall be disposed of off the application farm holding in accordance with the information received in the three contracts received from Joseph Bothwell, Bernard Quinn and A & J Bothwell LTD, date received 28th November 2014 unless the Council

gives its written consent to any variation.

Neighbours Notified 15th May 2013
Date Advertised 30th August 2013

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval as above. All material planning considerations and issues raised have been considered prior to this recommendation.

Conditions

1. As required by Article 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 Rev1 layout bearing the date stamped 27-05-15 prior to the commencement of any development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. 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.

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

5. All storm water from the development site must not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures. Storm water can carry pollutants into watercourses and high volume

discharges can alter the prevailing hydrological regime, both of which can impact on fisheries interests.

Reason: To prevent pollution of surface waters.

6. All chicken litter generated by the proposed development shall be disposed of off the application farm holding in accordance with the information received in the three contracts from Joseph Bothwell, Bernard Quinn and A & J Bothwell LTD, date received 28th November 2014 unless the Council gives its written consent to any variation.

Reason: To prevent an unacceptable impact on the environment.

Signature(s)

Date:

| ANNEX | |
|---|----------------|
| Date Valid | 8th May 2014 |
| Date First Advertised | 30th May 2014 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 48 Blaney Road, Tullyvullan, Newtownhamilton, Armagh, BT35 0DT The Owner/Occupier, 50 Blaney Road, Tullyvullan, Newtownhamilton, Armagh, BT35 0DT The Owner/Occupier, 52 Blaney Road, Tullyvullan, Newtownhamilton, Armagh, BT35 0DT The Owner/Occupier, 54 Blaney Road, Tullyvullan, Newtownhamilton, Armagh, BT35 0DT | |
| Date of Last Neighbour Notification | 11th June 2015 |
| Date of EIA Determination | |
| ES Requested | Yes /No |
| Planning History Ref ID: P/2001/1782/F Proposal: Erection of Replacement Dwelling Address: 54 Blaney Road, Newtownhamilton, Newry, BT35 0DT Decision: Decision Date: 11.12.2001 Ref ID: P/2014/0412/F Proposal: Erection of 2 No. additional poultry houses (to contain 6000 free range egg-laying hens each for commercial egg production) with ancillary facilities, 2 No. feed bins, waste collection and treatment facilities and associated site works (with demolition of existing polytunnels and with access via existing laneway to No. 54 Blaney and existing farm) Address: 80 metres south east of no.54 Blaney Road, Newtownhamilton, Decision: Decision Date: Ref ID: P/2000/0101/F Proposal: Renovations and Extension to dwelling Address: 30 metres south of 52 Blaney Road, Newtownhamilton | |

Decision:
Decision Date: 10.04.2000

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 08

Type:
Status:

Drawing No.

Type:
Status: Submitted

Drawing No.

Type:
Status: Submitted

Drawing No.

Type:
Status: Submitted

Drawing No.

Type:
Status: Submitted

Drawing No.

Type:
Status: Submitted

Drawing No.

Type:
Status: Submitted

Drawing No.

Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Newry, Mourne and Down District
Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL

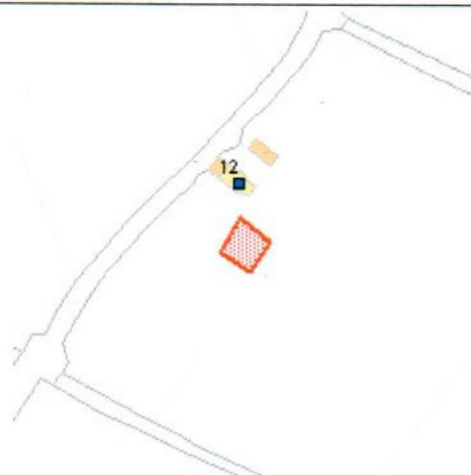
Delegated Application

| Development Management Officer Report | | |
|---|--|-----------------|
| Case Officer: Gareth Murtagh | | |
| Application ID: P/2015/0026/F | Target Date: | |
| Proposal: Installation of a 15m high lattice mast with 6 no. antenna and 2 no. dishes 4 no. dishes equipment cabinets at ground level and all ancillary equipment surrounded by a 2.2m high timber closed boarded fencing. Proposed 3.0m wide x 115m long permanent type 1 access track c/w turning head. | Location: Lands at Northern Ireland Water Compound 670m East of No. 20 Yellow Road Hilltown | |
| Applicant Name and Address: Arqiva Crawley Court Winchester Hampshire SO21 2QA | Agent Name and Address: Sarah Goss Harlequin Group Ltd 1st Floor 25 Talbot Street Cathedral Quarter Belfast BT1 2LD | |
| Date of last Neighbour Notification: | 4th February 2015 | |
| Date of Press Advertisement: | 28th January 2015 | |
| ES Requested: No | | |
| Consultations: | | |
| Consultation Type | Consultee | Response |
| Representations: | | |
| Letters of Support | None Received | |
| Letters of Objection | 19 | |
| Petitions and signatures | No Petitions Received | |
| Number of Petitions of Objection and | No Petitions Received | |

| | |
|--|--|
| signatures | |
| Summary of Issues: Issues raised in relation to visual impact on landscape and raths, and health risks. Confirmation was sought in relation to the ICNIRP certificate which was submitted and the Planning Authority is content that all issues have been addressed. | |

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is an NI Water service reservoir located on Yellow Road approximately 1 mile south west of Hilltown, the reservoir is in a small compound that comprises the reservoir itself situated under a low mound, an ancillary building and a short section of stone walls on either side of the main entrance gates, the other boundaries of the compound are marked with post and wire fences and mature bushes.

The site is located in a rural area, it is close to the summit of a small hill that forms part of the area of mountainous ground to the south of Hilltown. It is also on the side of a valley, to the west of the site is a large group of buildings that is the location of a hide company. The rest of the surrounding area is utilised for livestock farming, the fields in the field are characterised with mature vegetation along their boundaries and are typical of the landscape of the surrounding area. There is a derelict dwelling house just beyond the northern boundary of the site that was the subject of an outline approval for a replacement dwelling, P/2010/1508/O on December 16th 2011.

Application seeks FPP for a new telecoms base station consisting of a 15m high lattice mast with 6 antennae and 2 dishes. The ancilliary equipment will be contained within 4 equipment cabinets at ground level and both these and the mast will be surrounded by a 2.2 metre higher timber fence, access will be provided along a 3.0 by 115m long track with a turning head.

Planning Assessment of Policy and Other Material Considerations

Planning Policy Statement 10 Telecommunications

Policy TEL 1

Policy allows for the installation of masts and other apparatus where a number of criteria have been satisfied, in particular there is an onus on the applicant to demonstrate that the sharing of masts has been investigated and found not to be feasible and that the new mast represents a better environmental solution than other options. In relation to the first issue, the applicant has stated in his supporting statement that there are no suitable Mobile Network Operators (MNO's) sites or sites operated by other broadcast operators such as Arqiva in the area and therefore mast sharing is not practical in this area. A search of the Sitefinder database has confirmed this situation. The statement also contains information that a total of 8 sites in the surrounding area

were considered for the base station but these were judged to be unsuitable for a variety of factors including visual impact and landowners failing to respond to contact from the agent. The current site was chosen because it was considered to provide the best solution in terms of network coverage and lack of visual intrusion.

The policy also contains a requirement for Code System Operators to set out how the proposal fits into their wider network and the need for the proposal. The supporting statement sets out that there are current gaps in the provision of 3G services across Northern Ireland, termed "Not Spots." As a result the UK Government and OFCOM have launched the Mobile Infrastructure Project to facilitate the development of base stations that will provide connections to all MNO's.

Policy also requires applicants to have demonstrated how the proposal will mitigate the visual and environmental impact of the proposal. The proposed mast is a slimline structure which should not be discernible at long ranges against the backdrop of the landscape. The proposal is also accompanied by details of the output of the mast and a statement of conformity with the ICNIRP guidelines.

CONSULTATIONS

Environmental Health Clarification is sought from the applicant that the ICNIRP certificate has considered the presence of the approved dwelling at No. 12 Yellow Road as being a sensitive receptor.

Northern Ireland Environment Agency-Historic Monuments Unit. The site lies close to 2 raths that are scheduled monuments, HMU has replied to say that it considers that the proposal will have minimal impact on the setting of these raths.

Third Parties To date a total of 20 objections have been received from residents mostly along Yellow Road, Ballygorian Road and a Community Association. Issues of objection include potential health risks from the mast to humans and farm animals, visual impact on an AONB and a scenic route, lack of consultation between the applicant and local residents and visual impact on the nearby raths.

CONCLUSIONS AND RECOMMENDATION

Policy allows for the granting of permission for mobile bases stations once a number of criteria have been satisfied, in this case the applicant has demonstrated that there is a need for a new base station to serve an area of poor coverage which will provide enhanced mobile access with the economic and social benefits that that brings. The mast is a relatively small structure of a slimline construction which will not appear incongruous or obtrusive in the local area outside of the immediate surroundings of the site, in addition the sharing of masts in this location is not a feasible option given the current poor level of coverage in the area.

In relation to the issues raised by Third Parties, paragraph 6.29 of PPS 10 states that it is not the role of the planning system for determining public safeguards for telecommunications development and that current advice from DHSSPS is that there if the proposals comply with the ICNIRP guidelines then it should not be necessary for the planning authority to consider the matter further. The relatively small scale of the mast means that the visual impact will be limited to the immediate surroundings and will therefore not undermine the landscape integrity of the wider AONB, and in relation to the nearby scheduled monuments, NIEA has advised the Council that the impact will not be significant.

EHO have requested confirmation that the site approved under Planning application P/2010/1508/O has been considered as the nearest sensitive receptor and the developer has confirmed that these lands are covered within the ICNIRP certificate. Also given the conditions attached to the outline permission there will be no compromise to the ICNIRP guidelines. There

is also an additional safe measure in that any development on this site would be subject to further planning permission being required to establish the design, siting, landscaping etc on site and this can be carefully considered at this detailed design stage to ensure that it would not impact or compromise the ICNIRP guidelines at this stage also.

Therefore in view of all of the above considerations, approval is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation This proposal meets the policy requirement tests set out within PPS 10 and the Planning Authority is of the opinion that it will not result in a detrimental visual impact to the landscape.

Conditions/Reasons for Refusal:

Standard Time conditions

Case Officer Signature: Gareth Murtagh

Date:

Appointed Officer Signature:

Date:



Newry, Mourne and Down District
Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL

Deferred Consideration Report

| Summary | |
|---|--|
| Case Officer: Jacqueline McParland | |
| Application ID: P/2010/1041/F | Target Date: <add date> |
| Proposal: Proposed motor home site (amended P2 form) | Location: Lands to the rear of 35 Ballagh Road, Ballaghanery, Newcastle, Co. Down, BT33 OLA |
| Applicant Name and Address: Mr & Mrs Murphy C/o Agent | Agent name and Address: Matrix Planning Consultancy 29 Old Belfast Road Newtownards Co Down BT23 4SG |
| Summary of Issues: A number of representations have also been submitted in objection to the proposal. | |
| Summary of Consultee Responses: No objections | |
| <p>Characteristics of the Site and Area:</p> <p>The site is located to the rear of 35 Ballagh Road between Annalong and Newcastle in the Mourne Area of Outstanding Natural Beauty (AONB). No 35 is a single-storey bungalow. It fronts onto the main A2 Kilkeel to Newcastle Road. This is classified as a Protected Route.</p> <p>The site measures approx. 1 ha. It is rectangular in shape and it measures 65 metres across the front and 155 metres deep. Access is gained from a new entrance on Ballagh Road. This entrance was approved under application P/2005/1843/F. The orientation of the site is east to west. There is a general incline in this direction, up from Ballagh Road to a wooded area at the rear of the site. The difference in ground levels is approx. 22 metres, from Ballagh Road to the western boundary</p> | |

of the site. Two pole mounted floodlights have been erected in the wooded area at the rear of the site.

No. 35 is set back approx. 60 metres from Ballagh Road. There are significant belts of mature trees along each of the site's boundaries. Part of the rear of the site has been graded. A new driveway was created, and this runs up to the rear of No 35. A rough surface road has been created, which leads up to the highest part of the site. A number of rectangular areas have been hard surfaced at this part of the site. These areas are used for parking motor homes.

Although the site is elevated above Ballagh Road. Views through the site are restricted to fleeting glimpses on the adjacent road. The surrounding terrain also helps mask views of the site.

There is a mobile home to the rear of No. 35, as well as one domestic shed and one portacabin. This portacabin is used to provide toilet facilities for the facility.

The site is located in the open countryside, on the main road between Annalong and Newcastle. The adjacent road is designated as a Protected Route, and the site straddles the Mourne AONB.

The area is high in landscape and amenity value. It is characterised by a dispersed pattern of settlement however a recent pattern has emerged whereby a number of dwellings in particular have been strung along the roadside. This has occurred due to the availability of services along the roadside and also due to the views over the Irish Sea to the east.

There is an outdoor pursuits centre to the south of the site, and otherwise the only buildings relate to domestic dwellings or farm complexes.

Deferred Consideration: Further reassessment of this application will be undertaken to that already considered as part of Ms Trudy Chapman's consideration of the 22nd October 2013.

Mrs Chapman had concerns that the proposal did not demonstrate that it would not impact on the residential amenity of the neighbouring dwellings and that it would be contrary to PPS 1 and PPS 16 policy TSM 7 also for this reason. She also had concerns in relation to NH 1 due to the potential impact on the SAC which is contained within NIEA's response.

On the 28th October 2014 the agent submitted an existing site survey of ground levels on the site and where the proposed gravel areas and toilet blocks will be located along with the spot levels shown on this drawing. The proposal does not propose to alter the existing ground levels rather it proposes to use the existing levels and provide a gravel area of permeable hard standing for parking the motorhomes. The difference in ground levels of the show the gravel are to the rear being approximately 30cm below the ground level of what is presently on the contour lines. These level differences are similar throughout the proposal in that the proposed hard standing areas are all approximately between 10-30cm below that of the contour line, which of course is only measured in half metre intervals. I therefore am not of the opinion that demonstrable harm would be caused to neighbouring residential amenity by allowing this permission. I am of the opinion that The Department have sufficient information to assess this element of the application now without the requirement of further details. Therefore the levels proposed are comparable to the existing levels. The layout shows that the existing vegetation will be retained,

however in addition to that I would be minded to request that an additional planting scheme be submitted to and agreed by the Department along the boundary to No 37 to mitigate visual impact which might occur. Therefore having considered the information submitted I am satisfied that this proposal now meets PPS 1 and TSM 7 of PPS 16.

NH 1 of PPS 6.


Ms Chapman has a response detailed on the application file of a conversation with Keith Finnegan of NIEA in relation to their request for further information as to what the adjacent land was to be used for so that they could carry out a Habitats Regulation assessment on these lands. NIEA are concerned about the presence of a gate at the end of a concrete laneway to the rear of the site as they feel it would encourage walkers to use this route through the SAC rather than designated walk ways and routes. The agent has submitted that Mr Murphy has several sheep which are located on this land and that the gate is his means of agricultural access to these lands. Furthermore the land outlined in red and are not located within the SAC and all development will be restrict to this application site. Any future use of adjacent lands within the SAC will be subject to a planning application and the Department under law is required to carry out a HRA for these. Two case laws were cited. Under the Mansi principle, derived from *Mansi v Elstree Rural District Council* [1964], an enforcement notice cannot take away existing rights such as those arising from permitted development or, as in this case, carrying out work which is not classed as development. The fact that Mr Murphy may use these lands for agriculture and for the keeping of sheep does not warrant permission and indeed he does not need to apply to the Department for permission to do so. Therefore under The Conservation (Natural Habitats) Regulation 1995 Northern Ireland the Department have no planning application for these lands nor do they have a deemed consent application to ensure that a HRA is carried out. Therefore I am inclined to agree with Mr Stephens in his reasoning as to why it is not the present of this gate for agricultural activity should not warrant the requirement of a HRA.

I proposed to email Keith and advise him of that and see whether he has any further issues in relation to the proposed land on which the application red line covers.

As all previous correspondence with NIEA sited the adjacent land I am of the opinion that this proposal meets NH 1 of PPS 2.

The issue of land ownership has also been raised. The neighbour feels that notice should have been served on him as he is of the opinion that he owns part of the visibility splays . The purpose of a P2 form is so that all land owners have notice that an application involving their land has been submitted. Mr Rooney is aware of this application and the Department issued him with a Neighbour Notification letter also when the revised P2 form and drawings were submitted. Therefore no land owner was unaware of the application or its content. I myself had a meeting with Mr Rooney prior to Christmas and explained that he was not prejudiced in any way as a result of the P2 form. The agent is insistent that he has served noticed on all relevant land owners. The Department is content that nobody will be prejudice if a decision is made on the basis of the information made available to the Department at this time.

While it is recognised that the neighbouring objectors are unsatisfied about the method of which access has been achieved, this is not a planning consideration.

| | |
|--|---|
| Approval is recommended. | |
| Conditions: Subject to time limit and standard roads conditions | |
| Signature(s): |  |
| Date | 15/6/15 |

Development Control Officer's Professional Planning Report

| | | | |
|--|------------------------------|--------------------------------------|---|
| Case Officer Colin O'Callaghan | | Application ID: P/2010/1041/F | |
| | | Application Type: Full | |
| Applicant Name and Address: | Mr & Mrs Murphy C/o Agent | Agent Name and Address: | Matrix Planning Consultancy 29 Old Belfast Road Newtownards Co Down BT23 4SG |

Location: Lands to the rear of 35 Ballagh Road, Ballaghanery, Newcastle, Co. Down, BT33 OLA

Development Type: Change of Use

Proposal: Retrospective application for the laying of concrete and hardcore to enable motorhomes to be parked for an individual maximum stay of 28 days on a seasonal basis

Date Valid: 02.09.2010

Statutory Expiry Date:

Date of last Neighbour Notifications: 7th September 2010

Date of District Council Consultation:

Date of A31 Determination & Decision:

EIA Determination:

Date First Advertised: 17th September 2010

Date Last Advertised: 17th September 2010

Consultees

Protecting Historic Monuments-Ms Leta Kirvelaityte, ,Waterman House, ,5-33 Hill Street, ,Belfast, ,Co. Antrim, ,BT1 2LA,

Natural Heritage-Ms Suzi McGarry, ,Klondyke Buildings, ,Gasworks Business Park, ,Lower Ormeau Road, ,Belfast, ,Co. Antrim, ,BT7 2JA,

Roads - Downpatrick Office-Mr Rowan Laughlin, ,Rathkeltair House,,Market Street,,Downpatrick, ,Co. Down, ,BT30 6EA,

Newry & Mourne District Council-Council Offices,,Monaghan Row,,Newry,,Co Down,BT35 8DJ,

Northern Ireland Tourist Board-Mrs Heather Coyle,,St Anne's Court, ,59 North Street, ,Belfast, ,Co. Antrim, ,BT1 1ND,

Notified Neighbours

The Owner/Occupier, 17 Circular Road,Castlewellan,Down,BT31 9ED,

The Owner/Occupier, 26 Ballagh Road,Ballaghanery Upper,Newcastle,BT33 0LA

The Owner/Occupier, 29 Ballagh Road,Ballaghanery Upper,Newcastle,Down,BT33 0LA,

The Owner/Occupier, 31 Ballagh Road,Ballaghanery Upper,Newcastle,BT33 0LA

The Owner/Occupier, 31 Ballagh Road,Ballaghanery Upper,Newcastle,Down,BT33 0LA,

The Owner/Occupier, 32 The Spires,Cookstown,Co. Tyrone,BT80 8QT

The Owner/Occupier, 35 Ballagh Road,Ballaghanery Upper,Newcastle,BT33 0LA

The Owner/Occupier, 37 Ballagh Road,Ballaghanery Upper,Newcastle,BT33 0LA

Representations

6 letters of objection have been received in regards to this application.

Consultation replies text

NIEA - Protecting Historic Monuments

NIEA - Natural Heritage

INFRA - Roads - Downpatrick Office

DC - Newry & Mourne District Council

TOUR - Northern Ireland Tourist Board

Consultee replies

Protecting Historic Monuments, Ms Leta Kirvelaityte,
Waterman House,
5-33 Hill Street,
Belfast,
Co. Antrim,
BT1 2LA,
Consultation reply dated 29th October 2010,

Natural Heritage, Ms Suzi McGarry,
Klondyke Buildings,
Gasworks Business Park,
Lower Ormeau Road,
Belfast,
Co. Antrim,
BT7 2JA,
Consultation reply dated ,

Roads - Downpatrick Office, Mr Rowan Laughlin,
Rathkeltair House,
Market Street,
Downpatrick,
Co. Down,
BT30 6EA,
Consultation reply dated ,

Newry & Mourne District Council, Council Offices,
Monaghan Row,
Newry,
Co Down
BT35 8DJ,
Consultation reply dated 24th September 2010,

Northern Ireland Tourist Board, Mrs Heather Coyle,
St Anne's Court,
59 North Street,
Belfast,
Co. Antrim,
BT1 1ND,
Consultation reply dated ,

| Site History TYPE | PROPOSAL | LOCATION | Determination | Date |
|-----------------------------|--|----------------------------|------------------------------|------------|
| P/2005/1843/F | Provision of new access | 35 Ballagh Road, Newcastle | | 21.12.2005 |
| Constraint | | | | |
| Policy Reference | Policy Description | | Hazard/Constraint | |
| AONB/0013 | Mourne (N&M) | | AONB | |
| AONB/003 | Mourne AONB | | AONB | |
| AMC/P/001 | Unknown AMC/P/001 | | Minerals Constraint | |
| APB/P/002 | Newry & Mourne District Rural Area Subject Plan Boundary | | Area Plan Boundary | |
| APB/P/003 | Mourne Area Plan Boundary | | Area Plan Boundary | |
| SUBA/P/002 | Newry & Mourne District Rural Area Subject Plan Boundary | | Area Plan Boundary | |
| SUBA/P/003 | Mourne Area Plan Boundary | | Area Plan Boundary | |
| CPA/P/002 | Zone B | | CPA | |
| CPA/P/001 | Zone A - Uplands | | CPA | |
| DB/P/001 | Newry & Mourne District Council Boundary | | District Boundary | |
| FLOOD04/NEWRY MOURNE | CLIMATE CHANGE UNMODELLED RIVERS | | | |
| SD | South Down | | Parliamentary Constituencies | |

Case Officer Site Visit Report

Date of Site Visit: 2nd November 2010

SITE VISIT DETAILS/DESCRIPTIONS

1 - Characteristics of Site

The site is located to the rear of 35 Ballagh Road between Annalong and Newcastle in the Mournes Area of Outstanding Natural Beauty (AONB). No 35 is a single-storey bungalow. It fronts onto the main A2 Kilkeel to Newcastle Road. This is classified as a Protected Route.

The site measures approx. 1 ha. It is rectangular in shape and it measures 65 metres across the front and 155 metres deep. Access is gained from a new entrance on Ballagh Road. This entrance was approved under application P/2005/1843/F. The orientation of the site is east to west. There is a general incline in this direction, up from Ballagh Road to a wooded area at the rear of the site. The difference in ground levels is approx. 22 metres, from Ballagh Road to the western boundary of the site. Two pole mounted floodlights have been erected in the wooded area at the rear of the site.

No. 35 is set back approx. 60 metres from Ballagh Road. There are significant belts of mature trees along each of the site's boundaries. Part of the rear of the site has been graded. A new driveway was created, and this runs up to the rear of No 35. A rough surface road has been created, which leads up to the highest part of the site. A number of rectangular areas have been hard surfaced at this part of the site. These areas are used for parking motor homes.

Although the site is elevated above Ballagh Road. Views through the site are restricted to fleeting glimpses on the adjacent road. The surrounding terrain also helps mask views of the site.

There is a mobile home to the rear of No. 35, as well as one domestic shed and one portacabin. This portacabin is used to provide toilet facilities for the facility.

2 - Characteristics of Area

The site is located in the open countryside, on the main road between Annalong and Newcastle. The adjacent road is designated as a Protected Route, and the site straddles Zone A and Zone B of the Mournes AONB. The western third of the site falls within Zone A, which is classified as Special Countryside Policy Area, whilst the eastern part falls within Zone B, which is Countryside Policy Area.

The area is high in landscape and amenity value. It is characterised by a dispersed pattern of settlement however a recent pattern has emerged whereby a number of dwellings in particular have been strung along the roadside. This has occurred due to the availability of services along the roadside and also due to the views over the Irish Sea to the east.

There is an outdoor pursuits centre to the south of the site, and otherwise the only buildings relate to domestic dwellings or farm complexes.

There is no relevant planning history associated with this site or the proposal, however Planning Service recently served a "stop notice" upon the applicant, requiring him to cease the use of the site as a caravan / motorhome stopover facility.

3 - Description of Proposal

Retrospective planning permission has been sought for the creation of hardstandings which facilitate the change of use of the land, to create a motorhome stopover area.

ASSESSMENT OF POLICY AND OTHER MATERIAL CONSIDERATIONS

Relevant area plans, planning policy statements (PPS's) and supplementary planning guidance documents include:

PPS 1 General Principles; PPS 3 Access, Movement and Parking; A Planning Strategy for Rural Northern Ireland (PSRNI); PPS 21 Sustainable Development in the Countryside; Development Control Advice Note (DCAN) 15 Vehicular Access Standards; Newry and Mourne District Rural Area Subject Plan 1986 – 1999; Draft Banbridge / Newry and Mourne Area Plan 2015; and the regional Development Strategy (RDS) 2025. The RDS however is an overarching regional strategic framework document, as opposed to an operational planning policy statement (PPS).

Neighbour notification has been carried out and the application has been advertised in accordance with the Department's statutory obligations. At the time of writing six letters of objection have been received, and a number of representations have been made in support of the proposal. Issues raised, and consideration of the objections, are summarised elsewhere in this report.

Consultations have been sent to Roads Service, Northern Ireland Tourist Board (NITB), Environmental Health, Northern Ireland Environment Agency (NIEA) Historic Monuments and Natural Heritage branches.

Roads Service has not yet responded to its consultation, nor have NIEA - Natural Heritage or Historic Monuments branches. Environmental Health has no objections, and NITB has indicated a need for this proposed development.

Although this proposal is for retrospective planning permission, as the application was received after March 16th 2006 it stands to be assessed against the provisions of PPS 21. It's Policy CTY 1 operates a presumption against development throughout the open countryside with a number of exceptions including Tourism developments in accordance with the TOU Policies of the PSRNI. However, part of this site falls within a Special Countryside Policy Area.

PPS 21

Policy CTY 1 of PPS 21 states that "where a Special Countryside Policy 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".

The extant Plan states that in this area, it is the Department's Policy to restrict development unless it can be clearly established that the development is in the public interest. The Draft Plan states that within Special CPA's planning permission will only be granted to development proposals which are of such national or regional importance as to outweigh any potential detrimental impact on the upland environment; or for the consolidation of existing development providing it is in character and scale, does not threaten any nature conservation or built heritage interest and can be integrated with the landscape.

In my opinion approval of this proposal would not be in the wider public interest. Whilst the applicant's representatives have pointed to a need for tourism development in general in the area, this is a commercial undertaking carried out by a private individual. Given the small scale of the proposal, it is not considered likely to make a significant contribution to the tourism industry or the regional or indeed local economies.

I do not consider that the proposal involves the consolidation of existing development. Whilst the applicant's agent has highlighted the existence of a domestic tennis court on the site, this has since been removed. The works that have been carried out constitute development requiring planning permission.

If it is accepted that the upper part of the site falls within the curtilage of the dwelling house, certain forms of development can be carried out under the applicant's permitted development entitlements, for example the erection of certain means of enclosure or structures. I do not equate these works with commercial development, nor do I consider that the entitlement to carry out domestic alterations or extensions indicates that land has been previously developed. I therefore consider the proposal contrary to Policy CTY 1 of PPS 21.

PPS 21 advises that where other Policies distinguish between green belt and non-green belt policy areas, it shall be the lesser, non-green belt, policy tests that apply.

PSRNI / TOU Policies

TOU 1 aims to give favourable consideration to proposals for tourist developments which are appropriate in terms of nature, scale and location. This location is considered inappropriate because of the Special CPA designation and because the adjacent road is a Protected Route. I am satisfied however that the limited scope of the proposal ensures that the area's visual amenity will not be undermined nor will there be any significant adverse impact on this key tourist asset. I also consider that the environmental impacts of the proposal are unlikely to be significant, given the nature and scale of the development that has occurred. I do not consider however that this proposal is likely to make a significant contribution to the economic development of this area.

Whereas all proposals are assessed on the basis of their contribution to the tourism industry, and the degree to which they contribute to the conservation of the natural, man-made and built heritage, I do not consider that this proposal is likely to make a significant contribution to the tourism industry in general in this area. Despite my concerns, Northern Ireland Tourist Board (NITB) has however noted that there is "very limited provision of small sites in rural / coastal locations". "Whilst there are a number of campsites in the Newcastle area the majority are dominated by static caravans". NITB has advised that "a small high-quality site catering for this specialist market would be a positive addition to the tourist offer in the Mourne area".

I am satisfied that the scale of the development is appropriate however the design of the toilet block is inappropriate in this AONB. This is only a temporary structure however and the applicant has indicated that in the future he intends to replace this with a higher quality, permanent, building. The toilet block could be retained on a temporary basis however, in the event of planning permission being granted. I have no concerns in relation to this site's integration into the wider environment.

I consider that were it not for the Special CPA restriction, in light of NITB's comments, there is a need for this "one-off" unique facility. This facility is confirmed as meeting an identified tourist need. Whilst this proposal has been considered on the basis of its own merits, the main policy restrictions have not been overcome however in relation to the Special CPA status and the adjacent Protected Route. Whilst I do not consider the proposal likely to generate environmental costs, economic benefits have not been detailed and on balance I consider the proposal contrary to Policy TOU 1.

Policy **TOU 2** aims to protect key environmental assets for the tourism industry. Whilst this AONB requires protection, the Special CPA imposes a strict presumption against any form of development. Whilst this development is not excessive, it is unnecessary in the context of the Special CPA restrictions which only permit developments in the public interest.

"In some cases tourist development may be acceptable in an area of stricter planning control – see Policy CO 5". Whilst I am satisfied that the proposal will not have an adverse impact on the visual

amenity of the area, and the value of this tourist asset will not be diminished, I do not consider that the provisions of Policy CO 5 apply to this proposal as the site does not lie on the undeveloped coast. A coastal location is not essential in this case, although it is acknowledged that the development will not lead to an unacceptable impairment of the amenity in the area. In summary, I do not consider the proposal to be contrary to Policy TOU 2.

Policy **TOU 4** is relevant to this proposal. The Policy explains how proposals of this nature are considered in terms of their locational merits with regard to quality, siting and availability of screening. TOU 4 recognises that sites for caravans and camping is an important element in the accommodation of holiday makers. NITB has accepted the need for this facility. Whilst the main issue raised by the use of land for stationing caravans is that of countryside protection, it is recognized that this proposal will not cause harm to the character of the area however the policy restrictions in place have not been overcome. Although caravan sites can be obtrusive in the landscape, this site is well screened from public views. The proposal will not detract from the landscape.

TOU 4 states that permission will be granted for touring caravan sites at appropriate locations. Given this site's inclusion within the Special CPA, and the fact that the access leads to a Protected Route, the location is clearly inappropriate. I accept that this proposal would leave little evidence of the site's usage in the winter months, and even in the summer months the evidence would not be widely seen. This site is effectively screened and the development would not be visually intrusive. On balance, I consider the proposal to be contrary to TOU 4 only because of the Special CPA designation.

TOU 4 states that "the Policy for new touring caravan parks in coastal CPA's is set out in Policy CO 6 of the PSRNI". This advises that "favourable consideration will be given to the provision of small sites solely for use by touring caravans". The proposal complies with CO 6 on the basis that the location is on the landward side of the coastal zone, rather than on the undeveloped coast. Whilst approval is dependent upon the site being acceptable in terms of design standards, normal planning criteria and environmental considerations, I am satisfied that aside for the Special CPA status the proposal would be acceptable in terms of design standards, normal planning criteria and environmental considerations.

In summary, I consider the proposal contrary to Policy CTY 1 of PPS 21, owing to the Special CPA status and the fact that I do not consider that the wider public interest would be served through the granting of planning permission for this proposed development. Given the small scale of the proposal, it is not considered likely to make a significant contribution to the tourism industry or the regional or indeed local economies. These failings render the proposal contrary to Policies TOU 1 and TOU 4 of the PSRNI.

Whilst the proposal is unacceptable in principle, the detail of the proposal must also be assessed against the relevant Policies.

I am satisfied that the proposal does not fail any of the environmental tests set out in PPS 21's policies (i.e. Policies CTY 8, 13, 14 and 15). There is no evidence of farm diversification and Policy CTY 11 is not applicable.

A number of concerns have been expressed in relation to loss of amenity, by nearby residents. In my opinion, spill from lighting columns is likely to affect nearby residents. This has been confirmed by a third party. I therefore consider the proposal unacceptable in this regard. Low level lighting could be employed, however this is a full application and the Department is obliged to consider the details before it. In my opinion the proposal is likely to generate a certain level of noise. Whilst this noise may affect the amenity of nearby residents, given that they have been used to a rural setting with background noise coming only from the adjacent road, Environmental Health has no concerns in relation to noise disturbance. I therefore conclude that any noise likely to be generated will not be so great or unreasonable that it would have a significant impact on the amenities of nearby residents. On

balance, I do not consider the proposal to be contrary to PPS 1 General Principles.

Whilst Roads Service has not responded to its consultation, detailing the acceptability of the access in relation to Policy AMP 2 (Access to Public Roads) of PPS 3, Policy **AMP 3** states that the Department will control the level of use of existing accesses onto Protected Routes. A number of exceptions are set out in AMP 3. Criteria D is relevant, and it states that approval may be justified in particular cases for other developments which would meet the criteria for development within a green belt or CPA where access cannot reasonably be obtained from an adjacent minor road. This proposal does not meet the criteria for development in this Special CPA, and the proposal is therefore considered contrary to AMP 3. This assessment takes account of the fact that PPS 21 states that other policies which distinguish between green belt and non green belt areas are automatically amended to apply the lesser (non green belt tests).

In summary, refusal is recommended on the grounds of the failure to comply with Policies CTY 1 of PPS 21, TOU 1 and TOU 3 of the PSRNI, and Policy AMP 3 of PPS 3.

Case Officer Recommendation – Refusal

Brief Summary of reasons for recommendation

Whilst the need for this development is not contested, owing to NITB's consultation response, because the site is partially located in a Special Countryside Policy Area the proposal is contrary to Policies CTY 1 of PPS 21, TOU 1 and TOU 3 of the PSRNI, and Policy AMP 3 of PPS 3. Owing to the status of the site, the location is inappropriate for this form of development.

Refusal Reasons

DC Officer's Signature:



: 19/11/10

DC Group Recommendation

Zone A & AONB + Protected Route. No exceptions
to this policy put forward - Objections considered.
Refusal as recommended

D.C. Group Signatures:



Date:

16/12/10

Deferred Application P/2010/1041/F

Re-consideration

BACKGROUND

The application was recommended for refusal to the Newry and Mourne District Council originally on 6th January 2011. This application included land within the AONB Zone A which the Rural Area Subject Plan clearly states that development will not be permitted in this area unless it is considered to be in the public interest.

Following the Council meeting in January 2011, the application site was reduced to remove the land within Zone A and the processing continued.

The application was presented to Council again on 11th April 2013 with an opinion to refuse based on the following reasons:

1. The proposal is contrary to 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, and, as the site is located inside a Special Countryside Policy Area.
2. The proposal is contrary to Policy TOU1 of the Department's Planning Strategy for Rural Northern Ireland in that this location is inappropriate for this type of development and the proposal is not appropriate in terms of its nature, scale or location. It has not been demonstrated that the proposal will make a positive contribution to the tourism industry nor will it contribute to the conservation of the natural, man-made and built heritage of the area.
3. The proposal is contrary to Policy TOU2 of the Department's Planning Strategy for Rural Northern Ireland, which aims to protect key environmental assets for the tourist industry and to protect the qualities of such areas from unnecessary or excessive development.
4. The proposal is contrary to Policy TOU4 of the Department's Planning Strategy for Rural Northern Ireland in that this is an inappropriate location for the creation of a touring caravan park as the site lies within a Special Countryside Policy Area, adjacent to a Protected Route.
5. The proposal is contrary to The Department's Planning Policy Statement 3, Access,

Movement and Parking, and associated guidance, in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.

6. The proposed development is contrary to Policy AMP 2 of the Department's Planning Policy Statement 3: Access, Movement and Parking, and associated guidance, in that it would, if permitted, prejudice the safety and convenience of road users since it has not been demonstrated that visibility, or gradient of access, can be achieved to an adequate standard.

CONSIDERATION

To date 17 letters of objection and one letter of support has been received. The main points raised by objectors and my consideration of these include;

- Work began before the application was submitted – the application was originally described as retention of, now that part of the site within the Special countryside area has been removed and the application only refers to the element were work had not begun
- There is a shared access point between numbers 35 and 37 – this in itself would not preclude the granting of planning permission
- Seen as a potential 1st Phase of development – the Department can only consider this application on its own merits, should it be granted any extension or phase 2 would require separate planning consent.
- Loss of privacy / private amenity – I would be concerned that there would be a degree of loss of the neighbours residential amenity, the plans submitted do not show the levels between the site and the adjacent properties or how the boundaries are currently defined or would be defined should permission be granted. On this basis it is likely that the proposal could adversely impact on the enjoyment of these properties
- Economic benefits described are already available through existing tourist facilities – The economic benefits could have been a determining factor when the application was first submitted, however the tests within PPS16 which has been published in the interim do not require the economic benefits for a scheme of this nature to be identified or proven.
- Devaluation of the areas ambiance – it is unclear what this is in regard to I have been inclined to consider this point as for the issue of Privacy detailed above.
- Devaluation of property – No evidence has been submitted to substantiate that the granting of planning permission would result in a devaluation of property
- Statements and plans submitted are not accurate – don't show the proximity of adjacent

dwellings or levels – as detailed above I am also of the opinion that the plans submitted to date do not provide sufficient information to make an informed consideration of the potential impact on neighbours

- Adjacent dwelling is lit by side windows and therefore subject to overlooking and loss of privacy if the screening is not maintained. – See Privacy detailed above
- Flood lights on site currently impact on neighbours – Since this objection was received the plans have been amended to low level lighting. This will be less intrusive than the original floodlighting, however it is my opinion that the impact on neighbours cannot be fully assessed based on the information currently on file.
- Proposal has no mention of signs, there is already one at the shared entrance, this has resulted in vans turning into the wrong lane, potential hazard given there is little turning space, - Separate planning consent would be required to display signage
- Reference made to permission P/2005/1843/F being closed up – this is not the case, this access has a metal gate and has been used as a goods entrance. This has been noted, however I do not believe that this would preclude the development being approved.
- The Right of Way for agricultural access to the adjacent lane needs to be closed to avoid accidental trespass or accident. – Private Rights of way and any disputes associated with them are civil matters.
- Noise impact – This proposal is likely to have associated noise both from the motorhomes themselves and the occupants of them, Environmental Health have been consulted in relation to the proposal and have advised that the development would need to be managed properly to ensure noise nuisance does not occur. I do not believe the Department has sufficient information to fully assess the proposal in relation to potential impacts on the neighbours.
- Out of character – I do not believe that this is necessarily the case given that views of the development would be limited from the public road.
- Would set a precedent and encourage similar development – each planning application is considered on its own merits and approval or refusal of this application would not necessarily result in the same decision being taken for other similar developments.
- Impacts on views from the mountains – Any proposal granted in the shadows of the Mountains could be considered as impacting on the views from the mountains, I do not believe that this would necessitate a refusal.
- Not necessary given the number of caravan sites in the wider area – PPS16 TSM 6 does not require a need for the development to be demonstrated.
- Validity of the application, as the site location plan does not have a north point. – I do not believe that this invalidates the application, it is clear when considering the site location plan

where the site is located, the Legislation only requires that the site can be identified and does not refer to the need for a north point.

- Given proximity to the Eastern Mourne Special area of Conservation and Eastern Mourne area of Special Scientific Interest it is likely that there is protected species on the site – The proposal has the potential to impact on the adjacent SAC, on this basis the application requires to be considered under regulation 6 of the Habitats Regulations, to date insufficient information has been submitted to fully assess the application.
- No details of soak ways,, gullies on the site layout, given the area of hard standing and the gradient, surface water could cause traffic hazards – I am in agreement that the level of information is insufficient to fully consider this.
- Sight splays are outside the applicants control – wrong P2 completed. No information has been submitted to prove ownership either by the applicant or the objections, this however would not necessarily result in a refusal, as a negative condition could be attached to ensure appropriate access arrangements are in place prior to commencement of the works.
- Trees have been removed – detrimental to landscape and scenic area / amenity – There are no tree preservation orders in this area as such the applicant can remove trees without the need for permission.
- Located in an elevated – potential to overlook – Please see consideration of Privacy detailed above
- Elevated position, likely to be visible to boats – I am of the opinion that this point is similar in nature to the point above regarding visibility from the Mountain and my consideration is the same.
- Tandem development – The proposal could be considered as tandem development, however as the promoter of the proposal lives in the dwelling to the front and would be essentially managing the development, (which would allow monitoring of noise, nuisance etc) it could be argued that the existing dwelling forms part of the overall concept.
- No details regarding how effluent will be treated / disposed of – The P1 form has stated that a septic tank will be used
- No tourist attractions in the immediate area – Under PPS16 TSM 6 there is no requirement for this type of development to provided a tourist need
- Down District Council are reported to be developing 120 new spaces for touring caravans – as above
- Liable to seasonal flooding – There has been no evidence submitted to support this point, and information available to the Department does not support this point.
- No details of planting – I am of the opinion that the information submitted is not of

sufficient detail, this should include a landscaping plan

- Unlikely to be viable – please see details above regarding the requirements of Policy TSM 6
- Red squirrels and woodpeckers in the area – please see consideration of the point regarding the Mourne SAC

I met with the agent for the proposal on 23rd August 2011, at this time I raised the following issues;

- The proposal was referred to as retention ofthis was no longer appropriate given that the area development was no longer inside the application site
- The issue of need had not been adequately addressed
- In order to assess fully they would be required to submit detailed block plans showing the location of the adjacent properties and existing and proposed levels throughout the site.
- Drainage details and improvements to access required – autotracking would be required to show that vehicles could manoeuvre within the site.
- Toilet block is referred to – would expect block plans and elevations
- Agent advised of the receipt of objections and that further consultations would be required in light of the comments raised.

Additional information has been submitted in relation to the need of the proposal; this included a Transport Assessment Form (TAF) as requested by DRD Roads Service.

While the application has been with the Department the final version of PPS16 (Tourism) has been published (June 2013) and as such the application needs to be considered against this. The Glossary within PPS16 explains that a Holiday Park, is 'for the purposes of this PPS, a holiday park is defined as a caravan site, licensed under the Caravans Act (NI) 1963, which in addition to static caravans may also contain holiday chalets or cabins, pitches for touring caravans, motor homes and tenting' as such this is the closest definition within the policy of what is proposed under this application. It could also be argued that the proposal constitutes a 'tourist amenity' as this is defined in the PPS as 'an amenity, facility, or service provided primarily for tourists but does not include tourist accommodation (Art 2 Tourism NI Order 1992). Tourist accommodation is defined in the Tourism (NI) Order 1992 as "tourist accommodation" means overnight sleeping accommodation for tourists provided by way of trade or business. While the proposal itself does not provide the accommodation in that the tourist brings their own accommodation by way of the motor home, the facility to park the accommodation is provided by way of a business and for this reason I am of the opinion that TSM 2 Tourism Amenities in the Countryside is not appropriate or

relevant in this case.

I am restricting my consideration of PPS16 to TSM 6 New and extended Holiday parks in the Countryside; TSM7 Criteria for Tourism Development and TSM 8 Safeguarding of Tourism Assets.

TSM6;

Requires that it be demonstrated that the proposal will create a high quality and sustainable form of tourism development, the location, siting, design, layout and landscaping of the proposal must be based on an overall design concept that respects the surrounding landscape, rural character, and site context. The scheme must be accompanied by a layout and landscaping plan and will be subject to 8 criteria.

- A) located in an area which has the capacity to absorb the development without adverse impact on visual amenity and rural character - I am of the opinion that given the topography and existing vegetation and buildings that the proposal meets this criteria.
- b) effective integration - as above I am of the opinion that the proposal meets this criteria
- c) adequate provision (normally 15%) is made for communal open space - given the informal layout of this proposal I am content that there is sufficient communal open space provided for in the scheme.
- d) the layout is informal and characterised by discrete groupings or clusters - As detailed above the proposed layout is informal and therefore meets this criteria
- e) design of the development including the design and scale of ancillary buildings and other elements is appropriate for the site and the locality. I am content that the design is appropriate for the area, given the limited views from public vantage points, and the ancillary building is small and of appropriate design.
- f) environmental assets are identified and where appropriate retained and integrated - to the best of my knowledge there are no environmental assets.
- G) mains water and sewerage services to be utilised were available and practicable. – The application forms submitted indicate that mains water will be used that a septic tank will be used for foul sewage – (the plans submitted have not indicated this septic tank)

TSM7

Requires the compliance with 6 design criteria and 9 general criteria.

Design

- a) movement pattern provided where possible which supports walking and cycling , access for the mobility impaired, respects rights of way and provides access to public transport - this proposal is

located on a main traffic route and therefore would have access to public transport, footpaths in the area are limited and so I am of the opinion that the proposal does not conflict with this criteria.

B) the layout, building design, associated infrastructure and landscaping (including floodlighting) are of high quality . The proposal has been amended to provide low level lighting, the building design are considered to be acceptable, there remains a question over levels and landscaping however this could be overcome through the submission of further information.

c) appropriate boundary treatment and means of enclosure are provided - again the level of detail regarding boundary treatment is to my mind not sufficient, however again this could be overcome through the submission of further information,

d) utilisation of Sustainable drainage systems were practicable – no indication has been made that SuDs will be used, however the policy only requires this were practicable and therefore would not warrant a refusal

e) designed to deter crime and promote personal safety. There is no indication in the submission of the application that this criteria was specifically considered however given that the promoters dwelling is located at the entrance of the development it is considered that this in itself would deter crime.

f) refers to development which includes public art and is not applicable to this proposal.

General Criteria

g) compatible with surrounding land uses and will not detract from the landscape quality and character of the surrounding area - I am not convinced that the proposal is compatible with the adjacent residential uses, this opinion however is based on the information submitted to date and I am of the opinion that the lack of cross sections, full detailed levels and landscaping means that I cannot fully assess the potential impact on the neighbouring dwellings by way of overlooking, loss of privacy and the potential for nuisance by way of light pollution and noise in particular.

h) it does not harm the amenities of neighbours - consideration as above.

l) it does not adversely affect features of natural or built heritage - I am of the opinion that the proposal meets this criteria

j) capable of dealing with emissions or effluent - I have no reason to believe that the proposal cannot meet this criteria

k) access arrangements must be in accordance with the published guidelines

l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic

m) existing road network can safely handle any extra vehicular traffic

The most recent comments from Roads Service indicate that the application can be approved

subject to planning conditions.

n) access onto a protected route for a tourism development in accordance with the amendment to policy AMP3 of PPS3 as per annex 1 of PPS21 – The proposal if considered acceptable would be considered an exception to the Main Traffic Routes Policy

o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset. I am satisfied that this criteria does not apply to this proposal.

TSM8

Requires that permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset.

I am of the view that the Mourne Mountains can be classified as a tourism asset and am content that this proposal is approved would not adversely impact on the mountains.

Since the application was submitted there have been 2 relevant planning appeals relating to enforcement cases in the immediate vicinity.

2012/E053 related to the use of land for the parking on motorhomes – this related to the original site applied for under the planning application I am currently reconsidering.

The result of this appeal was that the offending development was to be removed, the toilet block (which had been removed) the hardstanding areas and the seed the area to be carried out within 49 days and the an extended period for the removal of utility points and small areas of hardstanding to be removed within 200 days.

I do not believe that this decision has any relevance to the consideration of the application currently being processed.

2013/E002 relates to an unauthorised extension to the wall. The outcome of this decision was that the wall was considered to be development, that it was not permitted development and that in its current position it obscures the view of traffic leaving Mr Murphys property. The enforcement notice was upheld with an extension to 90 days to remedy the situation.

This decision is relevant in that the obstruction to the sight splays required for this application will be removed.

RECOMMENDATION

I do not believe that adequate information has been submitted to fully assess the potential impact on neighbouring residential dwellings, on this basis I would be minded to recommend refusal based

on the potential impact.

In addition as the application is required to be assessed under the Habitats Directive and insufficient information has been submitted to allow a full assessment against the qualifying features of the nearby designated area, to my mind the Department cannot legally recommend approval for this application unless this matter has been addressed through the submission of further information.

Trudy Chapman

Senior Planner

Newry and Mourne Development Management Team

18th October 2013.

CONSIDERATION OF FURTHER CORRESPONDENCE

Following my consideration above, further correspondence has been received from the Agent (by email on the evening of 18th October and from the representative of one of the Objectors by post received 14th October but received by me for consideration on 21st October.

Both pieces of correspondence need to be considered prior to any further consideration of the application through the formal group meeting process.

Email from A Stephens;

Mr Stephens email predominately deals with the processing of the application and his perceived delays, the application was discussed briefly at the August Development Management group meeting, however given a hearing had been arranged for the associated appeal for the end of August it was agreed that it was appropriate for any decision to be postponed pending the outcome of this appeal which would then result in the Department making a fully informed recommendation.

The issue regarding the unauthorised wall (now that a decision has been taken by the PAC) is a matter for the Group meeting to decide how much determining weight should be given if any.

The request for levels throughout the site - As detailed in Mr Stephens email this was discussed in a meeting attended by me on 23rd August 2013, Mr Stephens argues that this request related specifically to the access and gradients, my notes taken at the meeting do not give the same account and I have specifically noted 'I explained that in order to assess the proposal fully, I would like them to submit block plans which show the development surrounding the proposed site; this would enable us to fully consider the impact on neighbouring properties. I asked that this plans also show existing and proposed levels'.

Later in the same meeting the discussion moved to the access and gradient, and Mr Stephens has

submitted amended layout plans to cover these discussions they did however omit the information I had specifically requested.

Mr Stephens has also included in his email that he believes he has sufficient complaint to take this application to the Ombudsman - while I have noted this, and this is a route that is open to him, I am not content to process this application to a conclusion until I am satisfied that all the issues have been fully considered, at present I do not believe that I have sufficient information to allow the application to be considered as an approval and therefore to date the only recommendation that I can take to the group meeting is that on the basis of the information currently on file the application should either be refused or a further request be made for more information on a without prejudice basis.

Mr Gourleys letter was received by the Department on 14th October, in it he explains he is working on behalf of Mr Rooney, and reiterates that no permission or consent has been given for the applicants to provide or maintain the visibility splay to the north of the entrance. He explains that as Mr Rooney is in ownership of these lands the P2 certificate submitted with the application is incorrect. Mr Gourley explains that as there has been an issue with flooding since the removal of the original walls, his client intends to rebuild these walls which he believes does not require planning permission. He also highlights that his client can plant a hedgerow on his own land, but that this will block the visibility splays to the proposed site.

He goes on to say that a number of his points have still not been addressed; I have listed these and commented on them

- The P2 certificate – I am content that while this may not be correct no one has been prejudiced through the processing of the application given that the parties on either side of the site have objected through the normal process
- Surface water is to be disposed of through soakaways and gullies but these are not shown. – I agree with Mr Gourley that these should be identified on the plan
- No details of how the effluent will be dealt with – The agent has advised that this will be dealt with by septic tank – however again this is not shown on the plans
- No accurate levels within the site – this has been requested but not submitted
- No details of signage – all signage would require separate consent
- He refers to the lack of a north point on the site location plan – I have considered this previously in my assessment
- The site is in an elevated position and would result in overlooking and loss of privacy -I have considered this previously in my assessment
- Part of the site is within Zone A – The application site was reduced to remove this element from the application.

- Trees have been removed and it is noted that the agent has not addressed NIEA's recommendation to refuse – the trees have no protection and therefore could be removed without consent. I have also noted that the application could not proceed to an approval as there has been insufficient information to allow an assessment under the habitats Directive.

RECOMMENDATION

I remain of the opinion that the Department has been provided with insufficient information to allow a full and proper assessment of the proposals potential impacts on the neighbouring residential dwellings, I am also agreeing with NIEA Natural Heritage in that a decision to approve cannot be taken until their concerns regarding the nearby SAC have been addressed.

On this basis I would recommend refusal based on PPS1 (protection of residential amenity), PPS2 policy NH1 in that it has not been demonstrated that this proposal if approved would not have an adverse impact on the designated site, PPS16 TSM7 in that it has not been demonstrated that this proposal will not harm the amenities of neighbours or is compatible with adjacent uses (i.e. the residential uses).

Trudy Chapman

Senior Planner

22nd October 2013

Deferred Application – Consideration

Application site reduced to remove section inside zone A, while a need for this type of development has been demonstrated this is for the wider south down area not this specific area. It has also not been demonstrated that the proposal will not.

- 1. Any new material factor(s) raised? YES/NO
- 2. Any different weight attached to planning judgement? YES/NO
- 3. Changed opinion? YES/NO

D.C. Group Signatures:



Date: 28/3/13

have an adverse impact on the residential amenity of the neighboring properties or that a safe access can be achieved. -objections considered
Refusal.

Further reassessment of this application will be undertaken to that already considered as part of Ms Trudy Chapman's consideration of the 22nd October 2013.

Mrs Chapman had concerns that the proposal did not demonstrate that it would not impact on the residential amenity of the neighbouring dwellings and that it would be contrary to PPS 1 and PPS 16 policy TSM 7 also for this reason. She also had concerns in relation to NH 1 due to the potential impact on the SAC which is contained within NIEA's response.

On the 28th October 2014 the agent submitted an existing site survey of ground levels on the site and where the proposed gravel areas and toilet blocks will be located along with the spot levels shown on this drawing. The proposal does not propose to alter the existing ground levels rather it proposes to use the existing levels and provide a gravel area of permeable hard standing for parking the motorhomes. The difference in ground levels of the show the gravel are to the rear being approximately 30cm below the ground level of what is presently on the contour lines. These level differences are similar throughout the proposal in that the proposed hard standing areas are all approximately between 10-30cm below that of the contour line, which of course is only measured in half metre intervals. I therefore am not of the opinion that demonstrable harm would be caused to neighbouring residential amenity by allowing this permission. I am of the opinion that The Department have sufficient information to assess this element of the application now without the requirement of further details. Therefore the levels proposed are comparable to the existing levels. The layout shows that the existing vegetation will be retained, however in addition to that I would be minded to request that an additional planting scheme be submitted to and agreed by the Department along the boundary to No 37 to mitigate visual impact which might occur. Therefore having considered the information submitted I am satisfied that this proposal now meets PPS 1 and TSM 7 of PPS 16.

NH 1 of PPS 6.

Ms Chapman has a response detailed on the application file of a conversation with Keith Finnegan of NIEA in relation to their request for further information as to what the adjacent land was to be used for so that they could carry out a Habitats Regulation assessment on these lands. NIEA are concerned about the presence of a gate at the end of a concrete laneway to the rear of the site as they feel it would encourage walkers to use this route through the SAC rather than designated walk ways and routes. The agent has submitted that Mr Murphy has several sheep which are located on this land and that the gate is his means of agricultural access to these lands. Furthermore the land outlined in red and are not located within the SAC and all development will be restrict to this application site. Any future use of adjacent lands within the SAC will be subject to a planning application and the Department under law is required to carry out a HRA for these. Two case laws were cited. Under the Mansi principle, derived from *Mansi v Elstree Rural District Council* [1964], an enforcement notice cannot take away existing rights such as those arising from permitted development or, as in this case, carrying out work which is not classed as development. The fact that Mr Murphy may use these lands for agriculture and for the keeping of sheep does not warrant permission and indeed he does not need to apply to the Department for permission to do so. Therefore under The Conservation (Natural Habitats) Regulation 1995 Northern Ireland the Department have no planning application for these lands nor do they have a deemed consent application to ensure that a HRA is carried out.

Dear Councillors,

Re: PA P/2010/1041/F - Retention of unapproved Camper Van Park by Mr and Mrs Murphy at 35 Ballagh Road Newcastle BT330LA and the earlier application for change of entrance at the same address under P/2005/1843/F.

The planning authority's interpretation of a number of major points in both these applications is misleading and the determination with which these points are consistently put forward, with no attempt to acknowledge the law of property by the planning authority's senior management team is simply unprofessional and unfair at best.

It is crucial that P/2010/1041/F for retention of the unauthorised camper van park is viewed as Part 2 of P/2005/1843/F which was for a change of gateway from the south to the north side of the property at 35 Ballagh Rd Newcastle.

Given the level of inaccuracy in the application it is surprising that the Planning Office have not dealt with Mr Murphy's application by a simple refusal until such time as he can gain the usual permissions from the rightful owner to make use of his land in his current application.

Both Mr Des Stephens, a current Director of Matrix Planning Consultancy and an ex senior manager with the Planning Service NI and his son Andy, a co-director of Matrix continue to deny Mr Rooney's ownership. This is a deliberate abuse of Mr Rooney and it is disgusting that Mr Mc Kay in his position as the Senior Planner for Newry, Mourne and Down Council should lend the weight of his publicly funded office in support of a deliberate attempt to obtain any rights across land that is clearly NOT owned or controlled by the applicants Mr and Mrs Murphy.

It is important to understand that a senior barrister's advice has been sought and that opinion is that the actions of the Planning Department in this matter are illegal. On foot of that advice Mr Rooney is determined to proceed to judicial review in the event that Mr Murphy's application for retention is approved as Mr Rooney is concerned that the Planning Authority would pursue him to remove his long standing wall which he had to repair after Mr Murphy knocked it down to obtain the visibility splays without his consent (something Mr Murphy admitted in front of his own solicitor and Andy Stephens of Matrix together with around 30 others present at the PAC in September 2013)

The planning authority has no legal authority to grant any rights in land or distort any essence of ownership in favour of one citizen over another. The Deeds show the land in question belongs to Mr Rooney, the application is incorrect and the planners are aware that it is incorrect, the applicant Mr Murphy has admitted at the PAC hearing in 2013 that he demolished the original wall maliciously without permission.

The reason is quite clear on his 2005 Application as his architect's drawing shows his proposed sight lines passing through both the party wall and the front wall of his neighbour's garden and state that these walls need to be taken down and rebuilt behind the sight line. He has never had permission to do this and Mr Rooney has informed the planners

of that fact on a number of occasions - also pointing out, that as he does not want a campervan park as a neighbour he will never grant this permission.

The Department have been informed in writing on at least four occasions in the last three years by Mr Rooney's Solicitor and have been sent authorised copies of the deed maps of Mr Rooney's house and lands to substantiate his ownership of the lands which Mr Murphy has dishonestly claimed belonged to him or were in his control in the 2005 planning application for change of entrance. Despite knowing that it was NOT true his agent Mr Stephens (the ex senior planning officer) made the same dishonest claim in the 2010 application for retention of the unapproved camper van park.

Why would the planning office ignore Mr Rooney's letter in October 2010 in which he explained these facts and wish to side with Mr Stephen's assertion that Mr Murphy owned and controlled all the land necessary for his application? Despite the conditions of that 2005 permission still not being met:

- a) Item 4 requires the applicant to "provide vehicular access including visibility splays in accordance with the approved drawing prior to the commencement of any works or other development" Mr Murphy has not fulfilled this condition and CANNOT do so
- b) Item 5 requires the area inside the sight splays to be cleared to a level not more than 250mm above the carriageway before the development is occupied - again Mr Murphy CANNOT fulfil this obligation as he does NOT OWN or CONTROL the land necessary

In the Informatives Section of the 2005 Permission it is clearly stated in Item 2, that "This permission does NOT confer title. It is the responsibility of the developer to ensure that he controls ALL the land necessary to carry out the proposed work". Mr Murphy does NOT own ALL the land necessary and it is NOT the planning authority's gift to allow him any rights over land owned by another person.

Clearly then while Mr Murphy may have built the gateway more than 5 years ago he still has no right to the sight lines and it is the law of the land not the planners who grant property rights. As can be seen in the 'Informatives Section of the 2005 planning permission' even their own written guidelines spell out these limitations to their powers! It is therefore clear that as he has not legally fulfilled the requirements for the sightlines and he cannot maintain them without first obtaining and recording Mr Rooney's permission.

This application should be refused until such times as Mr Rooney gives permission and it can be recorded on Mr Murphy's Deeds - he can then enter a new application where he can truthfully declare "that he owns or controls all the land necessary for the development".

Other important matters to be considered

Ms J Mc Partland has stated that she disagrees with her colleague Ms Trudy Chapman in her assessment of a number of matters. She does not feel that it important that no P2 notice was served on Mr Rooney as the owner of the land saying that he was aware of Mr Murphy's actions at the time. That is simply UNTRUE.

Mr Murphy negated the Neighbour notification notice in 2005 by going to Mr Rooney and

telling him he was changing his entrance, it would not affect Mr Rooney as all the work was on his side and not to worry about it. He then was deliberately untruthful in his application advising his architect that he had an agreement with Mr Rooney and so the Planning Department did not correct the lack of P2. The sole purpose of the P2 is to make sure one is aware of any application which may effect your land. Without the P2 served Mr Rooney had no way to know that the sight lines crossed his land and that Murphy needed to knock down his wall to acquire them. When Murphy knocked down the wall he claimed it was a mistake - that he was 'cleaning the drain and the digger got away from him'. He promised to put the wall back and it was not until two years later that he told Mr Rooney he would not repair the wall. Eventually Mr Rooney rebuilt his wall but in block as Mr Murphy has taken the all the stone. This wall was ordered to be demolished at PAC though the Commissioner did say - that were it rebuilt as an exact replica of the original wall it would not be development.

Mr Rooney complied with the order and demolished the wall. He has since repaired his wall exactly as how it originally was and in exactly the original position. Mr Murphy does NOT have the required sight lines for safe access to the A2 between Newcastle and Killeel.

I have grave doubts about the accuracy of the sight lines to the South of Mr Murphy's proposal - while he may appear to have a clear 160m x 2.4m on the drawing there is a large dip in the levels to the south of my gateway (37 Ballagh Road) and using the 1m above ground requirement I can only find 130m clear sightline towards Killeel. As we all know, some very quick motorcycling takes place particularly at the weekends - slow moving foreign LHD tri-axle camper vans crossing the road are a huge hazard even if the required 160m visibility splays could be achieved so that missing 30m might clearly be very important.

Ms Mc Partland has said she does not feel that the provision of a Camper Van Park will affect the residential amenity of the neighbours. This is just plain wrong - who can say that having a camper van park less than 12m from their kitchen, bathroom and bedroom windows would not be disturbing. Please bear in mind that when Mr Murphy opened for business last time he added barbecuing late at night, drinking and partying to extremely loud music played through pole mounted speakers to his list of attractions. Mr Stephens is wrong that there were no complaints. I complained to the PSNI, Craigavon Planners and Environmental Health - in fact when I first complained to the Planners they told me they had visited the site and there was no evidence of a Camper Van Park!

However, Planning Appeals Commissioner Rosemary Daly has just recently upheld a refusal of Planning Permission for a 8 bed tourist lodge just a few miles away at - 19 Head Rd Killeel BT34 4HU - impact on the amenities of neighbouring residents was a major factor in her judgement.

Ms Mc Partland seems to feel that loss of amenity is all about pitch levels on site ignoring the obvious loss of privacy, the greatly increased noise levels, the smell of outdoor cooking, and the associated smoke.

Strangely she claims there is no evidence that a camper van site next door would impact on the value of surrounding homes. Any serious professional planner making such a statement

is either being deliberately untruthful or just plain wrong. Furthermore as early as 2009/10 I made the point to the planning office that this would remove 25/30% from the value of my property and submitted a letter from a local agent to substantiate the fact. I was told by Colin O'Callaghan the officer dealing with this application that this was not a matter for the planners to consider. Why then is Ms Mc Partland mentioning the fact in her report?

My feeling is that the report is written to distort the truth and make the objectors seem unreasonable.

1. That there is any doubt about the ownership of the land over which the sightlines run - what more proof do they require other than a copy of the Deeds and a solicitors letter?
2. That the property ownership on the sightlines is not a planning issue? Well obviously it is as they make mention of the importance of ownership as a condition of the 2005 planning permission. This matter has NOT yet been complied with and planing permission does NOT confer title.
3. That they have no need to satisfy the P2 legislation quoting cases that are not comparable and simply do not apply here.
4. That there is no need for Mr Murphy to comply with the PAC ruling to lift his hard standings, remove his electrical supply and reseed the area outside the current application as the land is regressing naturally. This is untrue - the little bit of windblown seeding that is growing on the hard standings is being weed killed by Mr Murphy.
5. That there is no loss of amenity to neighbours when a camper van park is dumped in their midst - who can be possibly daft enough to believe such a statement?
6. Why is there a need for the Planners to always agree with their ex colleague's son Andy even when he is clearly being untruthful...he claims the top half of the site under a PAC order is gently regressing naturally when in fact Mr Murphy has killed any weeds or grass coming through the hard standings has put in new electric points and there is photographic evidence sent on several occasions of it being used to park camper vans!
7. Mr Stevens had made several untrue and libellous comments about both Mr Rooney and myself and planners have not redacted them but left them on the file...they have been complained to on this issue on a number of occasions...the last time to Mr Mc Kay in Minister Durkan's office where he rubbished our annoyance saying it was only on the fie so a limited audience...under request from the Minister he did promise to look into it...but NOTHING has been done - obviously, Mr Steven's son operates under a different code of behaviour to the rest of us!
8. Why has Mr murphy been allowed to trade since before the Irish Open without any planning permission, using a substandard site which without the existence of planning permission cannot have proper public liability insurance? Photographic evidence has been supplied on several occasions and yet enforcement officers say they have not seen any signs of these activities! Does the planning service not have an equal duty of care to those good folk who pay their taxes but are not clients of Des and Andy?

Please treat these two applications as one and the same. The 2010 application is built on the untruthful disclosures entered in the 2005 application and the planners have been aware of this since October 2010. Until the 2005 application has the necessary permissions from the land owner of the sight splays, it cannot be relied upon. When these permissions are properly in existence it can be taken into consideration.

There is no point in relying on protection from a negative clause - Mr Murphy has already proved on many occasions that he will not abide by such requirements and in my opinion Mr Mc Kay has made it absolutely clear he has no intention of enforcing any decision that contradicts the Matrix position.

Thank you for your attention and my apologies for the length of my note.

Bob Doyle
37 Ballagh Rd Newcastle BT330LA

Dear Councillor,

RE: Proposed Motor Home Site at Ballagh Road, Newcastle - P/2010/1041/F

I refer to the above application which has been recommended to the Planning Committee for approval on 5th August. As a former Planning Service planning officer with almost twenty years experience, I have significant concerns regarding the recommendation to approve this application. There have been a significant number of objections to this development in a residential area and there are justifiable concerns regarding the change from a long standing recommendation of refusal to a recommendation of approval. The purpose of this e mail is to set out points of information to enable elected members to make an informed, balanced and reasoned judgement in respect of this application.

Summary

1. Invalid application – Application is for a proposed motor home site but the site is already developed and is operational despite a stop notice and enforcement having been served, therefore it should be a retrospective application for retention
2. Adverse impact upon residential amenity - The site is located amongst residential development and will impact adversely upon the amenity of the adjoining residences due to noise and general disturbance
3. Unsafe access onto busy main road – The visibility splay to the north is outside the control of applicant and the visibility splay to the south substandard due to rise in road.

1. Invalid Application

The current application is invalid as it refers to a '*Proposed Motor Home Site*'. In fact the development is completed and presently operating without any controls. Although it is stated in within the main planning report (notes of meeting on 23rd August 2011) that retention is no longer appropriate as the works carried out are outside the site area, this is incorrect. The facilitating works within the current application site area such as site levelling, hard cored areas, lighting stands, and electrical points are still in place, the excavated sub soil has not been returned to its original location, and only a light dusting of top soil has been applied to a limited area. The area within the site is in operation as a motor home site and therefore the application should be described as '*Retention of Proposed Motor Home Site*'.

On page 1 of the main planning report it is stated that the site is 155 metres deep. Although the area where works and clearance has taken place stretches this far up the hillside, the boundary of the site marked out in red only extends 100 metres up the hillside. Those hardstandings beyond this level are outside the site area and permission is not being sought for them. As these works are outside the area being sought permission these works should have been removed under the terms of the enforcement notice that is in force in relation to this site. The 200 day period for compliance with this enforcement notice expired 500 days ago and no action has been taken by the planning authority.

2. Adverse Impact Upon Residential Amenity

On page 2 of the main planning report it is stated that the outdoor pursuit centre is to the south of the site. This is not correct as the dwelling at 37 Ballagh Road immediately abuts the site to the south. In deed the site also abuts a dwelling to the north.

It is also stated that there are only two flood lights on poles within the site. There are considerably more on site. The adjoining dwellings have been and will continue to suffer loss of residential amenity as a result of the flood lighting on site serving the motor homes.

In relation to site levels it is stated in the deferred consideration section of the planning report that "the levels proposed are comparable to the existing levels". This assessment cannot be substantiated as Mr Murphy had already spent a great deal of time and effort altering the site levels before the planning authority had inspected the unauthorised works initially and the existing levels shown on the plans would appear to be based on the altered levels.

Having regard to the consideration of site levels, it would appear from this focus on levels that overlooking is deemed to be the only element of threat to residential amenity to the neighbouring dwellings. However noise and general disturbance are also critical factors in threatening residential amenity. This has not been taken into account by the planning authority, particularly when the neighbouring dwelling to the south is only eight metres from the boundary of the site and there is a right of way opening between the site and this dwelling to the south. This opening cannot be closed or landscaped as it is a right of way for Mr Murphy. There have been complaints of disturbance late at night emanating from this site when it has operated in the past. An inadequate assessment has been made of disturbance and noise as a result of the development, and the use of the site will result in detriment to residential amenity. Significantly the Planning Appeals Commission has recently upheld a refusal of planning permission for a tourist lodge at 19 Head Road Kilkeel (2014/A0093) with one of the grounds being the adverse impact the development would have upon the residential amenity of neighbouring dwellings.

I am concerned that the planning authority has not asked the applicant to submit an acoustic report to demonstrate that the development will not result in a noise nuisance. Given the number of residential properties in close proximity to the site, this should be carried out by the applicant and submitted for assessment before any recommendation to approve has been made.

3. Unsafe Access On To Busy Main Road

In respect of Mr Rooney's insistence that a P2A Notice should be served upon him, it is stated in the deferred consideration section of the planning report that "the agent is insistent that he has served notice on all relevant landowners". Although the agent may state that they have served notice on all relevant landowners, this is incorrect. The planning authority is fully aware that Mr Rooney is the legal owner of the lands upon which the required visibility splay to the north encroaches both through DRD Transport NI investigations and through enforcement action by the planning authority, and also by having been informed by Mr Rooney's solicitors of the fact previously. Mr Rooney's solicitors have again served notice and folio maps on the planning authority that he is the owner of the lands. In light of this, the planning authority cannot accept the assertions of the agent.

Article 42 of the Planning Act 2011 (previously Article 22 of the Planning Order 1991) requires that notice must be served upon each person who has a legal interest in the lands. There is no

dispute or ambiguity that Mr Rooney has ownership of the lands required for the visibility splays to the north of the access. Consequently a P2A notice must be served upon Mr Rooney to fulfil basic legislative requirements and it is the responsibility of the planning authority to require the applicant to adhere to this requirement for completeness and accuracy of the application.

In addition, clearly established procedures have not been followed in this circumstance. Planning Circular PC02/9 PL A1/2/1 69/9 7 issued in March 1998 deals with inaccurate P2 certificates. Point 2 of the guidelines contained within it state that the planning authority must satisfy itself on the position in the event of a challenge of a P2 certificate. Point 4 states that the planning authority can only proceed with determining the application if it is satisfied that the P2 certificate is accurate. Point 5 requires firstly that the situation is remedied by seeking additional information from the applicant and also subsequent clarification, and ultimately if not resolved with a complete and accurate P2 certificate then the planning authority should reject the application.

As the planning authority is fully aware that Mr Rooney is the legal owner of the lands upon which the required visibility splays encroach, there is a requirement for the applicant to serve notice upon him. To date this has not been done and thus basic legislative requirements and clearly established procedures have not been followed in this circumstance. In the absence of the applicant serving notice upon Mr Rooney, Planning Circular PC02/9 PL A1/2/1 69/9 7 requires the planning authority to reject the application. The only method of remedying this procedural matter is for the planning authority either require the applicant to submit an accurate and complete P2 form with all persons with an interest in the application lands having been served notice upon, or in the absence of this the planning authority reject the application. The planning authority is required to request an accurate and correct P2 before proceeding any further.

On page 3 of the deferred consideration section of the planning report it is stated that the manner in which Mr Murphy has provided the required visibility splays is not a planning consideration. I strongly disagree with this assessment. Given that Mr Murphy does not have control of the lands to provide or indeed maintain the required visibility splays, and given that the access is onto the main Newcastle to Kilkeel Road which is a protected route and is an exceptionally heavily trafficked road, I fail to see why the planning authority is abandoning its statutory interest in being confident that the access will be provided to its required standards.

Mr Rooney has categorically stated to the planning authority on numerous occasions that he will not give consent for the provision of visibility splays over his lands. Without Mr Rooney's consent to provide the required visibility splay the access is significantly substandard and unsafe. Mr Rooney has legitimately repaired the wall which Mr Murphy maliciously damaged without consent to obtain visibility splays for the access, and thus the visibility splays are not in place and cannot be provided by Mr Murphy.

It is important to clarify that the recent enforcement case relating to a wall at this location taken against Mr Rooney does not provide any precedent in respect of this matter and cannot be relied upon to guide judgement in respect of this application. Although this interim temporary wall, which was subsequently demolished by Mr Rooney in compliance with the enforcement notice, was erected at the same location, it was nevertheless a different wall than that which previously and now currently exists at this location. That interim temporary wall was

an extension erected by Mr Rooney to protect the remnants of the original wall damaged by Mr Murphy and was different in terms of dimensions and appearance from the original wall, and thus was determined to be development. The reasoning behind the requirement to demolish this temporary interim wall is made quite clear in the Planning Appeals Commission determination where the Commissioner states that *"the carrying out of works for the maintenance, improvement or other alterations of any building which do not materially affect the external appearance of the building shall not be taken to involve development of the land. The works that have been carried out do affect the external appearance of the wall."* However as Mr Rooney has repaired the original wall so that it appears identical to its original appearance, no development has taken place and no further enforcement action can be taken. In the event that any enforcement action were to be taken against Mr Rooney regarding the repair of the original wall, he will appeal the matter to the Planning Appeals Commission on the grounds of the clear distinction between the temporary interim wall and the repair works to the original wall.

Mr Murphy continues to operate the motor home site with an unsafe access, which would raise serious concerns about this practice continuing even if planning permission was granted with a condition requiring him to provide the visibility splays prior to use of the site. Mr Murphy made an incorrect ownership declaration in respect of the 2005 planning application for the relocated entrance to the applicant's house which is now being used to serve the motor home site but the planning authority did not query this declaration even though the visibility splays passed over third party lands. A condition requiring the provision and maintenance of visibility splays was placed on the 2005 permission which has not been complied with. The same mistake should not be repeated again in respect of the current application which will have increased vehicle usage. It is noted that the Transport NI comments of no objections are predicated on the validity of the P2 Certificate.

Having inspected the access, I also note that the required visibility splay to the south of the access cannot be achieved either. Due to a rise in the road the maximum length of visibility splay that can be achieved to the south of the access is 130 metres (where there is a flood warning road sign) which is well short of the 160 metres required. There was a previous accident involving a motor home at this entrance a few years ago and there has been two road traffic collisions on the Ballagh Road year ago, one of which was a fatality.

I have also noted that the concerns raised by the planning authority regarding the issue of proper storm water disposal on this steep site has still not been addressed by the applicant. This issue must be addressed satisfactorily to prevent any additional egress of storm water onto the main Kilkeel Road in an area that already has a history of flooding and to ensure that there is no danger presented to road users from flooding or ice.

At present the current application is incomplete, significantly lacking in vital information to consider it acceptable, and given its impact upon residential amenity and the difficulties with achieving a safe access, should not be approved in the interest of residential amenity and road safety. Any approval of the planning application in its current form would give rise for grounds for a judicial review of the decision.

Having regard to the information set out above, I would respectfully request that the elected members disagree with the recommendation of approval and direct that the application be refused.

Yours faithfully,

Toirleach Gourley
BSc (Hons) Env. Plan. Dip TCP

phone: 028 9051 5063
 email: magsecretariat@dcalni.gov.uk



Department of
**Culture, Arts
 and Leisure**

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**Cllr. Jarlath Tinnelly, Planning Committee
 Chair
 Newry, Mourne & Down District Council
 Monaghan Row
 Newry
 BT35 8DJ**

Date: 30 July 2015

Dear Cllr. Tinnelly,

**SHAPING PLACE, CHANGING LIVES –
 A PLACEMAKING SYMPOSIUM FOR COUNCILS
 MOSSLEY MILL, NEWTOWNABBEY
 THURSDAY 22nd OCTOBER 2015, 9.30am – 3.00pm**

NILGA and DCAL, along with DCAL's Ministerial Advisory Group (MAG) for Architecture & the Built Environment are convening the above Symposium. A draft agenda is enclosed. There is no charge for this event.

The Symposium will concentrate on how Community Planning and Placemaking can positively impact the lives of individuals and communities and tackle common problems such as vacant town centres and antisocial behaviour. It presents an opportunity for all our Councils to share their experiences and enter a dialogue with experts from elsewhere in the UK.

This letter is to inform you of the event, and we would be grateful if you could bring it to the attention of your Committee as soon as possible. There will be a necessarily limited number of spaces and we want to accommodate a number of representatives from every Council. We wish to invite Planning Committee Chairs and their Committee colleagues, elected members of Council, Chief Executives and relevant Officers to attend.



To that end, we invite you to take the opportunity to liaise with your colleagues as necessary and agree a maximum of four or five delegates. Please confirm their names, positions and contact details **by Friday 9th October** to magsecretariat@dcalni.gov.uk, giving details of any dietary requirements as lunch and refreshments will be served. You can also contact this address with any queries.

We look forward to meeting you at what will be a mutually beneficial learning event.

Yours faithfully,



Arthur Acheson, Chair of MAG



MINISTERIAL ADVISORY GROUP
FOR ARCHITECTURE AND THE BUILT
ENVIRONMENT FOR NORTHERN IRELAND



Ald. Carla Lockhart, President of NILGA



Enc.

Cc. Council Chief Executive's Office

SHAPING PLACE – CHANGING LIVES

A Placemaking Symposium for elected members and officials

collaboratively organised by

NILGA, the Northern Ireland Local Government Association,

DCAL, the Department of Culture, Arts and Leisure and

MAG, the Ministerial Advisory Group for Architecture and the Built Environment

22 October 2015

Venue: Mossley Mill

SHAPING PLACE – CHANGING LIVES

INTRODUCTION

Northern Ireland's new councils have been responsible for placemaking through planning and community planning since 1 April 2015. From April 2016 they will also accept new regeneration responsibilities.

NILGA, DCAL and MAG support Councils in these new responsibilities and this Symposium listens to councils' experiences to date and describes four Placemaking methods which are being used in England and Northern Ireland. Each council is invited to an Open Forum to share experiences of elected representatives and officials.

1. A MODEL OF PLACEMAKING

In England, CABE at Design Council has developed a model of long term placemaking with Oxford City Council and others, which is producing excellent results within months of starting up.

A multi-disciplinary panel of expert design specialists is appointed by CABE at Design Council and the district council. The panel is available on call when required to discuss all strategic development proposals within the council area from the earliest stages of their commissioning, well before planning applications are submitted.

2. A PLACEMAKING TEAM

Croydon is London's largest Borough. The Council has established its own Placemaking Team with expertise in a number of design disciplines, led by an architect, which sits alongside its Plan Making Team. The Placemaking Team is involved with policy and projects from their earliest conception through to completion and use.

3. PROSOCIAL PLACE

The University of Liverpool's project, Prosocial Place, puts people first, not technocratic convenience, architectural aesthetic or short-term gain. It will deliver long-term resilience within communities thus avoiding the creation of future toxic assets. A prosocial approach to growth in Liverpool will deliver a sustainable city that is self generating and capable of punching its own considerable weight. It will be an exemplar for the modern world.

4. CIVIC STEWARDSHIP AND A SIX WEEK WARD VISION

MAG promotes civic stewardship (active caring for people and places) to improve places and inform design. MAG has instituted a pilot project with a district council to create a pilot 'Six Week Ward Vision', produced and owned by local people. The output and initial outcomes from this pilot project will be described.

SHAPING PLACE – CHANGING LIVES

A Placemaking Symposium for elected members and officials

22 October 2015

DRAFT PROGRAMME

09.00 REGISTRATION AND COFFEE

09.30 Opening by DCAL

09.45 N Ireland Councils' experience to date – speaker from NILGA

10.00 Open Forum discussion by council representatives

11.00 CABA PLACEMAKING MODEL IN OXFORD

Speaker – Claire Devine

CABA at Design Council

11.45. THE CROYDON MODEL

Speaker – Representative of Croydon Council

Design literacy, the Placemaking Team and its relationship with the Plan Making Team to form Croydon's Spatial Planning Service

12.30 LUNCH

13.15 PROSOCIAL PLACE – THE ANTIDOTE TO ANTISOCIAL BEHAVIOUR

Speakers, Graham Marshall and Rhiannon Corcoran, Co-Directors

The Prosocial Place Project brings together health and welfare service providers and researchers with built environment experts to address these high profile issues.

14.00 THE SIX WEEK WARD VISION PILOT

Speaker – MAG, Council and citizens

Civic stewardship, community involvement and the Ward Vision Pilot

14.30 Plenary Session – Models, models, models, Where next?

Collaboration Resolution prepared by NILGA

15.00 Tea, coffee and opportunities for informal networking at conclusion of Symposium

Reporting by organisers within 2 weeks of close